

**THE REGIONS PERSPECTIVE OF THE FACTORS INFLUENCING  
THE IMPLEMENTATION OF PUBLIC PROCUREMENT AND  
DISPOSAL ACT IN THE KENYAN JUDICIARY**

**BY**

**REUBEN M. MAUKI**

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## DECLARATION

I declare that this research project is my original work and has never been submitted to any institution for any academic certificate.

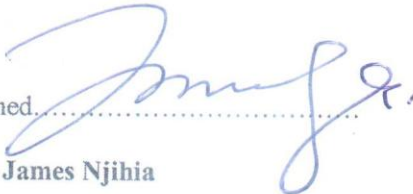
Signed.....

Date.....14/11/2014

**Reuben Mwenda Mauki**

**D61/77676/2012**

This project has been submitted for examination with my approval as the University Supervisor.

Signed.....

Date.....14/11/2014

**Dr. James Njihia**

**Chairman, Department of Management Science**

**University of Nairobi.**

Signed.....

Date.....14/11/2014

**Mr. Kingsford Rucha**

**Department of Management Science**

**University of Nairobi.**

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I would also want to appreciate The Kenyan Judiciary staff for their cooperation during data collection and prompt response.

## **DEDICATION**

I dedicate this project to my family for their love, understanding, encouragement and support they gave during the entire MBA program.

## **ABSTRACT**

The public procurement system in Kenya has evolved to an orderly and legally regulated system governed by the PPDA, 2005. Prior to this, procurement in central government was governed by Treasury Circulars from 1969, then the Supplies Manual of 1978, before the promulgation of the Exchequer and Audit (Public Procurement) Regulations, 2001. The PPDA, effective as of 1<sup>st</sup> January 2007, applies to all procurement of goods, works and Services, as well as the disposal of assets by public entities. The Public procurement process is a complex issue because of the multiple interests and objectives it tries to achieve simultaneously coupled by the multiple regulatory policies and bodies it has to adhere to. Given the impact of procurement activities on the operation and effectiveness of public sectors in Kenya, it is essential that these activities be performed by qualified staff with high professional and ethical standards and using sound procedures anchored in appropriate policies and regulations. It is also necessary to embrace accountability, ethics and ICT for smooth running of these operations. The objective of this study was to determine the factors influencing Implementation of Public Procurement and Disposal Act in Kenyan Judiciary from regions perspective. The study adopted a cross sectional census survey design to achieve the objective of the study. This was done through a closed ended questionnaire whereby the respondents ranked their level of agreement to statements that related to the factors being examined. The findings revealed that accountability, ICT adoption, stakeholders' ethics and staff competence influenced implementation of Public Procurement and disposal Act in Kenyan Judiciary. The highest ranked among the factors was staff competence hence identifying need for regular training of staff and hiring of competent staff.

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## **LIST OF ABBREVIATIONS AND ACRONYMS**

GDP	-	Gross Domestic Product
GoK	-	Government of Kenya
IAG	-	Internal Auditor General
ICT	-	Information Communication Technology
JTF	-	Judiciary Transformation Framework
PE	-	Procurement Entity
PPCRAB	-	Public Procurement Complaints Review and Appeals Board.
PPD	-	Public Procurement Directorate
PPDA	-	Public Procurement and Disposal Act
PPOA	-	Public Procurement Oversight Authority
RBV	-	Resource Based View
SPSS	-	Statistical Package for Social Sciences
UNCTD	-	United Nations Conference on Trade and Development
VFM	-	Value for money
WTO	-	World Trade Organization

# CHAPTER ONE: INTRODUCTION

## 1.1 Background of the Study

Weele (2010) defines procurement as the process of acquiring goods or services and further urges that for efficient running of an organization, there must be buying of goods from suppliers to the company such as raw materials to be used in technical department, stationery to be used in the office and finished good like furniture to be used in the offices. Lyson (2006) defines it as “any means to obtaining through purchasing, lease or other means, equipment material, supplies and services required.” According to Thai (2001), public procurement refers to acquisition of goods and services by the government or public sector organizations and is one of the key economic activities of the government. It is worth noting that unlike private procurement, public procurement is a business process within a political system and has therefore significant consideration of integrity, accountability, national interest and effectiveness (Witting, 1998).

Several theories have been developed to explain how a firm can gain competitive advantage through use of the right procurement system. Effective procurement theories are based on acquiring value for money, ethics in procurement, fair competition, transparency and accountability in the processes (Bauld & McGuinness, 2006). In the current trend, procurement is based on value and lean supply performance, to complement and support lean operations is a desirable goal for organizations (Saunders, 1997). New Public Management theory emphasized that ICT services can be used for promoting more efficient and cost-effective government, more convenient government services, greater public access to information, and more government accountability to citizens (Geetanjali, 2011). Electronic procurement in public domain can be seen as a policy tool to support

service delivery of public procurement policy, improving transparency and efficiency (Carayannis & Popescu, 2005; Croom & Brandon-Jones, 2005).

The procurement function has not been given the recognition it deserves in developing countries, in most public entities, regardless of the effort by the partners like the World Bank, the International Trade Organization, the United Nations Conference on Trade and Development, the World Trade Organization and, others which could be deliberate or sheer ignorance on the value the procurement function could contribute to any organization (Telgen, Zomer, & de Boer, 1997). The Kenyan Judiciary also faces the same challenge since it has not been having adequate procurement professionals to run the procurement function efficiently (JTF, 2012).

### **1.1.1 Public Procurement**

In most developing countries, the procurement function is transitioning from a clerical non-strategic unit to an effective socio-economic unit that is able to influence decisions and add value (Telgen, Zomer, & de Boer, 1997). Developing countries in one way or another have reformed their public procurement regulations and the reforms have not been limited to regulations only; included public procurement process, methods, procurement organizational structure, and the workforce; which has been as a result of joint effort with various development partners like the World Bank, International Trade Centre, WTO, and UNCTAD varying from country to country (Kakwezi & Nyeko, 2010).

Implementation of procurement law is influenced by factors such as Accountability, ICT adoption, Internal processes, Stakeholders Ethics and Staff Competences. The concept of accountability does not only apply to the public sector (Barrett, 2000). The Boards of private sector organizations are also accountable to their stakeholders (Hughes, 2003).

Public servants have to take the influence of politics into consideration in the implementation of their duties while the private sector gives more attention to the market mechanism (Stewart, 1999). Purchasing professionals are held to higher standards of ethical conduct than people in other professions, yet some do not even know what is expected of them (Atkinson, 2003).

### **1.1.2 Public Procurement Law in Kenya**

Principally the Public Procurement and Disposal Act was enacted to, inter alia, to ensure: Public entities get value for money spent on acquisition of goods, works or services; Accountability in the entire procurement process; Transparency in the procurement process and Equity/fairness in the procurement process (PPOA, 2009). In order to promote public access to procurement information, the PPOA had established a website ([www.ppoa.go.ke](http://www.ppoa.go.ke)) with the intention of publishing a broad range of information about the procurement system, including legal and policy documents, procurement statistics, and procurement plans, notices, manuals and contract awards (ECIAfrica, 2008). As public access to all relevant procurement information is a cornerstone to the development of a transparent procurement system, this should be a key management priority (PPOA, 2007).

As part of an e-procurement drive, the PPOA already was in the process of developing a web-based system for collecting and disseminating procurement information, including tender invitations, requests for proposals, and contract award information for all central government contracts above 5,000,000 KES (PPOA, 2007). The integrity and transparency of a public procurement system rely on a number of control mechanisms, including an effective control and audit system, and effective ethics and anti-corruption measures (PPOA, 2007). The identified factors by PPDA that contribute positively to strengthening the control systems of Kenya's procurement system in recent years

included: Sound internal audit mechanism established and complied with the Internal Auditor General (IAG) procurement requirement and well-functioning independent complaints review and appeals mechanism has been established (IAG, 2005). The PPDA provides the PPOA with the mandate to inspect and audit procurement contracts, and includes in the functions of the PPOA to monitor the public procurement system and report on the overall functioning (PPDA, 2005).

If the workforce is not adequately educated in such matters, this may lead to serious consequences; including, breaches of codes of conduct. World Bank studies put bribery at over \$1million per year accounting for up to 12 percent of the GDP (Gross Domestic Product) of nations like Nigeria, Kenya, Venezuela and Sri Lanka (Nwabuzor, 2005). The main cause of corruption in these regions is lack of trainings and also a weak enforcement of the rule of law in these regions therefore urgent measures are needed to cope with the corruption in developing nations (Nwabuzor, 2005). A common complaint against the PPDA was that purchasers are not completely clear about the rules. De Boer and Telgen (1998) reported that many procuring entities at the time were simply not familiar with or not fully aware of the legal obligation to follow the rules (legal issues) and the possible exceptions. There is a significant uncertainty over the application of the “aggregation rules”, both regarding the level at which goods and services should be aggregated and the treatment of discrete operating units within the same public agency (European Commission, 1996).

### **1.1.3 The Kenya Judiciary**

The Judiciary is one of the three co-equal arms of the government. Its chief mission is to resolve disputes in a just manner with a view to protecting the rights and liberties of all, thereby facilitating the attainment of the rule of law ideal (JTF, 2012). It performs this function by providing independent, accessible and responsive for the resolution of disputes. However, at a time of societal transformation heralded by our new Constitution, the Kenyan Judiciary is now called upon to do more than simply resolve disputes (JTF, 2012). It must be deliberately repositioned to play the critical role of protecting the Constitution, fostering social and political stability, and promoting national socio-economic development. It must do so by interpreting and implementing the Constitution in a manner that promotes the national values and principles of governance. In short, it bears the onerous duty of breathing life into the aspirations of the Kenyan People as expressed in the Constitution (JTF, 2012).

