

**INDIVIDUAL CHARACTERISTICS INFLUENCING BOARD OF
MANAGEMENT MEMBERS' COMPLIANCE WITH PROCUREMENT
REGULATIONS IN PUBLIC SECONDARY SCHOOLS IN
KIRINYAGA EAST SUB-COUNTY, KENYA**

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of the Degree of Master of Education in Corporate Governance**

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DECLARATION

This research project is my original work and has not been presented for award
of a degree in any other University

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DEDICATION

This research project is dedicated to my parents: Josiah Njagi and Nicerata Igoki, my husband Harisson Mwiti, my sisters Esther Wanjue, Dorothy Wanja and Joy Wawira. Their presence was the constant motivation to succeed in this project.

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ABBREVIATIONS AND ACRONYMS

BOG	Board of Governors
B.O.M	Board of Management
CEB	County Education Board
G o K	Government of Kenya
KEMI	Kenya Education Management Institute
LEA	Local Education Authorities
MOE	Ministry of Education
MoEST	Ministry of Education, Science and Technology
PDEs	Procurement and Disposing Entities
PPDA	Public Procurement and Disposal Act
PPDR	Public Procurement and Disposal Regulations
PPOA	Procurement Oversight Authority
SGB	School Governing Bodies
SMCs	School Management Councils
SPSS	Statistical Package for Social Sciences

ABSTRACT

The purpose of this study was to investigate factors influencing Board of Management members' compliance with procurement regulations in public secondary schools in Kirinyaga East sub-county, Kenya. The study was guided by the following objectives :to establish the influence of Board of Management members' level of sensitization on compliance to procurement regulations, to determine the influence of Board of Management members' exposure to training on compliance to procurement regulations, to establish the influence of Board of Management members' personal ethics on compliance to procurement regulations and to determine the influence of Board of Management members' level of education on compliance to procurement regulations in public secondary schools in Kirinyaga East sub-county. The study employed descriptive survey design. By use of stratified sampling, the researcher was able to obtain the desired sample size by grouping the schools into four categories. Purposive sampling was used to select BoM members who were part of the tendering and procurement committee. A total of 200 BoM members were thus enjoined in the study. Data was collected using structured questionnaires, self administered to both the head teachers and the BoM members. Data analysis was done by use of SPSS software (Version 20) where data was coded, cleaned, sorted, analyzed descriptively and presented using tables and charts. From the findings of the study, a higher percentage of the BoM members (36.3) as well as a larger percentage of the principals (48.5) believed in the various concepts of sensitization. The highly sensitized were more compliant (52.90) compared to those lowly sensitized. On the influence of trainings on compliance to procurement regulations, the findings of the study showed that most of the BoM members as well as the principals had not attended training workshops and seminars on compliance with procurement regulations. However trainings influenced compliance to procurement regulations where 56.5% of the trained complied against 43.5%. The findings also revealed that among both the BoM members and principals, there were considerable cases of unethical procurement cases being handled. It was also noted that among all the cases of unethical practices in procurement, there were many cases with regard to neutrality in picking the highest bidder and equity in vetting for the same. The finding also revealed that competency in procurement was influenced by education level where those with masters degree were more compliant (51.7) compared to those with bachelors degree (28.6). According to the responses posed with regard to respondents' recommendations on improving BoM members' compliance with procurement regulations there was need to improve on, training, education levels and exposure to procurement regulations. This will be able to enhance compliance with procurement regulations in schools.

CHAPTER ONE

INTRODUCTION

1.1 Background to the study

Compliance in public institutions has become an issue that requires attention. The procurement process has stirred debate causing it to be subjected to reforms. This has led to restructuring, rules and regulations. Public procurement order dates back from between 2400 and 2800 B.C. in Syria written on a red clay tablet. The purchase order was for “50 jars of fragrant 2 smooth oil for 600 small weights in grain” (Coe, 1989). Procurement is the acquisition by purchase, lease, purchase, rental, license, hire, tenancy or by any other form of contract of any type of goods, assets, or services (Public Procurement and Disposal Act (PPDA, 2005).

De Boer and Telgen (1998) revealed that compliance is a problem in the whole world. Gelderman, Ghijsen and Brugman (2006) further shows reasons for noncompliance is the tendency to avoid red tape involved in the process. Public Procurement plays a big role in the economy of developing countries, accounting for an estimated 9-13% Gross Domestic Product (GDP). Therefore it is an area that needs attention so as to ensure compliance. Procurement managers in the public institutions are governed by a complex array of policies, regulations, statutes and directives. They function in an environment of increasing scrutiny and changes accelerated by technology, public and political expectations and program reviews improvements in service. All these together, result into growing institutional risks and complexity. However

Ntayii, Eyaa and Gerrit, (2009) observed that there are millions of dollars wasted due to inefficient and ineffective procurement structures, procedures and policies. There is also a failure to impose sanctions for violation of procurement rules which results to poor delivery of services.

