

**IMPLEMENTATION OF THE PUBLIC PROCUREMENT AND ASSET
DISPOSAL ACT, 2015, AND THE PERFORMANCE OF INDEPENDENT
CONSTITUTIONAL COMMISSIONS IN KENYA**

BY

HILDAH ATUSIMIIRE

**A RESEARCH PROJECT REPORT SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE AWARD OF MASTER OF BUSINESS
ADMINISTRATION, SCHOOL OF BUSINESS, UNIVERSITY OF NAIROBI**

NOVEMBER 2018

DECLARATION

I declare that this research project is my original work and has not been presented to any institution for the award of any academic certificate.

Signature.....

Date.....

HILDAH ATUSIMIIRE

D61/79350/2015

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

Signature.....

Date.....

MR. MICHAEL K. CHIRCHIR

Lecturer School of Business

Department of Management Science

The University of Nairobi

DEDICATION

I take this chance to dedicate this achievement to my husband, Mr. Benjamin Magut, My Parents, Mr and Mrs. Johnny Byohangiirwe, Siblings Akatukunda Hope, Atumanya Patience, Atuhairu Prudence, Byomugisha Joshua, Besiege Racheal and all those who supported me in the completion of this project. Thank you and May God bless you abundantly.

ACKNOWLEDGMENT

I wish to acknowledge God the Almighty for giving me the Grace to travel this far in my academic journey. God has granted me good health and wisdom throughout my research process. All the glory is accorded to our living God. I also sincerely recognize my supervisor Mr. Chirchir for his commitment in the process by offering his intellectual guidance, and criticism in the research process that has made it a success. To my friend Martin Runo, thank you for your dedicated support the research process

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ABBREVIATIONS AND ACRONYMS

CSR	Corporate Social Responsibility
EACC	Ethics and Anti-Corruption commission
ICT	Information and Communication Technology
PDE	Procuring and Disposal Entities
PFMR	Public Financial Management Reforms
PPDA	Public Procurement and Asset Disposal Act, 2015
PPOA	Public Procurement and Oversight Authority
PSCK	Public Service Commission of Kenya
SCM	Supply Chain Management
SMEs	Small and Medium Size Enterprises
SP	Sustainable Procurement
VFM	Value for Money

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ABSTRACT

In Kenya, the public procurement system has evolved over the years and is currently regulated by PPDA, 2015. Procurement systems in Kenya were regulated by Treasury Circulars from 1969. The Public procurement processes are very complex and are very significant to the operations of different firms, more specifically the public organizations. The objective of this study is to determine the impact of implementation of PPDA, 2015 on the performance of the independent constitutional commissions in Kenya. The study adopted a cross sectional descriptive research design. For the purposes of this study, the population of interest was the eleven independent constitutional commissions in Kenya. A census was carried out in the study. Primary data was collected using interviewer administered questionnaires. The filled questionnaires were inspected and edited for completeness. Descriptive statistics and regression analysis were used to analyze the data. The study established that Public Procurement and Asset Disposal Act 2015 has a significant positive impact on the performance of the independent constitutional commissions in Kenya. Further it revealed that sensitization of independent constitutional commissions has a significance and positive relationship with performance of independent constitutional commissions. It was also noted that since introduction of the new act the commission had increased accountability of public resources and the procurement functions were well configured. The study also revealed that commission rewards has promoted ethical standards and mismanagement of resources has reduced in the commissions. The study has established that suppliers have improved the quality of goods and services they provide and all Supplier evaluation criteria are being followed in the commission. . Study also revealed that when the level of competence of procurement staff increases by one unit it leads to an increase in performance of independent constitutional commissions. The study established the following as the main challenges facing the independent constitutional commissions; poor execution of legal mandates of procurement entities.inadequate integrity and lacked transparency of the staffs. Other challenges include lack of sensitization, Corruption and bribery, incompetence of staff and Weak institutional frame work. Finally it has been revealed that due to the new act corruption and bribery for tender awards has reduced leading to better service delivery in the commission. The study recommends that the independent constitutional commissions should consider investing in human capital competency since this is a major factor that influences proper implementation of the PPDA, 2015.the study faced difficulty in accessing confidential information and studies done in the developing world. This study focused on the independent constitutional commissions in Kenya. Therefore, this study recommends the same study to be done on universities and other government institutions a cross the country.

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

The system of public procurement is a very detailed and elaborate system that legally regulate, the [procurement process in Kenya history PPDA, 2015 (Ngari 2012). This is enshrined in Article 227 of the Kenyan Constitution ratified in 2010. The PPDA was established as a guiding principle of procurement matter in the country. According to the constitution the implementation of the PPDA, 2015 provided a framework of contractual allocation, special groups people/marginalized we also consider considered regardless of the competition. The act also highlights on contractual agreements, legislation or sanction, against individuals who are deemed as defaulters on tax or have been found guilty of corrupt malpractices among the general violations of the law (government of Kenya, 2015) of the Kenyas' National Treasury for the implementation of PPDA, 2015. The reforms here to ensure the level playing field for all the key stakeholders in the supply chain, and instilling high level confidence in all public procurement activities, that allows government to get value for money in the long run (Ngari 2012).

The importance of the public sector, according to Kempe (2012), is to provide prudent service to members of the public where value for money is guaranteed. According to Fortune of Africa (2017), the public sector of Kenya comprises of the Central Government, the Local Government, various development partners and public corporations; and its objectives include enhancing quality and efficiency of public service delivery; improving performance management in the public service; strengthening

management systems and processes in Government; enhancing the capability of public service leadership and management; and transforming the culture and attitude of public service employees (Fortune of Africa, 2017).

The public sector of Kenya has over the years, experienced various reformations for the better provision of services to its people, for example, employee rationalization has enabled significant institutions being formed to improve service delivery to the nation's citizenry (Hansard, 2009).

1.1.1 Public Procurement & Asset Disposal Act, 2015

Kenya as a country has a detailed procurement system that is legally regulated by the PPAD (2015). Before then the central government managed the procurement procedure through Treasury circular 1969 and supplies manual 1978. The process kept on changing and in 2001 the Exchequer and Audit of Public Procurement regulations came into being at the PPAD 2015 was established in 2007. However, the PPDA 2015 was first executed in 7th Tannrn, 2016 and it was done to safeguard state organs on matters procurement planning, inventory management as well as contract management and disposal of Assets at its best (Amoko, 2016).

The Act goes on to define, describe and break down the various public entities that it affects such as the national government, county government, Judiciary and the courts, commissions, independent offices, state corporations, cooperatives, and educational institutions.

Being put into effect with Article 227 of the Constitution of the Republic of Kenya, the amendment of the PPDA 2015 was enacted to combat the challenges which were not

addressed in the 2005 amendment with the aim of producing an elaborate procurement system that is ethically acceptable, transparent enough and consistent with the current technological knowhow. It also elaborates on equal representation of the marginalized groups in the society to participate in all public procurement processes.

1.1.2 Organizational Performance

Various authors have defined organizational performance with different attributes for instance, Short and Palmer (2010) defined firm performance as the ability of a firm to reach its vision, mission and goals. The Business Dictionary (2017) supports the definition however categorizes organizational performance into financial performance of a firm, market performance of a firm and shareholder value performance of the same context. Most governments have insisted on performance orientation of an organization through legislation and initiatives signed by the government (Salem, 2003).

The performance of an organization has been linked to a measurement model referred to as the Organizational Performance Assessment model which creates a balance between the efficiency effectiveness of the firm. Therefore, to measure organizational performance, the OPA model uses three broad functions, that is, Organizational motivation, Organizational capacity, and the External environment which through interaction produce the primary measurement for organizational performance (Rojas & Laidlaw, 2017).

In Kenya, the law requires that public organizations use open tendering as choice for procedures of procurement and only in times of urgent need can public entities use an alternative procurement procedure (Jodie, 2004). Ayoti (2012), in her study about the factors that affect the effectiveness in the tendering tasks analyzed the steps of tendering

in Kenya. According to her, a firm first determines the type of tender used and what was involved in the tender process; then prepares a Request for Tender (RfT). Tenders are then invited, to which suppliers respond by obtaining all relevant documentation (Fadhil and Hong, 2002). Lastly, the tenders are evaluated and selected through checking for compliance of the tender documents. At this stage, a tender that offers the best value for money wins the business. Finally, there is debriefing and notification of both the winner of the tender and the firms which have lost the tender (Ayoti, 2012).