The history of the Kenyan Judiciary can be traced to the East African order council 1897 and the crown regulations made there under, which marked the beginning of a legal system in Kenya. It was based on a tripartite division of subordinate courts that is native courts, Muslim courts and those staffed by administrative officers and magistrates. The Judiciary in Kenya is divided into Superior Courts and Subordinate Courts. Superior Courts consist of Chief Justice, Deputy Chief Justice, Supreme Court, Courts of Appeal and High Courts. Subordinate courts consist of Magistrates Courts, Kadhi Courts and Court Martial (GoK, 2010).

The Kenya's new constitution, in Chapter 10 section 173 establishes the judicial fund which will be administered by the Chief Registrar of the Judiciary (GoK, 2010). It will be used for administrative expenses and other purposes for the discharge of the functions of



the judiciary (GoK, 2010). These are the funds that are used for procurement of goods and services to facilitate delivery of Justice (GoK, 2010). The promulgation of the Constitution of Kenya 2010 heralded a new beginning of the Judiciary. The institution had to develop a mechanism for renewal of the lost public faith and confidence in it. The Kenyan judiciary working towards equitable access to and expeditious delivery of justice has undertaken transformation based on four key pillars; people focused delivery of justice, Transformative leadership, organization culture and professional motivated staff, financial resources and physical infrastructure and harnessing technology (JTF, 2011).

## **1.2 Research Problem**

Procurement is still marred by shoddy works, poor quality goods and services despite the effort by the governments of developing countries and development partners like World Bank to improve performance of the procurement function (DCD/DAC., 2003). Failure to implement or delayed implementation of recommended performance standards has resulted in unnecessarily high operation costs, uncoordinated business activities, and failure to attract and retain experienced and skilled personnel in the procurement positions, thus affecting the function's performance (Atkinson, 2006).

Establishment of the PPDA 2005 was a new dawn to the Public procurement; however it has several factors affecting its implementation (Makori, 2008). The Judicial Service Commission 18<sup>th</sup> October 2013 interdicted the former Chief registrar of the Judiciary due to irregularities in public procurement among other things (Saturday Nation, 19/10/2013). Some of the irregularities noted were double payment of a leased building, payment of rent for months that the judiciary did not occupy the premises and irregular payment for refurbishments of four courts (Saturday Nation, 19/10/2013). This raised the public

concern on the procurement system in the Judiciary and highlight that there are several factors that influence implementation of the public procurement law in the judiciary.

Several studies have been done on the Public procurement; Kakwezi and Nyeko (2010) conducted a study on procurement processes and performance: Efficiency and effectiveness of the procurement function in Uganda and found out that other than financial measures, non-financial measures also contribute significantly in the procurement process and performance. Odhiambo and Kamau (2003) in their working paper 2008 titled Public Procurement: Lessons from Kenya, Tanzania and Uganda concluded that strengthening the democratic political process, civil society and public accountability, creating real market conditions and improving work ethics in which public good is valued more than individual interests are imperatives for the development of an effective and efficient public procurement system. Hassan (2012) also made a study on the procurement practices in Kenya's public corporations that established that there are a number of procurement practices prevalent at NSSF which included segregation of duties among employees of procurement department, maintaining of all documents and continuous improvement programs with strategic suppliers.

Another study by Ngari (2012) investigated the effects of PPDA on procurement in parastatals in Kenya and found out that PPDA improves the competitiveness of the procurement process, improves quality of services, goods delivered and ethical standards. The studies have not focused on the implementation of PPDA in the Kenyan judiciary therefore this study narrowed the research gap by focusing on identifying the regions perspectives on the factors that influence the implementation of PPDA in The Kenya Judiciary. The study therefore seeks to answer the following question: What factors influence the implementation of PPDA in Kenyan Judiciary?

### **1.3 Objective of the Study**

The specific objective of this study was to determine the factors influencing Implementation of Public Procurement and Disposal Act in Kenyan Judiciary from regions perspective.

### **1.4 Value of the Study**

Findings of this study will be beneficial to scholars as it will address issues they come across in their scholarly work and form a reference. This will equip them with information on the public procurement in The Judiciary. It will also provoke identification of a research gap that will enable further research.

The policy makers will also benefit from the information in this study as it will guide them in formulation of policies. It will help managers in procurement department to know the right methods of rating and choosing suppliers in order to avoid delayed deliveries caused by unreachable supplier. These policies will give investors an insight of the benefits that come with good procurement process in their supply chains which will in turn improve their profitability. This information will also be useful to PPOA as it identifies some of the factors influencing implementation of PPDA and therefore these factors can be addressed in the amendments.

The government will also benefit from this research by getting an insight on how they can issue directives and amend the Act to be able to be fair to the people of Kenya who are taxpayers. It will also help the Kenyan Judiciary understand the positive effects of proper procurement process that will affect their transformation policies to enable effective administration of the rule of law.

## **CHAPTER TWO: LITERATURE REVIEW**

### **2.1 Introduction**

This chapter reviewed literature on procurement procedures and various concepts on the subject as presented by various researchers, scholars, analysts, theorists and authors. The chapter was divided into five sections. The first section discussed the theories that underpin the research, while the second part discussed the factors that influence implementation of PPDA. The third part discussed both the positive and negative factors in public procurement while the fourth and fifth discuss the empirical review and summary of the literature review respectively.

### **2.2 Theoretical Review**

The theories cited here in form of basic underpinnings behind procurement and how it can bring about competitive advantage to an organization. These theories include Effective procurement theories and New Public Management Theory.

#### **2.2.1 Effective Procurement Theories**

Value for money (VFM) is key to effective procurement in the public sector and entails consideration of the contribution to be made to advancing government policies and priorities while achieving the best return and performance for the money being spent (Bauld & McGuinness, 2006). Today's procurement is based on value and lean supply performance, to complement and support lean operations is a desirable goal for organizations (Saunders, 1997). Sometimes the government is at liberty to consider other criteria than the lowest price; for example technical capabilities, qualifications of key personnel, and past performance records in awarding contracts to potential suppliers (Cummings & Qiao, 2003). Some of the barriers which need to be overcome in order to

achieve VFM are weak governing bodies, politics, tradition, and lack of education and training programs (Palmer & Butt, 1985).

Ethics is also key to effective procurement. Purchasing professionals are held to higher standards of ethical conduct than people in other professions, yet some do not even know what is expected of them (Atkinson, 2003). Government procurement is one area where corruption is rampant in both developing and developed countries (Nwabuzor, (2005). Transparency requires governments to adhere to higher standards of conduct by ensuring that conduct will be open to scrutiny (Smith-Deighton, 2004). In all markets, a lack of transparency in the sense of absence of information on rules and practices could operate as a barrier to trade and may affect foreign suppliers more than local ones (Arrowsmith, 2003). According to Rege (2001) the most important benefit of transparent and open procedures is the impact which their adoption may have on the level of corruption in countries where it is widespread. Therefore, transparency promotes trust by allowing stakeholders to see and judge the quality of government actions and decisions (Smith-Deighton, 2004).

Kabaj (2003) succinctly argued that the failure to pay adequate attention to the proper management of public resources and the importance of establishing regulatory frameworks as a means to enhance investor confidence were the major culprits. The concept of accountability is therefore key to effective procurement and does not only apply to the public sector since it involves effective management of organizations resources (Barrett, 2000). Resources are fundamental drivers of firm's performance (Conner, 1991). Wernerfelt (1984), who formally introduced resource based view, argued that, the competitive advantage of a firm is based on its resources and its ability to exploit them, rather than on exogenous conditions. The Boards of private sector organizations are

also accountable to their stakeholders (Hughes, 2003). Public servants have to take the influence of politics into consideration in the implementation of their duties while the private sector gives more attention to the market mechanism (Stewart, 1999). The public is also demanding greater accountability and better service (Gunasekaran, 2005). Therefore, managing the risks associated with the complex competitive environment give rise to accountability problems as the roles and responsibilities of the participants in the process are not clear (Barrett, 2000).

### **2.2.2 New Public Management Theory**

According to New Public Management (NPM) philosophy, modern government should be customer oriented, competitive and result oriented, and thus ICT has a role to play for enhancing the effectiveness of government services hence the concept of new public management is used to strengthen the need and importance of ICT in public sector (Geentanjali, 2011). ICT is also expected to contribute to improved communications patterns, an increased demand for coordination of joint activities and new organizational and societal structures through its ability to store, transmit and process information and speed up inter-organisational activities (Clemons & Row, 1992).

ICT services can be used for promoting more efficient and cost-effective government, more convenient government services, greater public access to information, and more government accountability to citizens (Geentanjali, 2011). E- Procurement has been defined as the use of information technologies to facilitate B2B purchase transactions for materials and services (Wu & Ross, 2007). Organizational readiness and external pressure impact on e-business strategy (Mehrtens, 2001). Many firms are experiencing a number of major problems in implementing e-business projects due to haste decisions in the presence of considerable media and software vender hype, and often no theoretical basis

behind the determination of which applications are most applicable (Cox, 2001). Electronic procurement in public domain can be seen as a policy tool to support service delivery of public procurement policy, improving transparency and efficiency (Carayannis & Popescu, 2005; Croom & Brandon-Jones, 2005). E-Procurement can assist a government in the way it does business by reducing transactional cost, making better decisions and getting more value (Panayiotou, 2004). E-procurement adoption and usage in the EU and US public sector is being encouraged (Carayannis & Popescu, 2005; Reddick, 2004).

### **2.3 Implementation of Public Procurement Law**

Implementation of procurement law is influenced by factors such as Accountability, ICT adoption, Internal processes, Ethics and Staff Competences.

#### **2.3.1 Accountability**

Accountability is government's obligation to demonstrate effectiveness in carrying out goals and producing the types of services that the public wants and needs (Segal & Summers 2002). Lack of accountability creates opportunities for corruption. Brinkerhoff (2004) identifies three key components of accountability, including the measurement of goals and results, the justification or explanation of those results to internal or external monitors, and punishment or sanctions for non-performance or corrupt behavior. Strategies to help increase accountability include information systems which measure how inputs are used to produce outputs; watchdog organizations, health boards or other civic organizations to demand explanation of results; performance incentives to reward good performance; and sanctions for poor performance (Hui, W., Othman, R., Omar, N., Rahman, A., and Haron, N., 2011). In South Africa, a district health planning and reporting system was used to improve management control and hold government agents

accountable for their decisions. By combining financial and service data, the reporting system drew attention to clinics and programmes that had unusual indicators, and helped officials to explore root causes for performance differences, including possible corruption (Vian & Collins 2006).