In developing countries, effective public procurement is highly recognized as very essential in delivery of services (Basheka and Bisangabasaija, 2008). Procurement in these countries accounts for a very high proportion in expenditure overall. For instance, in Kenya, public procurement accounts for 60% in expenditure (Akech, 2005), in Angola 58%, Malawi 40% (Wittig, 1999). In Uganda procurement accounts for 70% of public spending (Government of Uganda, 2006) as cited in Basheka and Bisangabasaija (2010) which is very high compared to a global average of 12%-20 % (Frøystad, Heggstad and Fjeldstad, 2010). Since there are very high amounts of money involved in government procurement coming from the public, there is therefore a need for transparency and accountability in the process (Hui , Othman, Normah, Rahman, and Haron, 2011). A good example is Uganda, where a wave of procurement reforms started in 1997, which resulted into the enactment of the Public Procurement and Disposal of Public Assets (PPDA) Act and regulations 2003. However despite the move, many central government ministries and agencies did not follow the laid out procedures and practices (Agaba and Shipman, 2007). Audits in the procurement sector done by PPDA, showed that out of 322 contracts audited in the year 2005, only 7

were rated as compliant. Other audit checks done showed that compliance in public procurement in Uganda is still not as expected Tukamuhabwa (2012).

Many countries have come up with Procurement reforms for improvement in the management of public Procurement processes. According to Tukamuhabwa (2012) the last ten years of the twentieth century there have been commencement of the global evolution in the public Procurement. In Kenya public procurement system continues to evolve from a poor to a very orderly procurement system legally regulated. In the past years, there are significant developments in public procurement system in Kenya evolving from a no regulations systems in the 1960s, to a system that is regulated by Treasury Circulars since 1970s. However, Thai (2005) shows that challenges in public procurement are far beyond the procurement regulations but include procurement organizational structure, processes and work force involved. Nonetheless, many countries have come up with procurement reforms guided by regulations and laws.

There have been a number of studies also done on Boards of Governors, currently Board of Management for instance Magiri (2005) noted that newly elected BoG members competency is affected by inadequate sensitization on their responsibilities, low education, inadequate exposure and inexperience. Francis and Onyango (2010) sought to evaluate what influence the procurement regulations would have among secondary schools in Kisii county

specifically Mosoch division. They came up with the findings showing that the significantly affected the prices of various services and goods.

A survey that was carried out by the then Kenya Anti-corruption Commission (2007) indicated that despite having the Public Procurement Regulations in place, there were still challenges in the public procurement due to the lack of efficiency and transparency. The oversight authority in procurement came up with initiatives to examine the levels of compliance with the set procurement regulations act of 2005. Such initiatives include, procurement evaluations as well as addressing any complaints recorded on a daily basis through letters sent to PPOA by education stakeholders and other interested groups(Kenya procurement journal, issue no 3).

1.2 Statement of the problem

Board of Management procurement compliance levels has continued to be below the standard in public secondary schools in Kenya despite the interventions by the PPOA and the ministry of education to in putting measures to ensure improvement in compliance (PPOA, 2007). There is loss of public funds in secondary schools in Kirinyaga East sub-county, Kenya that can be attributed to lack of compliance with procurement regulations. Several studies undertaken have reflected serious weaknesses in record keeping that involves lack of compliance to the procurement law and poor filing systems (Kenya procurement journal, no. 4). In Kirinyaga East Sub-county, Kenya there were cases of lack of compliance to the procurement regulations in the

public secondary schools evidenced by a few studies in the area. Further, studies indicate less satisfaction among educational stakeholders as a result of gaps not addressed by regulations that could be used to make the process less credible and inefficient (Kenyan, 2011).

There are limited numbers of studies that have been undertaken to assess the factors that influence compliance to procurement regulations in Kirinyaga East sub-county. Review reports are available and show the non-conformities in the public schools but not the causes of these non-conformities. Despite various studies done previously on compliance of organizations and government agencies to procurement procedures, all the factors were not fully exhausted in learning institutions in Kenya. It is for these reasons that this study proposes to study factors influencing Board of Management members' compliance to procurement regulations in the public secondary schools in Kirinyaga East sub-county in Kirinyaga County Kenya.

1.3 Purpose of the study

The study sought to assess factors influencing Board of Management members' compliance with procurement regulations in public secondary schools in Kirinyaga East Sub-county.