1.1.3 Independent Constitutional Commissions in Kenya

Chapter 15, article 24.8 of the Kenyan Constitution (2010) establishes eleven (11) commissions. These commissioners have autonomy of independence in their operations. This is a departure from the previous commissions that have not independent. Their independence is by virtue of being delinked from judiciary, executive and the legislative arms of government (Shaya, 2013). The independent constitutional commission involves the Judicial service commission, salaries, remuneration commission, IEBC, public service commission, commission for parliamentary service, the revenue allocation commission, and commission on Ethics and Anti-corruption as depicted in chapter 15 of the Kenyan Constitution 2010. (Katiba Institute, 2016).

According to Nguru (2014), constitutional commissions are at the very center of national values, democratic governance and accountability which are three of the key pillars of the Constitution. Various authors have distinguished the various commissions by providing their distinguished functionalities and importance. The establishment of the independent constitutional commissions arose as a result of centralization of power in the presidency and the abuse that came with it where the president directed all activities done in almost

every sector of the state on the basis of political convenience regardless of how unprofessional or adversity of effects the action would have (Omollo, 2014). Due to the expert membership and political independence, the commissions are mandated to promote civic education to the members of the public on matters constitutional making procedures and processes. They also safeguard national cohesion and integration among Kenya population through a transparent manner (Interpeace, 2017).

1.2 Research Problem

Globally, procurement in public systems performs a key function in delivery of services and performance of governmental parastatal. Public procurement brings higher quality services, goods and works to the public through all the processes related to the procurement of goods & different departments in the government such as parastatal and county governments (Roodhooft & Abbeelee, 2006). Cormann (2017), in his book Common Wealth Procurement Rules, provides for the objectives of procurement to include value for money, competition, efficient, effective, economic and ethical procurement; accountability and transparency in procurement; procurement risks and methods and rules for procurement threshold (Cormann, 2017).

The Constitution of the Republic of Kenya, 2010 through the National Treasury provides for accountability and transparency in public procurement and asset disposal. However, public procurement is marked with various problems such as unethical conduct and pilferage among employees. (Nyambura & Mwangi, 2015). The goods, services and works rendered from the procurement activities are of poor quality, often coupled with exaggerated prices, projects done in secret (Odhiambo & Theuri, 2015) which is contrary to the PPDA, 2015.

A previous study in Tanzania showcasing the challenges faced in public institutions by Stephano (2013) showed that the procurement process was affected by various challenges including interference from top management due to conflict of interest, lack of training on the public procurement Act, lack of accommodation of the requirements by law and uncertainty in availability of funds which grossly affected the planning of the procurements coupled with the lack of cooperation from the user departments.

In Tanzania, Biramata's (2014), study on the challenges on the compliance to the PPDA of 2011 in Tanzania showed that some organizations involved in procurement functions were not compliant with Public Procurement Act 2011 mainly due unethical; conduct of key stakeholders in involved in the process. In a study by Magaji (2015), about the assessment of public procurement Act in Nigerian tertiary institutions showed that the implementation of the Act is faced by challenges such as manipulation, mismanagement and apparent diversion for selfish acquisition of public resources and assets.

Locally, Chemjor (2015), in his study about the evaluation criteria of supplies and procurement performance in parastatals in Kenya revealed that the supplier evaluation in these organizations is faced by several challenges including corruption, incompetent procurement officers, inefficiencies in procurement processes as well as high cost of implementation. Another study about the Legal and Institutional Framework in Public Procurement Sector in Kenya considered the political support of the government in the implementation of the PPDA 2015 revealed that there was no political good in the implementation of the law. Besides, in 2016, the Kenyan Ethics and Anti-Corruption Commissions (EACC) carried out a survey on 4,965 employees in most government departments about corruption and unethical practices and found out that the corruption

levels at county government levels were high. The unethical practices included bid rigging, inflation of prices based on average of 60 per the prices depicted in the market at that time. (Mwangi, 2016); splitting of tenders and tampering with documents (Churchill, 2016). Additionally, One of the most recent studies on the factors affecting the implementation of Public Procurement and Disposal Act 2015 by Nyaboke and Muturi (2017), showed that there has been a lack of proper implementation of the PPDA 2015 due to a long lead time.

From the above studies, none had addressed the impact of the PPDA 2015 on the performance of the independent constitutional commissions in Kenya. This leaves a knowledge gap on its impact on the eleven independent bodies under the constitution which this study addresses. Therefore, the research question were highlighted as follows; what is the impact of implementation of the public procurement and disposal Act 2015 on the performance of independent constitutional commissions in Kenya?

1.3 Research Objectives

1.3.1 General Objective

The general objective of the study was to determine the impact of the Public Procurement and Asset Disposal Act 2015 on the performance of the independent constitutional commissions in Kenya.

1.3.2 Specific Objective

The study was guided by the following objectives

- i. To determine the impact of the Public Procurement and Asset Disposal Act, 2015 on the performance of the Independent Constitutional Commissions in Kenya.

- ii. To assess the challenges faced by the independent constitutional Commissions while implementing the PPDA, 2015.

1.4 Value of the Study

The results of this study is of importance to the independent Constitutional Commissions of Kenya since the findings help them to identify the gaps which are in their implementation methods of the PPDA, 2015 from the evidence which was collected and discussed.

From the findings of the study, the results reflect on the issues that need to be addressed by the relevant independent Constitutional Commissions. In respect to this, the study helps the independent constitutional Commissions to identify how best to address the challenges in implementing the PPDA, 2015 which boost the confidence of all procurement businesses in the country. The findings of the study form a base for further study in the discipline of the implementation of the PPDA in independent constitutional commissions for researchers and academicians.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter highlights more literature based on the topic of the study. This chapter is organized from the theoretical literature, the empirical literature that contains the objectives of the study as discussed below.

2.2 Theoretical Literature Review

This study was based on the fundamental theory of such an Agency Theory, lead theory as well as stakeholder theory. The services are elaborated more as indicated below.

2.2.1 Agency Theory

Alchian and Demstet (1972) established the Agency theory that was improved more by other scholar known as Tenses/Meclaling (1976). The theory is built on the base of existence of principles in organizations. Such principles involve shareholders, company manager, company directors agents, shareholders among other stakeholders. The theory holds that shareholders are deemed to be the queen of the organization who empty other personalities known as agents to work on their behalf in the organization (Clarke, 2004).

Different assumptions are built under this theory such as the existences of conflicts between the principles and the Agents in the organization. Each party acts to fulfil their own individual interest as opposed to the organizational need. More fundamentally these exists instances of information asymmetry between the principals and agents. The agents are keener in avoiding any risks as opposed to principles (Xingxing & Kay Nala, 2012).

Independent constitutional commissions assure the role of being agents for the principals and as such the commission has the responsibility to comply with the requirements of PPA, 2015). To this principal agent conflicts are thus minimized. The PPDA, 2015 enhances high level of compliance through its legal framework. The theory is therefore considered necessary in elaborating on the existence of significant relationship of the independent commissions and the people who complements the requirements of the Act. The theory further establishes the activities of the agents that and influencing the principals together with the stakeholders in their day to day endeavors (Muranda, 2008).

2.2.2. Stakeholder Theory

The theory has established by Freeman in (1984). Financiers as well as different communities in the society (Stieb, 2008). This theory is a somewhat different from the Agency theory in that; it relates to managers in an organization as entities who have a network of relationships to perform tasks. These networks are categorized into both the internal and external shareholders including the suppliers, employees and business partners. Freeman (2002), noted that each stakeholder is given an important role in making decisions for the organization. The internal stakeholders such as the executives who manage the organizations create value for the external stakeholders such as the suppliers, customers, communities and financiers (Stieb, 2008). Stakeholder theory holds that organizations have the responsibility to safeguard the interests of all stakeholder within and without the organizations at all the time since they are regarded as key players in the well being of such firms. Stakeholders are therefore required to play a role in corporate governance and should therefore be allowed to do so for the benefit of all (Gibson, 2000).