### **2.3.2 Information Communication Technology Adoption**

ICT is defined as ‘any technology used to support information gathering, processing, distribution and use’ (Beckinsale & Levy, 2004). Public authorities are expected to provide excellent service to their constituents in an effective and transparent manner, all the while working under constant resource constraints by adopting ICT (Hagén, and Zeed, 2005). Public authorities are implementing scalable communication infrastructures to promote economic development, attract new businesses and residents, and above all, provide excellent service to constituents (Abouzeedan and Busler, 2002).

By its very nature the ICT phenomenon is relatively new in the developing world. Available data, suggest that the majority of developing countries such as Kenya in sub-Saharan Africa are lagging behind in the information revolution (Zhao and Frank, 2003). There is little doubt that sub-Saharan Africa's populations are missing out on the boons of ICT (Bigum, 2000). The BECTA Report (2003) identifies the key barriers to using technology as: Lack of access to appropriate ICT equipment, Lack of time for training, exploration and preparation, Lack of models of good practice in ICT, Negative attitudes towards ICTs in education, Technology anxiety and a lack of confidence, Fear of change and a lack of personal change management skills, Unreliable equipment and Lack of technical, administrative and institutional support.



### **2.3.3 Internal Processes**

Public procurement has, for long, been overshadowed with inefficiency, corruption and disregard of fundamental "value for money" considerations; which has adversely impacted the rate and quality of progress in realizing the objectives of national development, especially in developing and transition countries (Tan, Chong & Uchenna, 2009). Employees may neither engage in, nor give the appearance of engaging in, dishonest or unethical actions. Both are injurious to the public's perception of honest government and as a government employee, you might have access to procurement and other non-public information that could affect a contract bid or the award process (Wymer and Regan, 2005). Improper disclosure of such protected information could violate numerous laws, as well as ethics rules. It also could subject you to administrative actions, as well as civil or criminal penalties (Wymer *et al*, 2005).

Management in contracting authorities should ensure that there is an appropriate focus on good practice in purchasing and, where there is a significant procurement function that procedures are in place to ensure compliance with all relevant guidelines. Officials involved in procurement must not make improper use of their position (Tan *et al.*, 2009). Officials may have access to very confidential and/or market sensitive information and it is unethical to use inside information provided to the agency as part of a tender process, either for the material benefit of the official or for another person hence criminal sanctions apply to such behavior (Tan *et al.*, 2009).

### **2.3.4 Stakeholder's Ethics**

According to Wee (2002) ethics are the moral principles or values that guide officials in all aspects of their work. Ethical behavior encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust, respect and consistency (Wee, 2002). Ethical behavior

includes avoiding conflicts of interest and not making improper use of an individual's position and is important in public procurement as it involves the expenditure of public money, and is subject to public scrutiny (Wee, 2002). Public officials should always behave ethically and fairly, including in their business undertakings (Wee, 2002). Ethical behavior supports openness and accountability in a procurement process and gives suppliers confidence to participate in the Government marketplace (Göran, S., Greg, W. & Michael C., 2009). Ethical behavior can also reduce the cost of managing risks associated with fraud, theft, corruption, and other improper behavior; and enhance confidence in public administration (Wee, 2002).

An important and effective way to maintain ethics awareness in agencies is to provide training for employees (Amos & Weathington, 2008). Ethics training and seminars can be provided, along with training in more specific areas, such as procurement procedures, record keeping, records management, accountability and administrative law; regular reviews or audits of procurement processes can be done to ensure probity is being considered and achieved (Amos & Weathington, 2008). Miles and Breen, (2005) argue that providing health facilities with drugs and medical supplies is a complex process involving both the private and public sectors. Governments and health Ministries often lack the management skills required to write technical specifications, supervise competitive bidding, and monitor and evaluate the contract performance (Miles & Breen, 2005). Financial malpractices also could occur at any stage of the process and influence decisions on the model of procurement (direct rather than competitive), on the type and volume of procured supplies, and on specifications and selection criteria ultimately compromising access to essential quality medicines (Miles & Breen, 2005).

### **2.3.5 Staff Competence**

According to De Boer and Telgen (1998), many procuring entities at the time were simply not familiar with or not fully aware of the legal obligation to follow the rules and the possible exceptions. Some of the barriers which need to be overcome in order to achieve VFM are weak governing bodies, politics, tradition, and lack of education and training programs (Palmer & Butt, 1985). The main cause of corruption is poverty is lack of trainings and also a weak enforcement of the rule of law in these regions therefore urgent measures are needed to cope with the corruption in developing nations (Nwabuzor, 2005).

Managing purchasing and supply function require a thorough understanding of the procurement process that takes place within the organization which requires competent staff (Weele, 2010). Kiplagat (2010) pointed out that lack of requisite skills in employees was one of the challenges facing communications commission of Kenya. Many of the challenges and concerns relate to the fact that the government institutions have not professionalized their procurement organization, systems and staff (Weele, 2010).

## **2.4 Factors in Public Procurement**

Public procurement is based on a set of guiding principles, which include transparency, competitiveness, accountability, efficiency, legality and integrity, that ensure that the “best value for money” in public procurement is achieved (HM Treasury, 2000). The challenges of PPDA arise primarily because of the need on the organization to embrace and practice it, coming directly from the character of the PPDA policy. Organizations, perceptions regarding the financial viability and cost-effectiveness of PPDA are expected to play a particularly important role; this limits the organizations in exercising the full

policy as it is laid out in the PPDA, as most of the processes involved are expensive (Min & Galle, 2001).

The second factor concerns the knowledge of the PPDA guidelines. In order for an organization to be able to effectively implement PPDA, it is necessary to comprehend the laid out policies and procedures and they also need the require skills, competencies and tools. A recent survey found that 83 per cent of purchasing professionals are not fully qualified to deliver the required outcome through public procurement (Snell, 2006). PPDA guidelines are themselves complicated concepts, and procurement professional's may not competent enough to efficiently put into practice the policies. Studies have found that purchasing managers are unable to incorporate both the ethical and social issues in public procurement by using them together (Cooper et al., 2000; Maignan *et al.*, 2002).

The final factor concerns organizational incentives and pressures for public procurement guidelines. In parts, this depends on organization culture and the degree to which the organization is supportive of the policies and/or of change in general (Gonzalez-Padron *et al.*, 2008). This influence includes the extent to which there is support for PPDA guidelines amongst senior management and whether organizational processes and structures support - SP (Bansal & Roth, 2006).

## **2.5 Empirical Review**

Kiage (2013) in his study titled Factors Affecting Procurement Performance: A Case of Ministry of Energy concluded that Planning, resource allocation, staff competency and contract management positively affected procurement performance at the Ministry of Energy. Mutava (2012), in her study on Impact of public procurement procedures on delivery of maintenance works; Case of The Ministry of Housing, National Social Security Fund and Kenyatta National Hospital Maintenance Projects, concluded that the

bureaucratic processes due to the provisions of the Act has rendered the processes difficult and time consuming hence fail to serve the main purpose especially in the procurement of emergency services.

Kakwezi and Nyeko (2010) conducted a study on procurement processes and performance: Efficiency and effectiveness of the procurement function in Uganda and found out that other than financial measures, non-financial measures also contribute significantly in the procurement process and performance. Odhiambo and Kamau (2003) in their working paper 208 titled Public Procurement: Lessons from Kenya, Tanzania and Uganda concluded that strengthening the democratic political process, civil society and public accountability, creating real market conditions and improving work ethics in which public good is valued more than individual interests are imperatives for the development of an effective and efficient public procurement system.

Hassan (2012) also made a study on the procurement practices in Kenya's public corporations that established that there are a number of procurement practices prevalent at NSSF which included segregation of duties among employees of procurement department, maintaining of all documents and continuous improvement programs with strategic suppliers. Another study by Ngari (2012) investigated the effects of PPDA on procurement in parastatals in Kenya and found out that PPDA improves the competitiveness of the procurement process, improves quality of services, goods delivered and ethical standards. PPOA (2007), in their paper titled Assessment of the Procurement System in Kenya found out that among other weaknesses in the public procurement, procedures for pre-qualification lack clarity, there are inadequate procedures for registration of contractors, and there is lack of clear procedures for using technical capacity as a key criterion in the selection of contractors.

## **2.6 Summary of Literature Review**

Procurement process will play a great role as far a direct profit is concerned. If the problems facing or affecting procurement department in the organisations will be handled by the management and proper structures put in place, organizational structure would be tailored to meet specific needs taking into account the external environment and the objective and strategies laid out. Adoption of effective procurement theories which are based on acquiring value for money, ethics in procurement, fair competition, transparency and accountability in the processes and New Public Management theory which emphasize that ICT services can be used for promoting more efficient and cost-effective government, more convenient government services, greater public access to information, and more government accountability to citizens can lead to improved services.

The commitment of the top management of resources to the purchasing function including the adoption of ICT, embracing accountability & Ethics, Improving the internal processes and employment of professional procurement staff with a consequent expansion of procurement decision making authority, more interaction with other production from cost cutting to profit generating, and increased concern for research and negotiation leading to more co-operatic relationships with suppliers. Many organizations will be unable to undertake procurement successfully due to many challenges such as the adoption of long procurement procedures with non-adding activities. This will give rise to the need for research into this area so as to come up with appropriate solutions.

## **CHAPTER THREE: RESEARCH METHODOLOGY**

### **3.1 Introduction**

This chapter presents the methods and procedures that were followed in conducting the research with the aim of examining the factors that influence the implementation of PPDA in the Kenyan Judiciary. The chapter discusses the research design, population and sample, data collection techniques used, data analysis methods employed in the study and data presentation.