1.4 Objectives of the study

The study was guided by the objectives below:

- i. To establish the influence of Board of Management members' level of sensitization on compliance to procurement regulations in the public secondary schools of Kirinyaga East Sub-county..
- ii. To determine influence of Board of Management members' exposure to training on compliance to procurement regulations in public secondary schools in Kirinyaga East Sub-county.
- iii. To establish the influence of of Board of Management members' personal ethics on compliance to procurement regulations in public secondary schools in Kirinyaga East Sub-county.
- iv. To determine the influence of Board of Management members' level of education on compliance to procurement regulations in public secondary schools in Kirinyaga East Sub-county.

1.5 Research questions

The study sought to address the following research questions:

- i. What is the influence of Board of Management members' level of sensitization on compliance to procurement regulations in public secondary schools in Kirinyaga East Sub-county?
- ii. What is the influence of Board of Management members' exposure to training on compliance to procurement regulations in public secondary schools in Kirinyaga East Sub-county?

- iii. What is the influence of level of Board of Management members' personal ethics on compliance to procurement regulations in public secondary schools in Kirinyaga East Sub-county?
- iv. What is the influence of Board of Management members' level of education on compliance to procurement regulations in public secondary schools in Kirinyaga East Sub-county?

1.6 Significance of the study

While this research was thought to be of benefit to the Board of Management in understanding the determinants of successful compliance to procurement regulations during the procurement process in public secondary schools, the government can also find this research being of value by getting an insight on how they can ensure that the Board of Management complies with the procurement laws for effective and efficient utilization of public funds. This research may also be of benefit to researchers, students and scholars hence bridge the existing gap because it will supplement knowledge to the existing research. Furthermore, government agencies as well as secondary schools policy makers can use the knowledge in public secondary schools procurement related issues.

1.7 Limitations of the study

This study was faced by some limitations. A few respondents were not cooperative in providing information necessary for the study. The above was

addressed by explanations to the concerned on the study benefits to the respondents and other stakeholders. Further the study was also limited by the fact that data was collected using a self-assessment questionnaire which in some cases, was subject to respondent bias. The researcher tried to ensure reliability and validity of the research instruments by conducting a pilot study seeking advice from research experts.

1.8 Delimitations of the study

The scope of study was confined to BoM members and head teachers of public secondary schools in Kirinyaga East Sub-county, Kirinyaga County and not all the public secondary schools were covered. Although BoM have several roles, the study was restricted on compliance to procurement regulations within the public secondary schools in Kirinyaga East Sub-county.

1.9 Assumptions

The study was based on the assumptions that:

- i. Selected Board of Management respondents will be accessible and that they would answer the questions truthfully and without bias.
- ii. The schools within the area of study have functional BOMs and they regularly meet for procurement related issues.

1.10 Definition of terms

Board of Management (BoM) refers to a body consisting of a number of individuals appointed by the education Cabinet secretary to manage the affairs of a public secondary school on his behalf.

Public secondary school refers to schools in which government funds are appropriated and whose income and expenditure are approved by the education ministry.

Public procurement: Acquisition of services, goods, assets and works for public good.

Level of sensitization: Refers to awareness creation on procurement regulations, laws and procedures.

Exposure to training: This involves providing particular procurement skills, competence and professionalism to the middle and lower cadre of workers.

Members personal ethics Refers to the values and morals that guide officers in their various aspects of work which entail integrity, honesty, diligence, fairness, respect and consistency.

1.11 Organization of the study

The project report is divided into five chapters with specific themes and sub-themes. Chapter one contains study background, problem statement, study purpose, study objectives, research questions, significance of the study, limitations and delimitations of the study. The study also presents the basic assumptions, definition of significant terms. Chapter two contains literature

review of the topic under study and entails the following sub-themes: The concept of prudence in public procurement, Board of management sensitization and compliance with procurement regulations, Board of management training and compliance with procurement regulations, Board of management personal ethics and compliance with procurement regulations, Board of management level of education and compliance with procurement regulations.

Chapter three contains the research methodology that includes introduction, research design, target population, sample size and sampling techniques, research instruments, instrument validity, instrument reliability, data collection procedures and data analysis techniques. Data is presented, interpreted and analyzed in chapter four while chapter five gives summary of the study, conclusions and recommendations.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter discusses the various relevant literatures to investigate factors influencing Board of Management members' compliance to procurement regulations. It also offers both theoretical and conceptual frameworks which the study is based. The review is organized as per the objectives of the study under the following sub-headings: Concept of prudence in public procurement, Boards of Management sensitization and compliance with procurement regulations, Boards of Management training and compliance with procurement regulations, Board Members' personal ethics and compliance with procurement regulations and Boards of management level of education and compliance with procurement regulations.