From the theory, there are implications in terms of responsibilities of every stakeholder in terms of performing and achieving the objectives of the organization and how these activities affect each of the stakeholders (Frey & Nickerman, 2009). The executives in the independent constitutional commissions are expected to follow instructions of management and be responsible citizens in the local community in which independent constitutional commissions operate. The stakeholders theory was used to elaborate how civil society member of the public customers, professionals, suppliers and the government as they stakeholders influences the implementation process of PPAD, 2015. Therefore their positive influence towards the same is highly encouraged.

2.3 Public Procurement and Asset Disposal Act

In this section, the researcher makes an overview of the aspect of the Public Procurement and Asset Disposal Act basing on literature from various scholars all over the world as explained below.

Prior to the implementation of the PPDA 2015, the procurement officers were responsible for the management of the procurement function involving all stakeholders in the supply chain. According to Kisang (2015), there are managerial requirements for the functioning of these entities including knowledge, skills and experience about the adequacy of the procurement function. Therefore, the lack of these requirements leads to increased costs of implementation of the Act. Steurer, Matgula and Berger (2008), carried out a survey on different policies on public participation and CSR issues in the member states of EU where they examined matters to do with sustainable procurement in selected cases and revealed that the perspective of public procurement was of very much importance in the

European economy. However, the study did not directly address the aspects of awareness even though the awareness campaign was consistent with social affiliation of society.

Akaninyene and Mark (2014), conducted a study on the analysis of the effect of ethics and ethical conduct public procurement system in Nigeria. The results showed that ethical behavior through accountability and transparency of procurement processes in public corporations influenced procurement performance positively and sustainable performance.. On a regional level, it was revealed that public procurement from the Sub-Saharan Africa have ignored the impact of ethical work climate on the implementation of the PPDA (Ntayi, 2010). In Uganda, the Procuring and Disposing Entities (PDE) operated in a multidimensional climate, composed of caring, rules, efficiency, service and independence (Mutebi, Kakwezi & Ntayi, 2012). In Kenya, a study by Ndolo and Njagi (2014), on the effectiveness of the procurement process in the water sector showed that procurement ethics were most influential on the effectiveness of the procurement process.

The PPDA, 2015 shows that it aims at bringing out integrity in the general procurement processes of the country. As stipulated in its preliminary, the Act states, among other principles that, herefore, procurement process, according to Nordmann, Peters, and Werchota (2016), reviewed the ways of achieving integrity such as checking of compliance tools of management. Additionally, the authors also incorporate the use of the Anti-Corruption Portal in order to achieve transparency and effective procurement processes

The PPDA, 2015 specifies that in duration of the tendering process, the investment is meant to be economically and financially viable for the partnerships to meet service delivery standards and investment levels and at the at most, they should provide value for

money to the procuring entity. According to Klassen (2006),The public procurement involves organizations that meet the needs of the public in a supply chain and utilities while gaining value for money in totality for all stakeholders involved, and also putting into consideration the environmental aspect. In Tanzania, the PPRA reported that value for money in the public procurement system could be achieved by observing integrity, transparency and efficiency (PPRA, 2017).

According to the Act, it is mandated that the corporate state organs provide requisition of materials documents used by the supply chains to allow for five principles; fairness, equity, transparency, cost-effectiveness and competition (Government of Kenya, 2015). The Soft Kenya Group observed that currently, the procuring system has become inherently fair and encourages competition. A study in support of this was carried out by Olotch (2016), on Managed Equipment Services and Sustainable Health Care Development showed that the success of major public project required clear and effective procurement processes with clear roles and responsibilities and Kenya has managed to put fairly robust procurement laws useful in ensuring a smooth procurement process. Whereas the Act provides also for cost effectiveness, Mogere and Nyaoga (2017), further site governing bodies responsible for maintaining and attain cost-effectiveness such as the National Treasury on PPDA, PPRA.

2.4 Empirical Literature Review

In Tanzania, a study by Stephano (2013), about the challenges facing public institutions in the implementation of the Public Procurement Act through the deployment of both the explanatory and descriptive research designs in the investigation about the challenges faced in implementation of the Public Procurement Act and its regulation in Registrar of

Political Parties, the author revealed that the Registrar of Political Parties could not effectively implement the Public Procurement Act due to challenges such as reluctance and unwillingness of management, poor procurement planning, poor organization structure, lack of cooperation from the user departments in planning, influence in the Procurement Process/interference by top management due to conflict of interest supported, and uncertainty in the availability of funds which affected the planning of the procurements.

Biranata (2014) deployed a descriptive research design to examine the shortcomings of compliance to public procurement Act 2011 in Tanzania. The study focused on different short comings and guidelines or the procurement Act 2011 to its incorporation in the procurement system. The study also highlighted in the influence of such shortcomings to the performance of public corporation in Tanzania.

In Nigeria, a study by Magaji (2015), analyzed the public procurement Act in Tertiary institutions. He employed a descriptive research study to investigate the challenges of implementing PPDA in tertiary institutions. The study highlighted that that the implementation process is faced by challenges such as manipulation, abuse, misappropriation, mismanagement and apparent diversion for selfish acquisition of public resources and assets.

Chemjor (2015), analyzed the supplier evaluation criteria used by procurement officers in Parastatals in Kenya with the objective of establishing the criteria used in evaluating suppliers in parastatal; the challenges of implementing the supplier evaluation process and the relationship between the supplier evaluation Criteria and procurement

performance in Parastatals in Kenya. From this study, it was observed that the parastatals in Kenya employ several criteria in the supplier evaluation process including selection based on the Quality of key stakeholders in the supply chain their flexibility efficiency, compliance to PPAD, 2015 requirements, supplier profile as well as information sharing amongst other players in the supply chain network. The short comings include high costs of implementation inadequate expertise on supply chain evaluation, inadequate. Incentives, delays in meeting deadlines of implementing the Act, lack of transparency from suppliers, changes in technology and resistance of employees also affect the ability of an organization to effectively manage its evaluation process. However, he concludes, the mere fact there exists a significant positive relationship between the evaluation process of suppliers and the performance of procurement functions in parastatal, where increase in efficiency in supplier evaluation criteria, increases procurement performance in the long run. However, he concludes that there is a strong positive relationship between the supplier evaluation criteria and the procurement performance in parastatal where increase in efficiency in supplier evaluation criteria resulted in increased procurement performance.

A study by Nyaboke and Muturi (2017), about the factors influencing implementation of PPDA, 2015 in county governments showed that the implementation of the Act has become a common fixture in most government institutions with the provisions of the act often remaining only on paper. The study aimed at investigating the effect of procurement lead-time on the implementation of PPDA; the effect of external pressures on procurement for organization performance; and service providers' awareness of procurement guidelines. The study however, revealed that the procurement lead time

averagely took averagely 7 months to 1 year and the long lead time in procuring goods and services negatively affected PPDA implementation at County government. Additionally, the study revealed that major projects were done at the behest of the community leaders and other self-interest groups and it required a company to have the right connections to the officers, which negatively affected the implementation of the PPDA; and the suppliers were also not aware of the full requirements and procedures of the procurement process as evidenced by unnecessary court cases filed due to lack of service providers' awareness about the procuring process.

2.5 Challenges experienced implementation of the Public Procurement and Asset Disposal Act

According to Ondiek and Deya (2013), the biggest challenge faced during the implementation of PPDA is both on the supplier's side and the government's side. Characterized by inadequacies in procurement operation and market practice challenges. There are also inconsistencies in the execution of the legal requirements of the procurement firms. Examples with poor network of institutional framework. There is also existence of unethical conduct among employees, unnecessary competition during the bidding process and award of tenders. Biasness in tender documentation, existence of conflict of interests and lack of prerequisite technical knowhow, the implementation of the Act. There is also technological changes that affect the implementation process negatively (Ondiek & Diek, 2013).