### **3.2 Research Design**

A research design is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure (Kothari, 2004). A cross sectional census survey was used in this study. In a cross sectional design, either the entire population or a subset thereof is selected, and from these individuals, data are collected to help answer research questions of interest (Cooper & Schindler 2003). A cross section research design is suitable to discover relationships that are common across organizations and hence to provide generalizable statements about the object of study (Gamble, 1994). It was preferred because it enabled me to get the factors influencing implementation of PPDA across the Kenyan Judiciary Regions.

### **3.3 Population of Study**

The population of study was all the administrative regions of the Kenyan Judiciary. This is because procurement activities in the judiciary are done region-wise and the procurement professional are sent in each regional headquarters to handle all the supply chain concerns in the regions. There are 17 regions namely: Nairobi, Nyanza Central,

South Nyanza, Kakamega, Bungoma, Central Rift, South Rift, North Rift, Nyeri, Thika, Central Eastern, Lower Eastern, Upper Eastern, Wajir/Mandera, Garissa, South West Coast & North Coast.

### **3.4 Data Collection**

The study used primary data which was obtained with the aid of questionnaire (Appendix 2). Quite often questionnaire is considered as the heart of a survey operation (Kothari, 2004). The questionnaire was structured according to the objectives of the study and had both closed and open-ended questions which were used to obtain responses. It also had check boxes for the respondents to give their ratings on a 5-point liker scale. Section A of the questionnaire had General Information while section B had questions on the factors that influence implementation of PPDA.

The questionnaire was distributed via email to respective respondents in the regions. The targeted people were heads of procurement in the regional headquarters of each region. This is because all the procurement activities are coordinated by the head of procurement in the region and he/she is in a position to give the information needed for this study.

### **3.5 Data Analysis**

According to Kothari (2004), data analysis is the computation of certain indices or measures along with searching for patterns of relationship that exist among the data groups. Data analysis methods employed was descriptive. It was aided by IBM SPSS Version 20 to extract the mean, standard deviation and standard error. It further extracted tables, graphs and pie charts to represent the data diagrammatically and describe the extent to which each factor influence implementation of public procurement and disposal act. Regression analysis was also used to determine the relationship between the dependent and independent variables.



## **CHAPTER FOUR: DATA ANALYSIS, FINDINGS AND DISCUSSIONS**

### **4.1 Introduction**

The objective of the study was to determine the factors influencing Implementation of Public Procurement and Disposal Act in Kenyan Judiciary from regions perspective. This chapter presents the data analysis, findings, interpretations and discussion with regard to the objective of the study. The data was collected from procurement heads in the Kenyan Judiciary Regions using questionnaires and presented in form of tables and charts in line with the research objective. The researcher got responses from all the intended respondents for the study.

### **4.2 Response Rate**

The study's respondents were heads of procurement in the 17 regions. All the 17 questionnaires that were distributed were successfully filled and sent back. This gives a response rate of 100% which was considered excellent for data analysis.

### **4.3 Respondents background**

The study in an effort to establish the respondents' competence and conversance sought data on the respondents' highest level of study and their job experience. Seeking such information was considered necessary in laying the basis of obtaining pertinent information on factors influencing Implementation of Public Procurement and Disposal Act in Kenyan Judiciary. The respondents were senior procurement staff in the Kenyan Judiciary, heading the Procurement in respective regions and the table below shows their level of education.

**Table 4.1 Respondents Education Level**

	<b>Frequenc y</b>	<b>Percent</b>	<b>Valid Percent</b>	<b>Cumulative Percent</b>
Diploma	2	11.8	11.8	11.8
Graduate	10	58.8	58.8	70.6
Postgraduate	5	29.4	29.4	100.0
Total	17	100.0	100.0	

Source: Research Data (2014)

From the table, only 11.8% of the respondents were diploma holders as compared to 58.8% and 29.4% who were graduates and post graduates respectively. None of the respondents was a certificate holder or below. This shows that the respondents had high level of education and the researcher went ahead to analyze the years of service and the outcomes were as the figure below.

**Table 4.2 Respondents' Years of Service**

	<b>Frequency</b>	<b>Percent</b>	<b>Valid Percent</b>	<b>Cumulative Percent</b>
Valid 1-5 years	12	70.6	70.6	70.6
6-10 years	3	17.6	17.6	88.2
over 10 years	2	11.8	11.8	100.0
Total	17	100.0	100.0	

Source: Research Data (2014)

From the table, none of the respondents had worked for less than 1 year. The respondents who had worked for 1-5 years were 70.6% whereas the ones who had worked for 6-10 years and over 10 years were 17.6% and 11.8% respectively. Thus, it was reasonable to conclude that the respondents had good knowledge of the district. It also proved that the respondents were conversant with implementation of PPDA in the Kenyan Judiciary hence helpful in answering all the questions that were put across.

#### 4.4 Factors Influencing Implementation of PPDA

Five factors that are most likely to influence implementation of PPDA were studied. These included Accountability, ICT adoption, internal processes, Stakeholders Ethics and Staff Competences. All the indicators related to these factors were weighed on a likert scale of 1 to 5 with 1 being “Strongly Disagree” and 5 being “Strongly Agree” and ranked from the highest to the lowest. Below table 4.3 summarized the responses.

**Table 4.3 Factors Influencing Implementation of PPDA**

	N	Mean		Std. Deviation	RANK
	Statistic	Statistic	Std. Error	Statistic	
Officials involved in procurement must not make improper use of their position	17	5.00	0.000	0.000	1
Accountability is government's obligation to demonstrate effectiveness in carrying out goals and producing the types of services that the public wants and needs	17	4.94	.059	.243	2
Competence of the procurement Unit Staff and relevant committees is key to efficient procurement process	17	4.88	.081	.332	3
Officials conducting procurement need to be able to demonstrate that their decisions are fair and equitable, and made in accordance with the law, agency rules and guidelines, and conditions of contract.	17	4.88	.081	.332	4
Regular training on procurement matters improve the procurement processes	17	4.88	.081	.332	5
Public authorities are expected to provide excellent service to their constituents in an effective and transparent manner aided by ICT	17	4.88	.081	.332	6
Ethical behavior includes avoiding conflicts of interest, and not making improper use of an individual's position.	17	4.82	.095	.393	7

Lack of accountability creates opportunities for corruption.	17	4.82	.095	.393	8
Clear procurement cycle is critical to an organizations procurement	17	4.76	.136	.562	9
Users knowledge on the tendering process improves the efficiency of the procurement processes	17	4.71	.114	.470	10
Professional qualifications play a key role in procurement efficiency	17	4.65	.147	.606	11
Use of electronic votebook makes the procurement process more efficient	17	4.65	.170	.702	12
Computer literacy is key to staff handling procurement matters	17	4.59	.123	.507	13
In order to meet today's operating challenges, regional and local governments are turning to ICT to enhance the services by lowering costs and increasing productivity	17	4.59	.123	.507	14
Academic qualifications play a key role in procurement efficiency	17	4.59	.150	.618	15
Existence of a complains mechanism gives room to improvements in ethics.	17	4.59	.193	.795	16
Separation of key internal functions contributes to professionalism, accountability and an efficient procurement system.	17	4.59	.150	.618	17
Value for money is the core principle underpinning public procurement, incorporating ethical behaviour and the ethical use of resources.	17	4.53	.174	.717	18
Adoption of IFMIS will improve the procurement process.	17	4.53	.194	.800	19
Regular reviews or audits of procurement processes can be done to ensure probity is being considered and achieved	17	4.47	.125	.514	20
High amounts of discretion without adequate controls can create opportunities for corruption	17	4.41	.123	.507	21
Judiciary officers and staff have increasingly come to realize that judiciary must utilize ICT in order to enhance the procurement processes in the public sector.	17	4.29	.254	1.047	22

Knowledge on procurement circulars and regulations makes someone up to date with the latest requirements	17	4.29	.206	.849	23
Job experience of the person carrying out procurement duties had a direct relationship to the output	17	4.12	.169	.697	24
African nations are lagging severely in ICT adoptions despite the benefits from ICT experienced by others	17	4.06	.181	.748	25
Employees may neither engage in, nor give the appearance of engaging in, dishonest or unethical actions	17	3.88	.296	1.219	26
Public authorities are implementing scalable communication infrastructures to promote economic development	17	3.88	.169	.697	27
Tender bids award take longer than expected because the Kenyan tender committee is investigated for allegations of corruption.	17	3.82	.274	1.131	28
Measurement of goals and results affect implementation of PPDA.	17	3.82	.154	.636	29
Government officials use discretion to license and accredit facilities, providers, services and products, opening risk of abuse of power and use of resources.	17	3.76	.182	.752	30
Justification or explanation of goals and results to internal or external monitors affect implementation of PPDA.	17	3.76	.161	.664	31
Punishment or sanctions for non-performance or corrupt behaviour affect implementation of PPDA.	17	3.65	.270	1.115	32
Professional and job-related responsibilities are placed before personal gain and individual interest	17	3.35	.242	.996	33
Valid N (listwise)	17				

Source: Research Data (2014)

The highest ranked indicator was Officials involved in procurement must not make improper use of their position which had a mean of 5 meaning all the 17 respondents strongly agreed to that statement. The lowest ranked indicator was Professional and job-related responsibilities are placed before personal gain and individual interest which had a mean of 3.35 which was approximated to be 3 meaning the respondents were neutral.

#### 4.4.1 Accountability

Factors on accountability were weighed on a likert scale of 1 to 5 with 1 being “Strongly Disagree” and 5 being “Strongly Agree”. Below table 4.3 summarized the responses.

**Table 4.4 Accountability Responses**

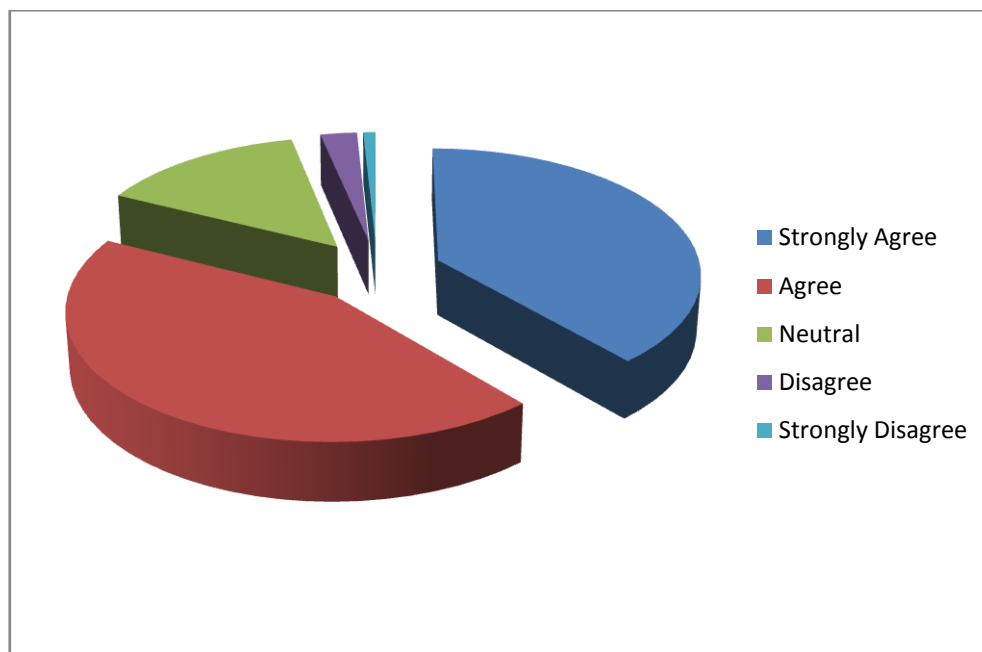
	N	Mean		Std. Deviation	RANK
	Statistic	Statistic	Std. Error	Statistic	
Accountability is government's obligation to demonstrate effectiveness in carrying out goals and producing the types of services that the public wants and needs	17	4.94	.059	.243	1
Lack of accountability creates opportunities for corruption.	17	4.82	.095	.393	2
High amounts of discretion without adequate controls can create opportunities for corruption	17	4.41	.123	.507	3
Measurement of goals and results affect implementation of PPDA.	17	3.82	.154	.636	4
Government officials use discretion to license and accredit facilities, providers, services and products, opening risk of abuse of power and use of resources.	17	3.76	.182	.752	5
Justification or explanation of goals and results to internal or external monitors affect implementation of PPDA.	17	3.76	.161	.664	6
Punishment or sanctions for non-performance or corrupt behaviour affect implementation of PPDA.	17	3.65	.270	1.115	7

Valid N (listwise)	17				
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Source: Research Data (2014)

The indicator with the highest mean was Accountability is government's obligation to demonstrate effectiveness in carrying out goals and producing the types of services that the public wants and needs. The mean was 4.94 which is approximated to be 5 meaning strongly agree. However, the least score was Punishment or sanctions for non-performance or corrupt behaviour affect implementation of PPDA with the mean 3.65 which was approximated to be 4 meaning Agree.

**Figure 4.1 Accountability**



Source: Research Data (2014)

#### 4.4.2 Information Communication Technology Adoption

Factors on ICT Adoption were weighed on a likert scale of 1 to 5 with 1 being “Strongly Disagree” and 5 being “Strongly Agree”. Below table 4.4 summarized the responses.

**Table 4.5 ICT Adoption Responses**

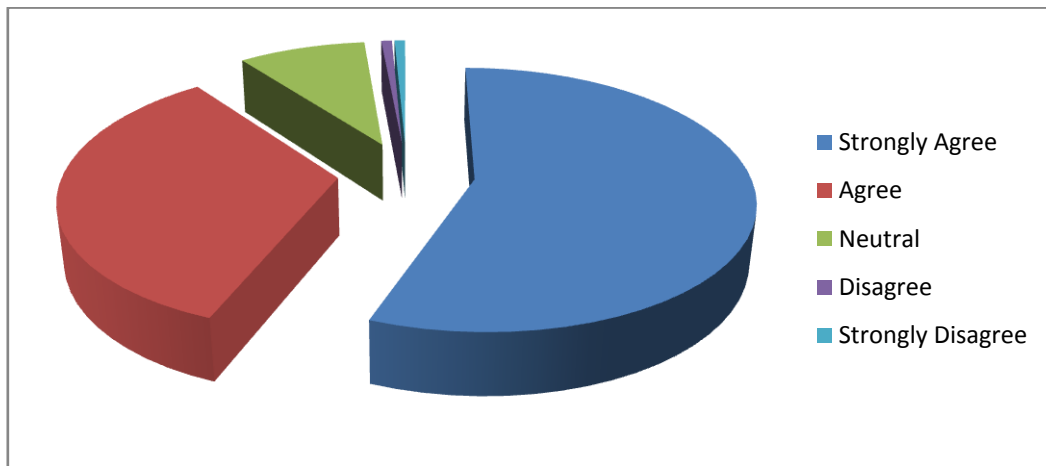
	N	Mean		Std. Deviation	RA NK
	Statistic	Statistic	Std. Error	Statistic	
Public authorities are expected to provide excellent service to their constituents in an effective and transparent manner aided by ICT	17	4.88	.081	.332	1
Use of electronic votebook makes the procurement process more efficient	17	4.65	.170	.702	2
Computer literacy is key to staff handling procurement matters	17	4.59	.123	.507	3
In order to meet today's operating challenges, regional and local governments are turning to ICT to enhance the services by lowering costs and increasing productivity	17	4.59	.123	.507	4
Adoption of IFMIS will improve the procurement process.	17	4.53	.194	.800	5
Judiciary officers and staff have increasingly come to realize that judiciary must utilize ICT in order to enhance the procurement processes in the public sector.	17	4.29	.254	1.047	6
African nations are lagging severely in ICT adoptions despite the benefits from ICT experienced by others	17	4.06	.181	.748	7
Public authorities are implementing scalable communication infrastructures to promote economic development	17	3.88	.169	.697	8
Valid N (listwise)	17				

Source: Research Data (2014)

The indicator with the highest mean was Public authorities are expected to provide excellent service to their constituents in an effective and transparent manner aided by ICT with a mean of 4.88 approximated to be 5 meaning Strongly agree. However the factor with the lowest mean was Public authorities are implementing scalable communication infrastructures to promote economic development with a mean of 3.88 approximated to be 4 which means agree.



**Figure 4.2 ICT Adoption Responses**



Source: Research Data (2014)

#### 4.4.3 Internal Processes

Factors on internal processes were weighed on a likert scale of 1 to 5 with 1 being “Strongly Disagree” and 5 being “Strongly Agree”. Below table 4.5 summarized the responses.

**Table 4.6 Internal Processes Responses**

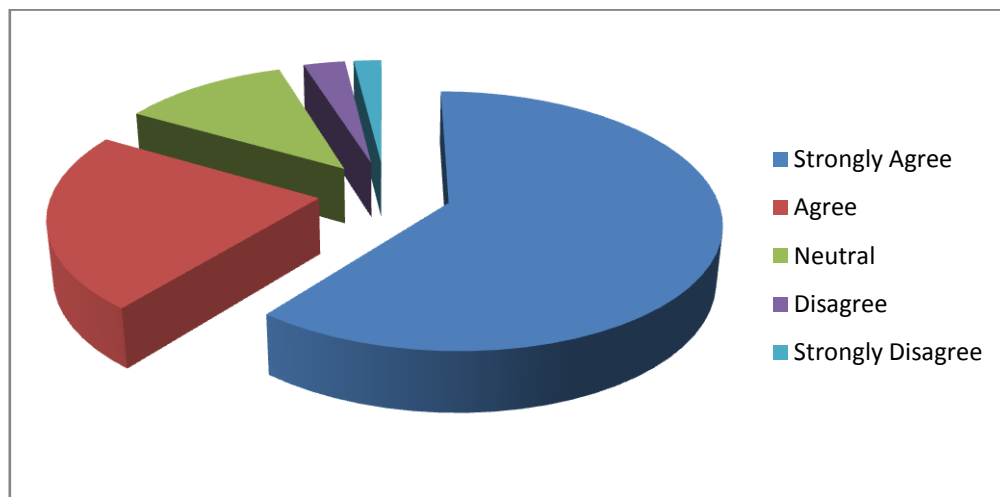
	N	Mean		Std. Deviation
	Statistic	Statistic	Std. Error	Statistic
Officials involved in procurement must not make improper use of their position	17	5.00	0.000	0.000
Clear procurement cycle is critical to an organizations procurement	17	4.76	.136	.562
Users knowledge on the tendering process improves the efficiency of the procurement processes	17	4.71	.114	.470
Value for money is the core principle underpinning public procurement, incorporating ethical behaviour and the ethical use of resources.	17	4.53	.174	.717
Employees may neither engage in, nor give the appearance of engaging in, dishonest or unethical actions	17	3.88	.296	1.219
Professional and job-related responsibilities	17	3.35	.242	.996

are placed before personal gain and individual interest				
Valid N (listwise)	17			

Source: Research Data (2014)

The indicator with the highest mean Officials involved in procurement must not make improper use of their position with a mean of 5 meaning strongly agree. The indicator with the lowest mean was Professional and job-related responsibilities are placed before personal gain and individual interest with a mean of 3.35 approximated to be 3 meaning Neutral.

**Figure 4.3 Internal Processes Responses**



Source: Research Data (2014)

#### 4.4.4 Stakeholders Ethics

Factors on stakeholder ethics were weighed on a likert scale of 1 to 5 with 1 being “Strongly Disagree” and 5 being “Strongly Agree”. Below table 4.6 summarized the responses.