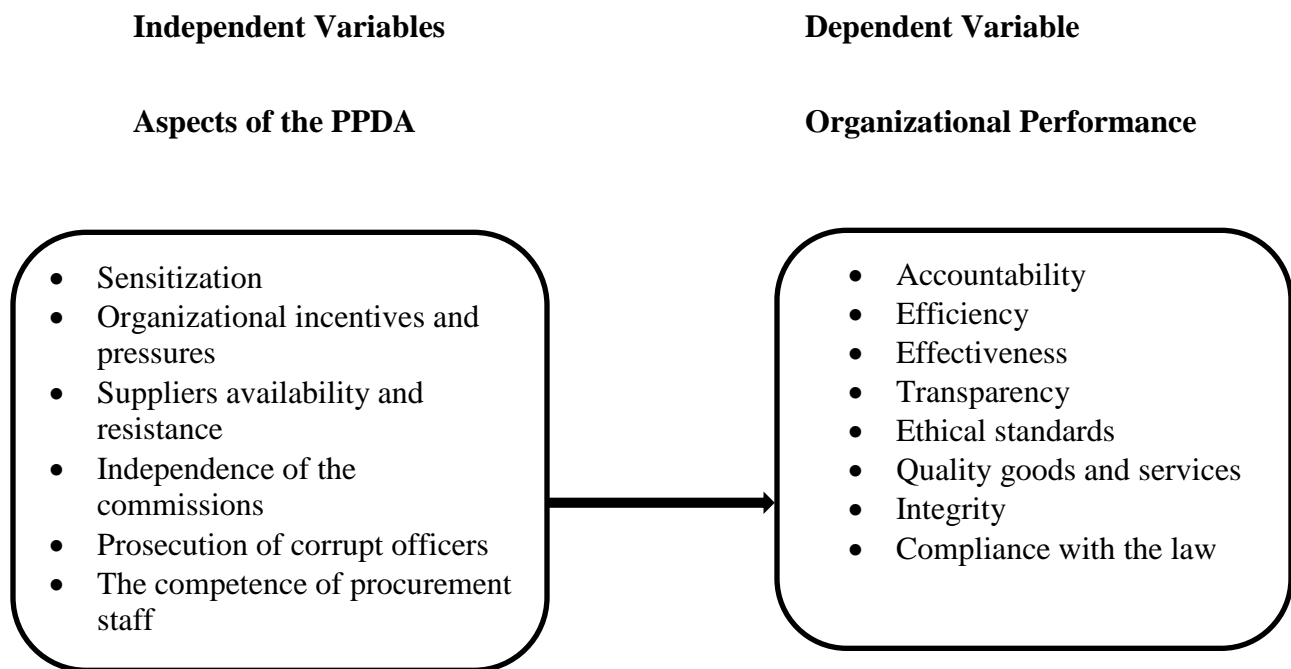
According to Omollo (2014), the biggest challenge faced by a number of commissions is the lack of integrity. He cites Professor Ackerman who observed that a powerful authority such as the commissions must be subjected to checks and balances as they are

prone to misuse of resources for personal gain. The author observed the implementation of steps to combat integrity higher than fighting corruption as he acknowledged that the looming dangers of giving too much power to an authority always distract integrity. The Kenyan commissions have felt the impact of this challenge which once resulted in clashes between the political class and the commissions; calling for the reduction of the number of heads of procurement to the bare minimum of three (Omollo, 2014).

2.6 Conceptual Frame work

The independent variables in this study are sensitization, Organisational incentives and pressures, supplier’s availability and resistance, independence of the commissions, prosecution of the corrupt officers and the competency of procurement staff while the dependent variable is organization performance. These are schematically represented in table 2.1 below,

Figure 2.1: Conceptual Model



Source: Author (2018)

2.7 Summary of Literature Review and Research Gap

Table 2.1: Summary of Literature Review and Research Gap

Author (s)	Study	Objectives	Methodology	Findings	Contributions	Knowledge Gap
Stephano (2013)	Challenges experienced in institutions in implementation PPDA, 21 of 2004: The case of RPP	Analyze how the Registrar of Political Parties procure goods with reference to the Public Procurement; Investigate whether PPA No. 21 of 2004 is implemented. investigate why RPP does not adhere to PPA No 21 of 2004	Exploratory and Descriptive Research analysis. Surveyed 32 respondents using the tabular format.	The study indicated that there were challenges facing Registrar of Political Parties in implementation of PPA No 21 of 2004	The availability of funds highly determines the implementation of the public procurement framework.	The researcher appeared to know the results of the study even before he carried it out basing on the second and third objectives.

Biramata (2014)	Compliance shortcomings in TPA.	Determining the challenges of compliance to PPA, 2011	Used a case study research design. The author surveyed 53 respondents using frequency tables	The reasons of non-compliance to PPA 2011 as suggested by respondents were mostly recorded corruption & lack of professionalism	Compliance to the public procurement system is dependent of professionalism	The study doesn't showcase the effectiveness of training of the employees to the procurement system
Magaji (2015)	Assessment Of PPA Tertiary Institutions In Nigerian A Study Of Ahmadu Bello University (Abu) Zaria	Determining the influence of PPA in implementing capital projects in context. To determine the relationship between budgetary appropriation and actual funding for	Surveyed 959 respondents in Ahmadu Bello University Used / applied chi-square, t-test and correlation	The implementation of the public procurement act is faced by challenges such as manipulation, abuse, misappropriation, mismanagement and apparent diversion	The availability of funds is basis for awarding contracts for procuring.	The study does not address any solutions to the challenges.

		<p>the implementation of public procurement;</p> <p>determining the influence of saving benefits on total capital expenditure for the implementation of Public procurement;</p> <p>identifying shortcomings and prospects of public procurement implementation;</p>		for selfish acquisition of public resources and assets		
Chemjor (2015)	Supplier Evaluation Criteria And Procurment Performance In Parastatals In Kenya	Establish the criteria used for supplier evaluation; find out the challenges of implementing supplier evaluation and determine the relationship between supplier evaluation Criteria	Used a descriptive research design. Surveyed 50 respondents using the correlation analysis.	Challenges included; staff incompetence and unethical conduct. Processes among others.	The variables have both positive and negative relationship among them +	Provides no solutions to the challenges.

		and procurement performance in parastatals in Kenya.				
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CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

The chapter elaborates on the design the research, study population study sample tools, methods of data collection as well as data analysis procedures.

3.2 Research Design

The research adopted a descriptive research design. As such the research design depicts the experience of inter relationships amongst variables (Mugenda & Mugenda, 1999). It is preferred because previous researchers like Amoko (2016) successfully employed descriptive research design and is the most appropriate when investigating the impact and challenges faced by the Independent Constitutional Commissions in Kenya while implementing the PPDA, 2015 and how it impacts on their performance. The study used a descriptive study design which is most suited to justify the connection between Public Procurement and Asset Disposal Act, 2015 challenges facing independent constitutional Commissions and the performance. Descriptive surveys are beneficial and have been used in describing the characteristics of a big population.

3.3 Population

The population employed in the study involved all the 11 independent constitutional commissions in Kenya established under chapter 15, Article 248(2) of the Kenya constitution (2010) (Appendix II). Since the population was relatively small, a census was carried out.

3.4 Data Collection

Primary data was collected using a structured questionnaire as research instrument. The questionnaire had 3 sections as follows; Section A contains issues on general information, Section B contains questions on the impact of the PPDA on the performance of the independent constitutional commissions in Kenya, and finally, Section C contains questions on the challenges faced by the independent constitutional commissions while implementing the PPDA and section D contains the performance of independent constitutional commissions. The respondents in the survey were heads of procurement and supply Chain departments or their equivalents since they had the information sought. Administration of the questionnaire was through the “drop and pick later “approach.

3.5 Data Analysis

The filled questionnaires was inspected and edited for completeness. Descriptive statistics was used in Section A, which contains questions on general information. Linear regression analysis was used in Section B, which contains questions on the impact of the PPDA on the performance of the independent constitutional commissions in Kenya. Descriptive statistics was used in section C, which contains questions on the challenges faced by the independent constitutional commissions while implementing the PPDA, finally section D contains the performance of independent constitutional commissions

The regression Model is;

$$Y = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 X_4 + \beta_5 X_5 + \beta_6 X_6 + \epsilon$$

Where Y= Organizational Performance

X_1 = sensitization

X_2 = Organisational incentives and pressures

X_3 = Suppliers availability and resistance

X_4 = Independence of the commissions

X_5 = Prosecution of corrupt officers

X_6 = Competence of procurement staff

$\beta_1 - \beta_6$ are the regression co-efficient

ε is the random error term .The study applied t-test at 95% confidence level.