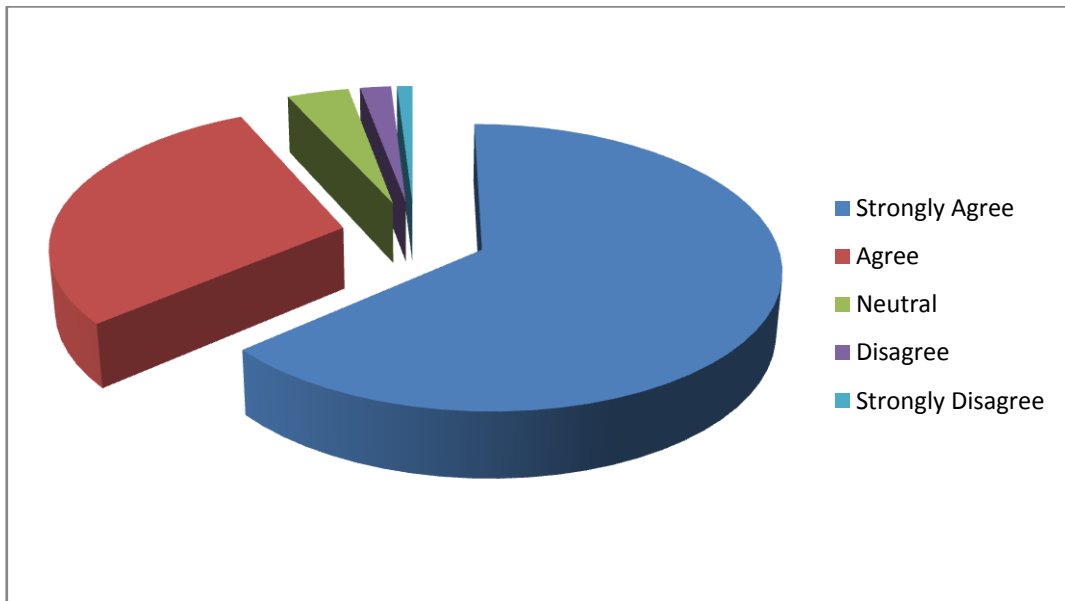
**Table 4.7 Responses to Stakeholders' ethics**

	N	Mean		Std. Deviation
	Statistic	Statistic	Std. Error	Statistic
Officials conducting procurement need to be able to demonstrate that their decisions are fair and equitable, and made in accordance with the law, agency rules and guidelines, and conditions of contract.	17	4.88	.081	.332
Ethical behavior includes avoiding conflicts of interest, and not making improper use of an individual's position.	17	4.82	.095	.393
Existence of a complains mechanism gives room to improvements in ethics.	17	4.59	.193	.795
Separation of key internal functions contributes to professionalism, accountability and an efficient procurement system.	17	4.59	.150	.618
Regular reviews or audits of procurement processes can be done to ensure probity is being considered and achieved	17	4.47	.125	.514
Tender bids award take longer than expected because the Kenyan tender committee is investigated for allegations of corruption.	17	3.82	.274	1.131
Valid N (listwise)	17			

Source: Research Data (2014)

The indicator with the highest mean was Officials conducting procurement need to be able to demonstrate that their decisions are fair and equitable, and made in accordance with the law, agency rules and guidelines, and conditions of contract with a mean of 4.88 approximated to be 5 meaning strongly agree. The indicator with the lowest mean was Tender bids award take longer than expected because the Kenyan tender committee is investigated for allegations of corruption with a mean of 3.82 approximated to be 4 meaning agree.

**Figure 4.4 Stakeholders’ ethics responses**



Source: Research Data (2014)

**4.4.5 Staff competence**

Factors on staff competence were weighed on a likert scale of 1 to 5 with 1 being “Strongly Disagree” and 5 being “Strongly Agree”. Below table 4.7 summarized the responses.

**Table 4.8 Responses to Staff competence**

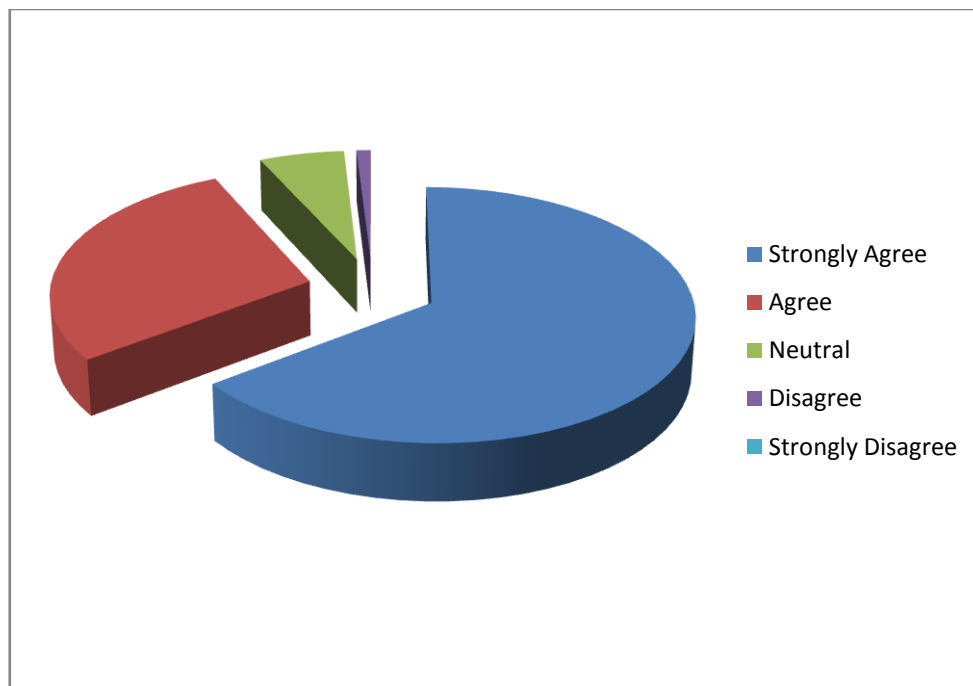
	N	Mean		Std. Deviation
		Statistic	Std. Error	Statistic
Competence of the procurement Unit Staff and relevant committees is key to efficient procurement process	17	4.88	.081	.332
Regular training on procurement matters improve the procurement processes	17	4.88	.081	.332
Professional qualifications play a key role in procurement efficiency	17	4.65	.147	.606
Academic qualifications play a key role in procurement efficiency	17	4.59	.150	.618

Knowledge on procurement circulars and regulations makes someone upto to date with the latest requirements	17	4.29	.206	.849
Job experience of the person carrying out procurement duties had a direct relationship to the output	17	4.12	.169	.697
Valid N (listwise)	17			

Source: Research Data (2014)

The indicator ranked highest was Competence of the procurement Unit Staff and relevant committees is key to efficient procurement process with a mean of 4.88 approximated to be 5 meaning strongly agree. However the lowest ranked indicator was Job experience of the person carrying out procurement duties had a direct relationship to the output with a mean of 4.12 approximated to be 4 meaning Agree.

**Figure 4.5 Staff Competence Responses**



Source: Research Data (2014)

#### 4.4.6 Summary of influencing factors

All the indicators having been weighed on a likert scale of 1 to 5 with 1 being “Strongly Disagree” and 5 being “Strongly Agree” were grouped according to the factors. Below table 4.8 summarized the responses.

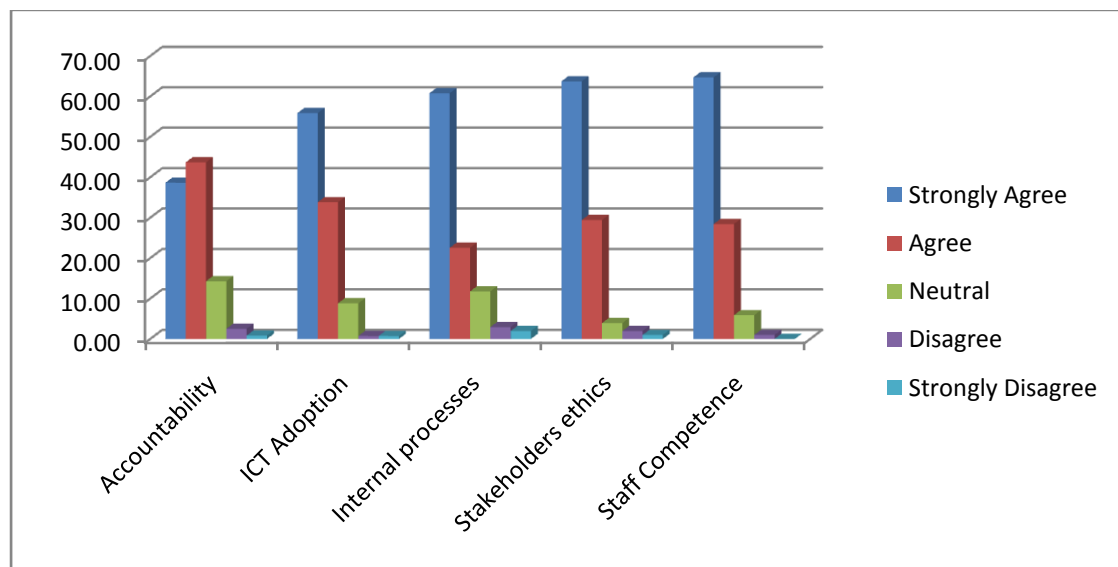
**Table 4.9 All Factors Responses**

	N	Mean		Std. Deviation	RANK
	Statistic	Statistic	Std. Error	Statistic	
Accountability	119	4.17	0.15	0.62	5
ICT Adoption	136	4.43	0.16	0.67	3
Internal processes	102	4.37	0.16	0.66	4
Stakeholders ethics	102	4.53	0.15	0.63	2
Staff Competence	102	4.57	0.14	0.57	1

Source: Research Data (2014)

From the respondents’ data, the factor with the highest mean was staff competence with a mean of 4.57 approximated to be 5 meaning strongly agree. The factor with the lowest mean was Accountability with a mean of 4.17 approximated to be 4 meaning Agree.