Table 3.2 : Summary of Data Collection and Data Analysis Methods

Objective	Data Collection	Data Analysis
General information	Section A of the questionnaire	Descriptive statistics
Impact of the PPDA on the performance of independent constitutional commissions	Section B of the questionnaire	Regression
Challenges faced by the independent constitutional commissions while implementing the PPDA	Section C of the questionnaire	Descriptive statistics
Performance	section D of the questionnaire	Descriptive statistics

Source: Author (2018)

CHAPTER FOUR

DATA ANALYSIS, PRESENTATION AND DISCUSSION

4.1 Introduction

The chapter highlights on the presentation of the data after analysis, its discussions with respect to the study topic that is the impact of PPAD; 2015 on the performance of independent constitution commissions in Kenya.

4.1.1 Response Rate

Structured questionnaires were administered to all the 11 independent constitutional commissions. Nine heads of procurement filled and returned the questionnaires which represented a response rate of 81.8%. Therefore, the instruments were regarded as responsive and formed the basis for data analysis. According to Mugenda (2008), established that a response rate of about 50% is always regarded as good,60% of the same is regarded as good,70% and above of the same is considered as excellent. Therefore 81% response rate of this study was regarded as excellent. This was based on the fact that there was a mutual understanding and coordination of the researcher and the respondents during data collection period in the field.

4.2 Demographic Information

This segment covered the general information of the respondents that involved the heads of procurement interviewed. This was meant to enhance significant insights of the background information about the respondent in the study

4.2.1 Level of education

Individual level of education is highly associated with problem solving ability and approach to challenges. In this regard the respondents were required to indicate the highest level of education attained. Results are analyzed in table 4.3

Table 4.3: Level of education

Education level	Frequency	Percentage
Diploma	0	0.0
Undergraduate Degree	4	44.4
Masters	5	55.6
Total	9	100.0

Source: Research Data (2018)

None of the heads of procurement whose highest level of education was a collage Diploma. This implied that heads of procurement held a high level of education as they had attained bachelor's degree and Master's degree. More than half of the respondents that is 55.6% held a Master's degree education. Respondents' high level of education enabled the study to collect accurate and quality data.

4.2.2 Duration of Service

The heads of procurement were required to offer information relating to the number of years they had served in independent constitutional commissions. The findings were established and as presented in Table 4.4 below.

Table 4.4: Duration of Service

Duration of Service	Frequency	Percentage
Below 2 years	2	22.2
2 years and above	7	77.8
Total	9	100.0

Source: Research Data (2018)

The research findings, revealed that majority of the heads of procurement had served in the independent constitutional commissions for over two years, this was a good considerable period of time. From the findings (77.8%) of the heads of procurement had rendered their services in their current position for over two years offering reliable information sought by the study.

4.3 Impact of PPDA Implementation on Performance of Independent Commissions

The researcher sought to establish the impact of public procurement and asset disposal act, 2015 on the performance of independent constitutional commissions. Therefore, the heads of procurement were required to show their level of agreement with the following statements relating to sensitization, organizational incentives and pressures, Suppliers availability and resistance, independence of the commission, prosecution of corrupt officers and competence of procurement staff in independent constitutional commissions. They were requested to use a scale of 1-5, where (1= strongly disagree, 2= disagree, 3= moderately agree, 4= Agree and 5= strongly Agree).

4.3.1 Sensitization

The average mean and standard deviations of Sensitization were calculated are shown in Table 4.5 below.

Table 4.5: Sensitization

Sensitization	Mean	Std. deviation
The act has improved efficiency in the commission	4.27	0.18
The commission has increased accountability of public resources	4.09	0.60
Suppliers follow automated procurement process of managing their profiles	3.93	0.93
In the commission, increased compliance with the law has	3.75	0.12

been on the rise		
New procurement methods have been introduced, in the commission	3.66	0.45
The procurement functions are well configured in the commission	3.61	0.79

Source: Research Data (2018)

From the finding majority of the respondents agreed that; the commission has increased accountability of public resources (M=4.09, SD=0.60) and the procurement functions are well configured in the commission (M=3.61, SD=0.79). Further it was established that the commission, increased compliance with the law has been on the rise, Suppliers follow automated procurement process of managing their profiles (M=3.93, SD=0.93) and the act was found to improved efficiency in the commission. Respondents further agreed that new procurement methods had been introduced in the commission (M=3.66, SD=0.45). This was consistent with Chemjor (2015) who observed that the parastatals in Kenya employ several criteria in the supplier evaluation process to share confidential information in a supply chain.

4.3.2 Organizational incentives and pressures

Further the respondents rated the statements on organizational incentives and pressures. The average mean and standard deviations were calculated from the likert scale and results are summarized in Table 4.6 below.

Table 4.6: Organizational incentives and pressures

Organizational incentives and pressures	Mean	Std. deviation
There is improved quality of goods and services in the commission	4.23	0.09
There has been an increased level of effectiveness in the commission	4.07	0.61
The incentives encourage employees to do their best in the commission	4.06	0.40
There is no apparent diversion for selfish acquisition of	4.00	0.17

public resources and assets in the commission		
The commission rewards have promoted ethical standards in the commission	3.94	0.39
Mismanagement of resources has reduced in the commission	3.53	0.54

Source: Research Data (2018)

The respondents agreed that there was an improved quality of goods and services in the commission and the level of effectiveness had increased in the commission. The commission rewards have promoted ethical standards in the commission (M=3.94, SD=0.39) and the incentives has encouraged the employees to do their best in the commission (M=4.06, SD=0.40). Also, most of the respondents agreed that Mismanagement of resources has reduced in the commission and there are no apparent diversion for selfish acquisition of public resources and assets in the commission (M=4.00, SD=0.17).

4.3.3 Suppliers Availability and Resistance

On supplier's availability and resistance, Majority of the respondents agreed that suppliers have improved the quality of goods and services in the commission (M=4.35, SD=0.87). The suppliers have also increased the level of effectiveness and efficiency in the commission. Respondents further agreed that Supplier evaluation criteria must be followed in the commission (M=3.89, SD=0.73) and Supplier evaluation in the commission has eliminated poor procurement planning. This concurs to Berger (2008) who established that inadequate transparency from suppliers affect the ability of an organization to effectively manage its evaluation process

Table 4.7: Suppliers availability and resistance

Suppliers availability and resistance	Mean	Std. deviation
The suppliers have improved the quality of goods and services in the commission	4.35	0.87
The suppliers have increased the level of effectiveness in the commission	4.30	0.23
Supplier evaluation in the commission eliminates poor procurement planning	4.10	0.35
The suppliers have increased the level of efficiency in the commission	4.04	0.32
Supplier evaluation criteria must be followed in the commission	3.89	0.73

Source: Research Data (2018)

4.3.4 Independence of the commission

The researcher sought to find out the independence of the commission in Kenya. The heads of procurement were requested to rate the following statements in table 4.8 using a scale of 1 to 5. Means and standard deviations were calculated and tabulated in the table 4.8 below.

Table 4.8: Independence of the commission

Independence of the commission	Mean	Std. deviation
The commission has improved the quality of goods and services	4.46	0.28
The commission has promoted good ethical standards	4.36	0.85
The level of efficiency in the commission has increased	4.35	0.81
There have been increased compliance with the law in the commission	4.07	0.74
The commission has increased the level of integrity	3.98	0.73
The independence of the commission has led to greater accountability	3.64	0.61

Source: Research Data (2018)

Table 4.8 indicates most respondents were on agreement that the commission has increased the level of integrity and also promoted good ethical standards. There have been increased compliance with the law in the commission (M=4.07, SD=0.74) and the

independence of the commission has led to greater accountability (M=3.64, SD=0.61). Further, the commission has improved the quality of goods and services and level of efficiency in the commission has increased (M=4.35, SD=0.81).

4.3.5 Prosecution of Corrupt Officers

Table 4.9 below represents the average mean and standard deviations on prosecution of corrupt officers

Table 4.9: Prosecution of corrupt officers

Prosecution of corrupt officers	Mean	Std. deviation
Mismanagement and waste of public funds in the commission has reduced	4.41	0.73
There is an increased level of accountability in the commission	4.16	0.60
Prosecution of corrupt officers in the commission has increased the level of integrity	3.60	0.22
Bribery in commissions' procurement process has reduced	3.52	0.55
Procurement decisions of who to award tenders are influenced by politicians	2.01	0.54

Source: Research Data (2018)

On prosecution of corrupt officers the respondents agreed that prosecution of corrupt officers in the commission has increased the level of integrity (M=3.60, SD=0.22) and mismanagement and waste of public funds in the commission had reduced (M=4.41, SD=0.73). Bribery in the commissions' procurement process had reduced and procurement decisions of who to award tenders are not influenced by the politicians (M=2.01, SD=0.54). The finding agreed with Odek and Waris (2016) Bribery in the commissions' procurement process results to poor performance of the commission.

4.3.6 The Competence of Procurement Staff

The researcher also sought to establish the competence of procurement staff, therefore the participants were required to rate the statement in table 4.10 below. Average mean and standard deviations were calculated as below.

Table 4.10: The competence of Procurement Staff

The competence of procurement staff	Mean	Std. deviation
The ethical standards in procurement department have improved	4.49	0.23
The accountability of public contracts in the commission has improved	4.28	0.61
There is an increased level of effectiveness of procurement operations in the commission	4.08	0.63
The procurement staff in the commission has improved the quality of goods and services rendered	3.66	0.58
The employees in the commission have improved work efficiency in the procurement department	3.56	0.36

Source: Research Data (2018)

On the competence of procurement staffs, the heads of procurement agreed that the employees in the commission had improved work efficiency in the procurement department (M=3.56, SD=0.36) and there was an increased level of effectiveness of procurement operations in the commission. The procurement staff in the commission has improved the quality of goods and services rendered (M=3.66, SD=0.58). The ethical standards in procurement department and accountability of public contracts in the commission has improved.

4.4 Regression Analysis

Regression analysis was done examine whether there exist a relationship between monitoring and evaluation practices and project sustainability.

4.4.1 Coefficient Analysis

From the results on table 4.11, $\beta_0 = 4.22$ represented the constant which predicted value of Organizational Performance while sensitization, Organizational incentives and pressures, Suppliers availability, Independence of the commissions, Prosecution of corrupt officers and Competence of procurement staff were constant at zero (0).

Table 4.11 : Regression Coefficients

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig. (p)
	B	Std. Error	Beta		
(Constant)	4.220	0.814	3.454	5.18	.001
Sensitization (X_1)	0.532	0.141	0.432	3.77	.003
Organizational incentives and pressures (X_2)	0.355	0.097	0.302	3.66	.001
Suppliers availability and resistance (X_3)	0.497	0.085	0.417	5.85	.002
Independence of the commissions (X_4)	0.279	0.042	0.201	6.64	.000
Prosecution of corrupt officers (X_5)	0.704	0.087	0.681	8.09	.020
Competence of procurement staff (X_6)	0.613	0.164	0.538	3.74	.014

Source: Research Data (2018)

- a. Predictors: sensitization, Organizational incentives and pressures, Suppliers availability, Independence of the commissions, Prosecution of corrupt officers and Competence of procurement staff
- b. Dependent variable: Organizational Performance

The optimal regression model is therefore:

$$Y = 4.22 + 0.532X_1 + 0.355X_2 + 0.497X_3 + 0.279X_4 + 0.704X_5 + 0.613X_6 + \varepsilon$$

Regression results revealed that sensitization in independent constitutional commissions has significance and positive influence on performance of independent constitutional commissions as indicated by $\beta_1=0.532$, $t=3.77$. The implication is that an increase in sensitization lead to an increase in performance by $\beta_1=0.532$. This implied that effective sensitization in independent constitutional commissions would lead to high performance of independent constitutional commissions. Regression results revealed that organizational incentives and pressures has a significance influence on independent constitutional commissions performance as indicated by $\beta_1=0.355$, $t=3.66$. This implied that an increase in organizational incentives and pressures would lead to an increase in the performance by $\beta_2=0.355$.

Further, the study revealed that there existed a significant positive relationship between Suppliers availability and resistance and independent constitutional commissions performance as indicated by $\beta_3=0.497$, $t=5.85$. The implication is that an increase in Suppliers availability and resistance would lead to increase in performance of independent constitutional commissions by 0.497. The regression findings further indicated that there existed a significant relationship between Independence of the commissions and performance of independent constitutional commissions as indicated by $\beta_4=0.279$, $t=6.64 < 0.05$. This implied that when an independence of the commissions is increase by one unit it would led to an increase in performance of independent constitutional commissions by $\beta_4=0.279$.

A significant positive relationship between Prosecution of corrupt officers and performance of independent constitutional commissions was established ($\beta_5=0.704$, $t=8.09$). This implies that when more corrupt officers are prosecuted the performance of

the independent constitutional commissions improves. Further the regression findings indicated that there existed a significant relationship between Competence of procurement staff and performance of independent constitutional commissions as indicated by $\beta_6= 0.613$, $t=3.74$. This implied that when the level of competence of procurement staff increases by one unit it would led to an increase in performance of independent constitutional commissions by $\beta_6= 0. 0.613$. This finding is line with Ondiek and Diek, 2013 who established a negative relationship between corruption and performance of the organization.

4.4.2 Model Summary

The model summary in the table 4.12 was used to test whether there existed significant relationship between the dependent and the independent variable in the study.

Table 4.12: Regression Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	0.794 ^a	0.630	0.601	.001

Source: Research Data (2018)

- a. Predictors: sensitization, Organizational incentives and pressures, Suppliers availability, Independence of the commissions, Prosecution of corrupt officers and Competence of procurement staff
- b. Dependent variable: Organizational Performance

R squared of 0.630 indicated that there existed a variation of 63% of the variations in performance of the independent constitutional commissions is explained by the variation

of the six independent variables. This is a fairly good model since only 37% of the variation is unexplained

4.4.3 Anova

Table 4.13: Anova^a

Model	Sum of Squares	Df	Mean Square	F	Sig.(p)
Regression	115.41	6	19.235	5.213	.000 ^a
Residual	7.38	2	3.69		
Total	122.79	8			

Source: Research Data (2018)

- a. Predictors: sensitization, Organizational incentives and pressures, Suppliers availability, Independence of the commissions, Prosecution of corrupt officers and Competence of procurement staff
- b. Dependent variable: Organizational Performance

P-value of $0.000 < 0.05$, meaning that the overall model is statistically significant and hence sustainable for prediction.

4.4 Challenges Faced by Commissions in Implementing the PPDA 2015

The study sought to establish the challenges faced by the independent constitutional commissions in implementing the PPDA 2015. The heads of procurement selected were requested to rate the statements in the table 4.5 using Use a scale of 1-5, where (1= strongly disagree, 2= disagree, 3= moderately agree, 4= Agree and 5= strongly Agree). The average mean and standard deviations were calculated and results are shown in Table 4.14 below.

Table 4.14: Challenges faced by commissions

Sensitization	Mean	Std. deviation
Inadequate integrity in the commission affects performance	4.28	0.68
Poor procurement operations and market practices hinder service delivery in the commission	4.15	0.17
Corruption and bribery for tender awards has been a major challenge hence poor service delivery	4.09	0.03
The incompetence of staff is a major setback in the commission procurement operations	4.00	0.91
There is poor execution of legal mandates of procurement entities in the commission	3.99	0.62
Weak institutional frame work and management capacity affects performance of the commission	3.96	0.83
There has been lack of sensitization by independent constitutional commissions	3.86	0.35
Most of the staffs and procurement processes lack transparency in the commission	3.81	0.99
There has been lack of sensitization by independent constitutional commissions	3.86	0.35

Source: Research Data (2018)

Finding in table 4.14 indicated that poor execution of legal mandates of procurement entities and poor procurement operations and market practices hinder service delivery in the commission (M=4.15, SD=0.17). Majority of the respondents also agreed that Weak institutional frame work and management capacity affects performance of the commission (M=3.96, SD=0.83); Inadequate integrity in the commission affects performance (M=4.28, SD=0.68) and most of the staffs and procurement processes lack transparency in the commission (M=3.81, SD=0.99). Other challenges outlined included lack of sensitization by independent constitutional commissions, Corruption and bribery for tender awards leading to poor service delivery (M=4.09, SD=0.03) and the incompetence of staff is a major setback in the commission procurement operations. This

finding concurs to that of Omollo (2014) that the biggest challenge faced by a number of commissions is the lack of integrity.

4.5 Performance of Independent Constitutional Commissions

The respondents were further asked to rate the statements in table 4.15 below relating to performance of independent constitutional commissions in Kenya. The mean means and standard deviations are shown below.