**Figure 4.6 Percentages of the levels of agreement**



Source: Research Data (2014)

#### 4.5 Regression of the model

A regression analysis of the model was done with independent variables being Accountability ( $X_1$ ), ICT adoption( $X_2$ ), Internal processes( $X_3$ ), Stakeholders ethics ( $X_4$ ) and Staff competence ( $X_5$ ) while the dependent variable (Y) was implementation of PPDA in Kenyan Judiciary.

**Table 4.10 Model Summary**

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics				
					R Square Change	F Change	df1	df2	Sig. F Change
1	.804 <sup>a</sup>	.646	.485	.36913	.646	4.017	5	11	.026

a. Predictors: (Constant), Staff Competence, ICT ADOPTION, Internal Processes, Accountability, Stakeholders Ethics

Source: Research Data (2014)

The results show that 48.5% of the total variability in the implementation of PPDA in the Kenyan Judiciary is explained by Accountability, ICT adoption, Internal processes, Stakeholders' ethics and staff competence.

**Table 4.11 ANOVA**

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	2.736	5	.547	4.017	.026 <sup>b</sup>
	Residual	1.499	11	.136		
	Total	4.235	16			

a. Dependent Variable: Implementation of PPDA

b. Predictors: (Constant), Staff Competence, ICT ADOPTION, Internal Processes, Accountability, Stakeholders Ethics

Source: Research Data (2014)

The results show significance as 0.024 which is less than 0.05 thus the model is statistically significance in predicting how Accountability, ICT adoption, Internal processes, Stakeholders' ethics and staff competence influence implementation of PPDA in the Kenyan Judiciary.

**Table 4.12 Coefficients of determination**

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	Collinearity Statistics	
		B	Std. Error	Beta			Tolerance	VIF
1	(Constant)	-7.714	2.804		-2.751	.019		
	Accountability	.402	.370	.217	1.086	.301	.806	1.240
	ICT Adoption	.550	.358	.280	1.536	.153	.968	1.033
	Internal Processes	.847	.305	.518	2.775	.018	.923	1.084
	Stakeholders Ethics	.156	.443	.086	.353	.731	.538	1.860
	Staff Competence	.814	.416	.467	1.958	.076	.567	1.764

Source: Research Data (2014)

From table 4.11, the relationship between the five factors and implementation of PPDA can be deduced as:

$$Y = 0.402x_1 + 0.55x_2 + 0.847x_3 + 0.156x_4 + 0.814x_5 - 7.714$$

Where Y = Dependent (Implementation of PPDA in the Kenyan Judiciary)

$x_1$  = Independent Variable Accountability

$x_2$  = Independent Variable ICT adoption

$x_3$  = Independent Variable Internal processes

$x_4$  = Independent Variable Stakeholders ethics

$x_5$  = Independent Variable Staff competence

According to the regression equation established, taking all factors into account (Accountability, ICT adoption, internal processes, Stakeholders' ethics and staff competence) constant at zero, implementation of PPDA will be -7.714. The data findings analysed also showed that taking all other independent variables at zero, a unit increase in Accountability will lead to a 0.402 increase in implementation of PPDA; a unit increase in ICT Adoption will lead to a 0.55 increase in implementation of PPDA; a unit increase



in Internal Processes will lead to a 0.847 increase in implementation of PPDA; a unit increase in Stakeholders' Ethics will lead to a 0.156 increase in implementation of PPDA and a unit increase in Staff Competence will lead to a 0.814 increase in implementation of PPDA, hence the most significant factor is Staff Competence.

#### **4.6 Discussion of Findings**

The findings of this study have been analysed using Statistical Package for Social Science (SPSS) for accuracy and thorough analysis. The findings have showed that all the five factors (accountability, ICT adoption, Internal processes, stakeholders ethics and staff competence), influenced implementation of Public Procurement and disposal Act in Kenyan Judiciary regions. This is because the overall mean of level of agreement for all the five factors ranged between 4.57 and 4.17 which means majority of the respondents agreed that the factors influenced implementation of PPDA.

Accountability as an influencing factor was found to have a mean of 4.17, which as per Likert scale used, translated to be "Agree". This implies that in most regions, accountability influences the implementation of PPDA. The highest mean scorer was "Accountability is government's obligation to demonstrate effectiveness in carrying out goals and producing the types of services that the public wants and needs" with the mean of 4.94 meaning strongly agree. This is consistency with (Segal & Summers 2002) assertion that Accountability is government's obligation to demonstrate effectiveness in carrying out goals and producing the types of services that the public wants and needs.

ICT adoption as an influencing factor was found to have a mean of 4.43, which as per Likert scale used, translated to be "Agree". This implies that in most regions, ICT adoption influences the implementation of PPDA. The highest mean scorer was "Public authorities are expected to provide excellent service to their constituents in an effective and

transparent manner aided by ICT” with the mean of 4.88 meaning strongly agree. This is consistence with (Hagén, and Zeed, 2005) assertion that Public authorities are expected to provide excellent service to their constituents in an effective and transparent manner, all the while working under constant resource constraints by adopting ICT.

Internal process as an influencing factor was found to have a mean of 4.37, which as per Likert scale used, translated to be “Agree”. This implies that in most regions, internal process influences the implementation of PPDA. The highest mean scorer was “Officials involved in procurement must not make improper use of their position” with a mean of 5 meaning all the 17 respondents strongly agreed to the statement. This is consistence with (Tan *et al.*, 2009) assertion that Officials involved in procurement must not make improper use of their position.

Stakeholders’ ethics as an influencing factor was found to have a mean of 4.53, which as per Likert scale used, translated to be “Strongly agree”. This implies that in most regions, stakeholders’ ethics influences the implementation of PPDA. The highest mean scorer was “Officials conducting procurement need to be able to demonstrate that their decisions are fair and equitable, and made in accordance with the law, agency rules and guidelines, and conditions of contract” with a mean of 4.88 meaning strongly agree. This is consistence with (Wee, 2002) assertion that Public officials should always behave ethically and fairly, including in their business undertakings.

Staff competence as an influencing factor was found to have the highest mean of 4.57, which as per Likert scale used, translated to be “Strongly agree”. This implies that in most regions, staff competence majorly influences the implementation of PPDA. The highest mean scorer was “Competence of the procurement Unit Staff and relevant committees is key to efficient procurement process” with a mean of 4.88 meaning

strongly agree. This is consistent with (Weele, 2010) assertion that managing purchasing and supply function require a thorough understanding of the procurement process that takes place within the organization which requires competent staff.

## **CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS**

### **5.1 Introduction**

This chapter presents the summary of key findings, conclusions drawn from the findings highlighted and recommendations that were made. The conclusions and recommendations drawn were in quest of addressing research objective of the regions perspective of factors influencing the implementation of PPDA in the Kenyan Judiciary. The chapter also compares the findings of this study with other findings discussed in literature review.

### **5.2 Summary of the Findings**

The overall objective of this research work was to determine the factors influencing Implementation of Public Procurement and Disposal Act in Kenyan Judiciary from regions perspective. In order to achieve this objective, it was necessary to carry out the analysis of the concept which was factors influencing implementation of PPDA and then the analysis of the context which was the Kenyan Judiciary regions. The study further focused on the research problem with the aim of coming up with the research gap. The theories underpinning the research were also discussed. The study further identified a questionnaire as the preferred mode of data collection and first establish the factors that were believed to influence implementation of PPDA and then secondly to determine the indicators of those factors.

The questionnaire targeting all the 17 Judiciary administration regions was used. All the 17 regions responded to the questionnaire making the response rate 100%. Part A of the questionnaire contained the general information while Part B was aimed at addressing the objective of the study, by looking at the five major factors: accountability, ICT adoption, internal processes, stakeholders' ethics and staff competence. This part had closed ended

questions with check boxes for the respondents to give their ratings on a 5-point liker scale with 1 being “Strongly Disagree” and 5 being “Strongly Agree”. The study managed to get responses from personnel in charge of supply chain management services in the region and majority (88.2%) were graduates and above. This shows that data collected from these respondents was reliable for the intended purpose. From data analysis, an overall mean for accountability recorded was 4.17, while ICT adoption was 4.43, Internal processes 4.37, stakeholders’ ethics 4.53 and staff competence 4.57. This shows that the general response from the respondents varied from agree to strongly agree meaning all the five factors influenced implementation of PPDA to a great extent. Staff competence was the highest ranked factor meaning it was the factor that generally influenced implementation of PPDA the most.

The questionnaire had structured questions that related these factors influencing adoption of PPDA. The respondents agreed that Accountability is government's obligation to demonstrate effectiveness in carrying out goals and producing the types of services that the public wants and needs. They also agreed that ICT Adoption was critical to implementation of PPDA because it facilitates providing of excellent service and transparency. The general feeling pertaining internal processes was that Officials involved in procurement must not make improper use of their position, Clear procurement cycle is critical to organizations procurement and Users knowledge on the tendering process improves the efficiency of the procurement processes. They also agreed that Stakeholders’ ethics and Staff competence were also critical in implementation of PPDA whereby Staff Competence had the highest significance compared to the other four factors.

From the data analysis, an overall mean of 4.41 was recorded meaning the respondents agreed that all the factors influenced implementation of PPDA in the Kenyan Judiciary Regions. From the research, all the 17 respondents strongly agreed that Officials involved in procurement must not make improper use of their position. This means, for proper implementation of PPDA, officials should not misuse their position. This is in line with (Tan *et al.*, 2009) findings.

The indicator with the lowest mean was Professional and job-related responsibilities are placed before personal gain and individual interest, with a mean of 3.35. This shows that, although majority agreed to this statement, a good number of the respondents were neutral while other disagreed to the same. The indicator that had the highest standard deviation was “Employees may neither engage in, nor give the appearance of engaging in, dishonest or unethical actions.” This means that the respondents had widely distributed responses. This could be because level of unethical actions varies from region to region.