Table 4.15: Performance of Independent Constitutional Commissions

Sensitization	Mean	Std. deviation
The procurement system creates accountability in the tendering process	4.21	0.39
The tendering process, meets service delivery standards	4.16	0.09
Procurement of goods and services is on time	4.09	0.52
The quality of goods and services are credible	4.00	0.16
The cost of procurement of goods and services is friendly	3.99	0.43
The tendering process is transparent	3.88	0.62

Source: Research Data (2018)

Table 4.15 results indicated that most of the heads of procurement agreed that; Procurement of goods and services is on time (M=4.09, SD=0.52), the quality of goods and services are credible (M=4.00, SD=0.16) and the cost of procurement of goods and services is friendly (M=3.99, SD=0.43). They further agreed that the tendering process is transparent (M=3.88, SD=0.62), the procurement system creates accountability in the tendering process and the tendering process, meets service delivery standards (M=4.16, SD=0.09). The finding was in line with Nyaboke and Muturi (2017) that procurement system improves the performance of the organization.

4.6 Discussion of the Finding

The study revealed that sensitization in independent constitutional commissions had a significance and positive influence on performance of independent constitutional commissions. This implied that effective sensitization in independent constitutional commissions would lead to high performance of independent constitutional commissions. Study revealed that the commission had increased accountability of public resources and the procurement functions were well configured in the commission. Further it was established that the commission compliance with the law had been on the rise, Suppliers follow automated procurement process of managing their profiles. The act was also found to improved efficiency in the commission. This was in line with Chemjor (2015) who observed that the parastatal in Kenya employ several criteria in the supplier evaluation process to share confidential information in the supply chain. Further the regression results indicate that an increase in organizational incentives and pressures would lead to improvement in the financial performance of independent constitutional commissions. This was found to be significant at $p=0.001$. The study revealed that commission rewards had promoted ethical standards and mismanagement of resources had reduced in the commission. It was noted that there was improved quality of goods and services in the commission and the level of effectiveness had increased in great extent. The incentives were found to encourage employees to do their best in the commission and there was no apparent diversion for selfish acquisition of public resources and assets in the commission.

Study noted that suppliers had improved the quality of goods and services and all Supplier evaluation criteria were followed in the commission. The level of effectiveness

and efficiency in the commission had increased over time. The supplier evaluation was found to eliminate poor procurement planning in the commission. Regression model revealed that there existed a significant positive relationship between Suppliers availability and resistance and independent constitutional commission's performance. This implied that an increase in Suppliers availability and resistance would lead to increase in performance of independent constitutional commissions. This concurs to Berger (2008) who established that inadequate transparency from suppliers affect the ability of an organization to effectively manage its evaluation process. Further the study revealed that the level of integrity and efficiency of the commissions had increased and the independence of the commission had led to a greater accountability. The regression findings further indicated that there existed a significant relationship between Independence of the commissions and performance of independent constitutional commissions. This implied that when an independence of the commissions is increase by one unit it would lead to an increase in performance of independent constitutional commissions.

A significant positive relationship between Prosecution of corrupt officers and performance of independent constitutional commissions was established. This finding is line with Ondiek and Diek (2013) who established a negative relationship between corruption and performance of the organization. The positive relationship implied that when more corrupt officers are prosecuted the performance of the independent constitutional commissions improves and viceversa. Prosecution of corrupt officers in the commission was found to increase the level of integrity thus bribery in the commissions' procurement process had reduced. Procurement decisions of who to award tenders were

no longer influenced by politicians. The employees in the commission were found to improve work efficiency in the procurement department and the accountability of public contracts in the commission had improved. The procurement staff in the commission had improved the quality of goods and services rendered. Further the regression findings indicated that there existed a significant relationship between Competence of procurement staff and performance of independent constitutional commissions. This implied that when the level of competence of procurement staff increases by one unit it would lead to an increase in performance of independent constitutional commissions.

Further the study revealed that poor implementation of legal mandates of procurement entities and poor procurement operations and market practices hinder service delivery in the commissions. Inadequate integrity in the commission affected performance and most of the staffs and procurement processes lacked transparency in the commission. This finding concurs to that of Omollo (2014), that the biggest challenge faced by a number of commissions is the lack of integrity. Other challenges outlined included lack of sensitization by independent constitutional commissions, Corruption and bribery for tender awards leading to poor service delivery and the incompetence of staff is a major setback in the commission procurement operations. Weak institutional frame work and management capacity also affects the performance of the commission.

Further the study established that due to the new act corruption and bribery for tender awards has reduced leading to better service delivery in the commissions. This has enhanced the transparency in the commissions leading to better performance. The study also noted that the accountability of public contracts in the commission has improved this was as a result of the act requiring any public entity not to condone conflict of interest in

their operations. Further the study indicated that the Act had provided use of ICT in relaying information relating to procurements in the commissions this was a clear change earlier requirement to have procurement information passed through newspapers of national circulation this has made the commissions to become more efficient and effective. The act has also lead to improvement of the competence of the staffs in the commissions operation resulting to better performance. There was better implementation of legal functions of procurement entities in the commission this was associated with the Act outlines that all procurement firms develop annual plans for procurement processes which is underpinned on budgetary allocations and annual asset disposal plans are developed as well. These findings are in line with Kisang (2015), that there are managerial requirements for the functioning of entities including knowledge, skills and experience about the adequacy of the procurement function which enhances organization sustainability.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents a summary of key findings based on the study topic .It also offers information relating to the conclusion of the research finding, coupled with the recommendations of the same. The limitations experience in the process is also captured.

5.2 Summary

This section elaborates on the key findings based on each objective in the study. The study revealed that Public Procurement and Asset Disposal Act 2015 has a significant positive impact on the performance of the independent constitutional commissions in Kenya. The study further revealed that sensitization of independent constitutional commissions has a significance and positive influence on performance of independent constitutional commissions. Further an increase in organizational incentives and pressures was noted to lead to an increase in the financial performance of independent constitutional commissions. The study also revealed that commission rewards has promoted ethical standards and mismanagement of resources has reduced in the commissions.

The study has established that suppliers have improved the quality of goods and services they provide and all Supplier evaluation criteria are being followed in the commission. The supplier evaluation is found to eliminate poor procurement planning in the commission. Study also noted that level of integrity and efficiency of the commissions

has increased and the independence of the commission has led to a greater accountability. Further a significant relationship between Independence of the commissions and performance of independent constitutional commissions was established.

Prosecution of corrupt officers in the commission was found to increase the level of integrity thus bribery in the commissions' procurement process has reduced. Procurement decisions of who to award tenders are no longer influenced by politicians. The procurement staff in the commission have improved the quality of goods and services they offer. Study also revealed that when the level of competence of procurement staff increases by one unit it leads to an increase in performance of independent constitutional commissions. Further a significant positive relationship between Prosecution of corrupt officers and performance of independent constitutional commissions was established. The study established the following as the main challenges facing the independent constitutional commissions; poor execution of legal mandates of procurement entities, poor procurement operations and market practices, inadequate integrity and lacked transparency of the staffs. Other challenges include lack of sensitization, Corruption and bribery, incompetence of staff and Weak institutional frame work.

Finally, it has been revealed that due to the new act, corruption and bribery for tender awards has reduced leading to better service delivery in the commission. The new act has changed the independent constitutional commissions by enhancing the transparency which has led to better performance. The act has also led to improvement of the competence of the staffs in the commissions operation resulting to better performance. There is better execution of legal mandates of procurement entities in the commission

this is associated with the Act outlines that all procurement firms develop annual procurement plans that are in line with the regulations of the PPAD,2015.

5.3 Conclusion

This study has provided a comprehensive review on the impact of the Public Procurement and Asset Disposal Act 2015 on the performance of the independent constitutional commissions in Kenya. Based on the findings of this study, it was concluded that implementation of the Public Procurement and Asset Disposal Act 2015 has a significant positive impact on the performance of the independent constitutional commissions in Kenya. Additionally, the following were concluded as the main challenges facing the independent constitutional commissions; poor execution of legal mandates of procurement entities, poor procurement operations and market practices, inadequate integrity and lacked transparency of the staffs. Other challenges include lack of sensitization, Corruption and bribery, incompetence of staff and Weak institutional framework. Therefore, investment on human capital competence in regards to implementation of the PPDA ought to be core to the operations of the independent constitutional commissions.

5.4 Recommendations to Policy and Practice

The independent constitutional commissions should consider in focusing on proper implementation of Public Procurement Asset Disposal Act 2015 in their institutions such that it created more transparency and accountability in procurement processes. It also accelerates financial returns, reduce corruption cases as well as helping instill public confidence in them. The study recommends that the independent constitutional

commissions should consider investing in human capital competency since this is a major factor that influences proper implementation of the PPDA, 2015. Employees should be well trained based on new procurement technologies that create efficiency and reduces costs of procurement activities. Also, employees should be well remunerated especially the procurement staff so that they get motivated and reduce their chances of being involved in procurement corruption related acts.

To improve on ethical conducts in independent constitutional commissions, all key stakeholders in procurement functions should be informed about the significance of implementing PPDA, 2015 so that they can become more aware of its benefits. This will help in easy adoption of the implementation process and improve on operational performance of the independent constitutional commissions in general. The study also recommends that the independent constitutional commissions promotes on the use of E-Procurement Platforms such as IFMIs, E-Tendering, E-Autonomy and E-Sourcing on JIT Systems. This will encourage efficiency service delivery in the Commissions.

5.5 Limitations of the study

The respondents were not willing to participate in the study freely at first and as such leading to delays in filling the questionnaires. The fear of unknown factor was obvious among the respondent and thus limiting their chances to participate in the study. Some of the respondents had very tight schedules that they had minimal time to participate in the study as required by the researcher. The limitation was addressed through proper coordination and consultation of the researcher and the respondents.

5.6 Suggestions for Further Research

Given the findings of this research process, the following directions for future research in are recommended: First, this study focused on the independent constitutional commissions in Kenya. Therefore, this study recommends the same study to be done on universities and other government institution a cross the whole country. Another research should be done to establish how information technology enabled procurement such as Barcode Technology, Enterprise Resource Planning and Radio Frequency Identification improve operational performance by supporting PPDA, 2015 implementation in independent constitutional commissions.

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Appendix I: Independent Constitutional commissions in Kenya

1. Kenya National Human Rights Commission
2. National land Commission
3. Independent Electoral and Boundaries Commission
4. Parliamentary service Commission
5. Judicial Service commission
6. Commission on Revenue Allocation
7. Public Service Commission
8. Salaries and Remuneration Commission
9. Teachers Service Commission
10. National police Service commission
11. Ethics and Anti –corruption Commission

Source: Constitution of Kenya (2010)

Appendix II: Questionnaire

University of Nairobi

School of Business

Department of Management Science

Research Questionnaire

Dear respondents, this questionnaire is for Data collection on the impact of the Public Procurement and Asset Disposal Act 2015 on the performance of the independent constitutional commissions in Kenya. The research is purely for academic purpose and will only be used for that purpose. So, your genuine, frank and timely response is important for the success of this study.

General Instructions

You can write your name or choose not to. The questionnaire has 3 sections, that is section A, B C and D, please try and complete all the sections. Please tick appropriately and write your answer where there is no option as applicable.

SECTION A: General Information

1. Please indicate the highest level of education attained? (Tick as applicable)

College Diploma []

Undergraduate []

Master []

Others (specify)

.....

2. For how long have you worked in this commission?

Below 2 years () 2 years and above ()

SECTION B: Impact of implementation of the PPDA on performance of Independent constitutional commissions

Indicate your level of agreement with the following statements relating to sensitization in independent constitutional commissions. Use a scale of 1-5, where (1= strongly disagree, 2= disagree, 3= moderately agree, 4= Agree and 5= strongly Agree)

Sensitization	1	2	3	4	5
The commission has increased accountability of public resources					
In the commission, increased compliance with the law has been on the rise					
Suppliers follow automated procurement process of managing their profiles					
The act has improved efficiency in the commission					
The procurement functions are well configured in the commission					
New procurement methods have been introduced, in the commission					

Indicate your level of agreement with the following statements relating to organizational incentives and pressures in independent constitutional commissions. Use a scale of 1-5, where (1= strongly disagree, 2= disagree, 3= moderately agree, 4= Agree and 5= strongly Agree)

Organisational incentives and pressures	1	2	3	4	5
There is improved quality of goods and services in the commission					
The commission rewards have promoted ethical standards in the commission					
There has been an increased level of effectiveness in the commission					
The incentives encourage employees to do their best in the commission					
Mismanagement of resources has reduced in the commission					
There is no apparent diversion for selfish acquisition of public resources and assets in the commission					

Indicate your level of agreement with the following statements relating to Suppliers availability and resistance in independent constitutional commissions. Use a scale of 1-5, where (1= strongly disagree, 2= disagree, 3= moderately agree, 4= Agree and 5= strongly Agree)

Suppliers availability and resistance	1	2	3	4	5
The suppliers have improved the quality of goods and services in the commission					
The suppliers have increased the level of effectiveness in the commission					
The suppliers have increased the level of efficiency in the commission					
Supplier evaluation criteria must be followed in the commission					
Supplier evaluation in the commission eliminates poor procurement planning					

Indicate your level of agreement with the following statements relating to independence of the commission in independent constitutional commissions. Use a scale of 1-5, where (1= strongly disagree, 2= disagree, 3= moderately agree, 4= Agree and 5= strongly Agree)

Independence of the commission	1	2	3	4	5
The commission has increased the level of integrity					
The commission has promoted good ethical standards					
There have been increased compliance with the law in the commission					
The independence of the commission has led to greater accountability					
The commission has improved the quality of goods and services					
The level of efficiency in the commission has increased					

Indicate your level of agreement with the following statements relating to prosecution of corrupt officers in independent constitutional commissions. Use a scale of 1-5, where (1= strongly disagree, 2= disagree, 3= moderately agree, 4= Agree and 5= strongly Agree)

Prosecution of corrupt officers	1	2	3	4	5
There is an increased level of accountability in the commission					
Prosecution of corrupt officers in the commission has increased the level of integrity					
Mismanagement and waste of public funds in the commission has reduced					
Bribery in commissions' procurement process has reduced					
Procurement decisions of who to award tenders are influenced by politicians					

Indicate your level of agreement with the following statements relating to the competence of procurement staff in independent constitutional commissions. Use a scale of 1-5, where (1= strongly disagree, 2= disagree, 3= moderately agree, 4= Agree and 5= strongly Agree)

The competence of procurement staff	1	2	3	4	5
The employees in the commission have improved work efficiency in the procurement department					
There is an increased level of effectiveness of procurement operations in the commission					
The ethical standards in procurement department have improved					
The accountability of public contracts in the commission has improved					
The procurement staff in the commission has improved the quality of goods and services rendered					

Section C: Challenges faced by the Independent constitutional commissions in implementing the PPDA 2015

Indicate your level of agreement with the following statements relating to challenges faced by the independent constitutional commissions in implementing the PPDA 2015.

Use a scale of 1-5, where (1= strongly disagree, 2= disagree, 3= moderately agree, 4= Agree and 5= strongly Agree)

Challenges	1	2	3	4	5
There is poor execution of legal mandates of procurement entities in the commission					
Poor procurement operations and market practices hinder service delivery in the commission					
Weak institutional frame work and management capacity affects performance of the commission					
Inadequate integrity in the commission affects performance					
Most of the staffs and procurement processes lack transparency in the commission					
There has been lack of sensitization by independent constitutional commissions					

The incompetence of staff is a major setback in the commission procurement operations					
Corruption and bribery for tender awards has been a major challenge hence poor service delivery					

How has the commission changed before and after implementation of Public Procurement and Asset Disposal Act, 2015? Explain

.....

Section D: Performance of Independent Constitutional Commissions in Kenya

Indicate your level of agreement with the following statements relating to performance of independent constitutional commissions. Use a scale of 1-5, where (1= strongly disagree, 2= disagree, 3= moderately agree, 4= Agree and 5= strongly Agree)

Performance	1	2	3	4	5
Procurement of goods and services is on time					
The quality of goods and services are credible					
The cost of procurement of goods and services is friendly					
The tendering process is transparent					
The procurement system creates accountability in the tendering process					
The tendering process, meets service delivery standards					