### **5.3 Conclusions**

The objective of this study was to determine the factors influencing Implementation of Public Procurement and Disposal Act in Kenyan Judiciary from regions perspective. The results have shown that accountability, ICT adoption, internal processes, stakeholders’ ethics and staff competence influence implementation of PPDA in Kenyan Judiciary regions since all their means are above 4. This means that when these five factors are well addressed, the implementation of PPDA will be improved in the Kenyan Judiciary leading to efficient public procurement. Staff competence had the highest mean and significance, meaning that for PPDA to be well implemented, the staff should have the necessary knowledge. This is in line with (Nwabuzor, 2005) who asserted that the main cause of corruption is poverty is lack of trainings and also a weak enforcement of the rule

of law in these regions therefore urgent measures are needed to cope with the corruption in developing nations.

For proper implementation of PPDA, there should be regular trainings and workshops to provide staff with the necessary knowledge of what is expected of them. Judiciary should also continue hiring qualified staff since from the research data 16 out of 17 respondents agreed that academic and professional qualifications play a key role in procurement efficiency. Segal and Summers (2002) stated that Accountability is government's obligation to demonstrate effectiveness in carrying out goals and producing the types of services that the public wants and needs. It will therefore be necessary for Judiciary to be measuring goals and results to ensure that employees have high level for accountability.

Embracing of ICT in the procurement processes will also increase the efficiency of procurement. As Hagén and Zeed (2005) stated that Public authorities are expected to provide excellent service to their constituents in an effective and transparent manner, all the while working under constant resource constraints by adopting ICT, Judiciary is expected to increase transparency by incorporating ICT in the procurement processes. This can be done through full adoption of IFMIS since 16 out of 17 respondents agreed that adoption of IFMIS will improve the procurement process.

#### **5.4 Recommendations**

Following conclusion that all the above factors influence implementation of PPDA to a great extent, the study recommends that Heads of Procurement in various regions be aware of the factors that are likely to affect their operations more and become more proactive to ensure that these factors are well addressed. The study also recommends to

the Judiciary policy makers to ensure that these factors are incorporated in the organizations policies to ensure positive results.

The government through PPOA should make necessary amendments to the PPDA so that it can capture the latest development of this profession. The amendments should capture issues that relate to accountability, ICT, internal processes, ethics and staff competence because the research data shows that they are critical. The Judiciary should maximise their strength of having qualified staff to ensure that PPDA is well implemented in the institution.

### **5.5 Limitations of the Study**

The duration that the study was to be conducted was limited hence exhaustive and extremely comprehensive research could not be carried on the factors influencing implementation of PPDA in the Kenyan Judiciary regions. The study relied purely on responses from the respondents who were in charge of the procurement at the regional headquarters. It did not engage procurement officers in every court station which could have been more comprehensive.

### **5.6 Suggestions for future research**

The factors reviewed by this study were internal in nature and did not test external factors such as market, legal environment, political environment, organizational environment, and socio-economic and other environmental factors. To this end therefore a further study should be carried out to establish the external factors influencing implementation of PPDA in the Kenyan Judiciary. Moreover, a study should also be carried out to establish the challenges faced while carrying out procurement process of supplies in the public sector.



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# APPENDICES

## Appendix I: Letter of Introduction



### UNIVERSITY OF NAIROBI MOMBASA CAMPUS

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Telephone: 020-8095398  
Telegrams: "Varsity", Nairobi  
Telex: 22095 Varsities

Tel: 020 8095398  
Mombasa, Kenya

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**DATE:** 12<sup>th</sup> SEPTEMBER, 2014

#### **TO WHOM IT MAY CONCERN**

The bearer of this letter, **Reuben Mwenda Mauki** of Registration Number **D61/77676/2012** is a Master of Business Administration (MBA) student of the University of Nairobi, Mombasa Campus.

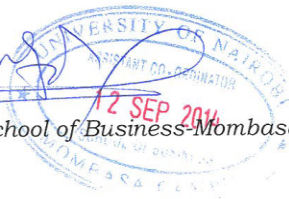
He is required to submit as part of his coursework assessment a research project report. We would like the student to do his project on ***The Regions Perspective of the Factors Influencing the Implementation of Public Procurement and Disposal Act in the Kenyan Judiciary.*** We would, therefore, appreciate if you assist him by allowing him to collect data within your organization for the research.

The results of the report will be used solely for academic purposes and a copy of the same will be availed to the interviewed organization on request.

Thank you.

  
**Joseph Aranga**

Assistant Coordinator, School of Business-Mombasa Campus



## Appendix II: Questionnaire

### Introduction

This questionnaire is designed to collect data on the regions perspective of factors influencing implementation of public procurement and disposal act in the Kenyan Judiciary. The information collected will be treated with the highest degree of confidentiality and is intended for academic purpose. Please answer the following questions of the best of your knowledge.

### Section A: General Information

1. What is your highest level of education? (Tick as applicable)

Primary                Secondary      
 Certificate           Diploma        
 Graduate              Postgraduate

Others-specify.....

2. Years of service/working period (Tick as applicable)

Less than 1 year            6-10 years      
 1-5 years                    Over 10 years

3. What is the name of your Region?.....

4. What is your level of agreement with the following statements?

S/No	Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
1	Accountability influences implementation of public procurement and disposal act in the Kenyan Judiciary.					
2	ICT Adoption influences implementation of public procurement and disposal act in the Kenyan Judiciary.					
3	Internal Processes influences implementation of public procurement and disposal act in the Kenyan Judiciary.					
4	Stakeholders' Ethics influences implementation of public procurement and disposal act in the Kenyan Judiciary.					
5	Staff Competence influences implementation of public procurement and disposal act in the Kenyan Judiciary.					



## Section B: Factors Influencing Implementation of PPDA

5. What is your level of agreement with the following statements that relate to the regions perspective of factors influencing implementation of public procurement and disposal act in the Kenyan Judiciary?

S/No	Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
1	Measurement of goals and results affect implementation of PPDA.					
2	Judiciary officers and staff have increasingly come to realize that judiciary must utilize ICT in order to enhance the procurement processes in the public sector.					
3	Professional and job-related responsibilities are placed before personal gain and individual interest.					
4	Ethical behaviour includes avoiding conflicts of interest, and not making improper use of an individual's position.					
5	Use of electronic vote book makes the procurement process more efficient.					
6	Professional qualifications play a key role in procurement efficiency.					
7	Justification or explanation of goals and results to internal or external monitors affect implementation of PPDA.					
8	Public authorities are expected to provide excellent service to their constituents in an effective and transparent manner aided by ICT.					
9	Employees may neither engage in, nor give the appearance of engaging in, dishonest or unethical actions.					
10	Regular reviews or audits of procurement processes can be done to ensure probity is being considered and achieved.					
11	Academic qualifications play a key role in procurement efficiency.					
12	Punishment or sanctions for non-performance or corrupt behaviour affect implementation of PPDA.					
13	In order to meet today's operating challenges, regional and local governments are turning to ICT to enhance the services by lowering costs and increasing productivity.					

S/No	Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
14	Value for money is the core principle underpinning public procurement, incorporating ethical behaviour and the ethical use of resources.					
15	Separation of key internal functions contributes to professionalism, accountability and an efficient procurement system.					
16	Regular training on procurement matters improves the procurement processes.					
17	Accountability is government's obligation to demonstrate effectiveness in carrying out goals and producing the types of services that the public wants and needs.					
18	Public authorities are implementing scalable communication infrastructures to promote economic development.					
19	Officials involved in procurement must not make improper use of their position.					
20	Officials conducting procurement need to be able to demonstrate that their decisions are fair and equitable, and made in accordance with the law, agency rules and guidelines, and contract terms.					
21	Job experience of the person carrying out procurement duties has a direct relationship to the output.					
22	Lack of accountability creates opportunities for corruption.					
23	African nations are lagging severely in ICT adoptions despite the benefits from ICT experienced by others.					
24	Users knowledge on the tendering process improves the efficiency of the procurement processes.					
25	Tender bids award take longer than expected because the Kenyan tender committee is investigated for allegations of corruption.					
26	Knowledge on procurement circulars and regulations makes someone upto to date with the current trend.					
27	Government officials use discretion to license and accredit facilities, providers, services and products, opening risk of abuse of power and use of resources.					
28	Adoption of IFMIS will improve the procurement process.					

<b>S/No</b>	<b>Statement</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
29	Clear procurement cycle is critical to organizations procurement.					
30	Existence of a complain mechanism gives room to improvements in ethics.					
31	Competence of the procurement Unit Staff and relevant committees is key to efficient procurement process.					
32	High amounts of discretion without adequate controls can create opportunities for corruption.					
33	Computer literacy is key to staff handling procurement matters.					

**Thank you for Participating.**

### **Appendix III: List of Kenyan Judiciary Regions**

1. Nairobi Region
2. Nyanza Central Region
3. South Nyanza Region
4. Kakamega Region
5. Bungoma Region
6. Central Rift Region
7. South Rift Region
8. North Rift Region
9. Nyeri Region
10. Thika Region
11. Central Eastern Region
12. Lower Eastern Region
13. Upper Eastern Region
14. Wajir / Mandera Region
15. Garissa Region
16. South West Coast Region
17. North Coast Region

#### Appendix IV: Research Budget

<b>S/No</b>	<b>Activity</b>	<b>Costings</b>
1	Typing of the proposal an final project	3,000.00
2	Printing of Journals, proposal an final project	7,000.00
3	Photocopying copies of the document for the panel	3,500.00
4	Scanning of the questionnaires	2,200.00
5	Internet for internet research and sending questionnaires	4,000.00
6	Airtime for follow up with respondents	500.00
7	Acquiring SPSS for Data analysis	6,000.00
8	Travel costs for Consultations and Presentations	20,000.00
9	Binding of the proposal and final project	3,000.00
	<b>Total</b>	<b>49,200.00</b>

## Appendix V: Research Timeline

S/No	Activity	DURATION (MONTHS)					
		May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14
1	Drafting of proposal						
2	Proposal presentation						
3	Proposal corrections						
4	Final proposal presentation						
5	Corrections recommended during presentation						
6	Approval for Data Collection						
7	Data collection						
8	Data analysis and Drafting final project						
9	Project presentation						
10	Final project corrections						
11	Final project presentation						