2.2 Concept of prudence in public procurement

This involves the process by which public entities procure works, goods and/or services. This process includes all the activities carried out from the period when the user expresses the need for a given item to the point when the specific item is received and all accompanying transactions completed (Farmer & Weele, 2000). These activities needs streamlining as well as proper coordination and this essentially justifies the establishment of the public procurement and disposal act of 2005 as well as all other accompanying regulations.

Wittig and Jeng (2005) go on to raise a set of challenges that cut across most countries especially the third world countries. Their findings in a study conducted in Gambia indicate that there is usually a problem of donor funds being accompanied by donor rules which may not always rhyme with the provisions and requirements of the procurement Act. Uromi (2014) investigated on the Challenges Facing Public Procurement Information in South Africa, Tanzania, Uganda and Zimbabwe. He found out that lack of awareness about benefits of public procurement, regulations, laws, procedures and guidelines was one of the challenges facing the public procurement sectors. Creation of awareness and sensitization on the above should be extended to all society members including potential bidders were recommended.

Fayomi (2013) studied on the public procurement and due process policy In Nigeria: Thrust, Prospects and Challenges. In the course of his study, he found out that the policy has been adjudged to have performed below public expectations. He recommended among others that the present and successive governments should do all things possible through sincere political will, not only to sustain the policy but to re-invigorate it by putting “biting razor teeth and a “hot iron knots” to cracks or leakages through which the policy is being abused or mocked; there is need for the BPP to vigorously train and retrain the core procurement staff to acquire necessary procurement skills.

According to Kenya, Francis and Onyango (2010), a review of the public procurement system carried out in 1999 established that there was no uniformity in the procurement system for the entire public sector. There were many loopholes in the guidelines from the Supplies Manual and overall the document was weak in governing public procurement. This called for a review and establishment of a law to govern public procurement.

In 2001 there was the establishment of the Exchequer and Audit (Public Procurement) Regulations of 2001 to supervise public procurement. It was also at this time that public schools, colleges, universities, cooperatives and local authorities were included in the scope of public entities (Kenya, Francis, & Onyango (2010). The period between 2001 and 2004 saw the drafting and modification severally, of the Public Procurement and Disposal Bill which after receiving presidential assent became law in 2005 as the Public Procurement and Disposal Act, 2005. Further to this was the establishment of the Public Procurement Regulations of 2006 which together with the Act became operational on the 1st of January, 2007.

Procurement in the secondary schools is listed as one among the six support services that will sustain the implementation of the Ministry of Education Strategic Plan 2006 – 2011 and the subsequent delivery of services (MOE Strategic Plan 2006 – 2011). Public secondary schools fall in the category of public entities as their procurement is funded using public funds (World Bank 1995 as quoted by Kenya, Francis, & Onyango, (2010). Procurement in

these institutions is governed by the provisions of the PPDA of 2005, Public Procurement Regulations of 2006 as well as the Public Procurement Manual for Schools and Colleges, 2009. The latter is a sector specific document produced by the PPOA to direct on matters of procurement and disposal as relating to the said institutions. There are also other documents from the PPOA that together should supplement the Act in directing the processes of procurement and disposal.

Common methods of procurement in secondary schools include tendering where open tendering is advocated for as the preferred method of tendering. In some specific situations though, restricted open tendering and selective tendering also get to be employed. In a case where selective tendering is to be employed, the school would need to appraise a list of suppliers. Lysons and Farrington (2006) give eight perspectives from which suppliers may be appraised. They go ahead to give 10 Cs of effective supplier evaluation where the first seven are from Carter and an additional three of their own. These are competence, capacity, commitment, control systems, cash resources and financial stability, cost and consistency. Their additional three Cs are culture, cleanliness and communication. In procurement there is a tendency to rely more on prices as the key considerations. However, schools and other institutions may find themselves at times more attracted to local suppliers for reasons such as closer cooperation, social responsibility, reduced transport

costs, improved availability in emergency situations and also since this encourages subsidiary industries (Lysons & Farrington, 2006)

In Scotland, the School Boards were established by School Board Act of 1988. The School Boards in Scotland are in-charge of determining the overall policies, objectives and ethos at the school. They promote good public relations. (Kimando,2011). In New Guinea, the BoGs were created in 1970 following the establishment of Education Act, whereby each school was required to have a BoG of at least five, incorporating representatives of the community, head teacher, and a representative of the agency owning the school provided they did not form majority. The law requires the BoG to meet once a term (New Guinea Education Act 1970) and deal with management issues. In Senegal, the School Management Councils (SMCs) for upper and lower Secondary oversee the material, moral, academic, financial, health and MoE issues.

In England and Wales the great Education Act of 1944 brought the idea of Education Partnership. Davis (2004)reports that the responsibility of carrying out national policy for Education was distributed by the Act between the MoE, the Local Education Authorities (LEA) and the governors of individual Schools. LEA, the main governing body was charged with the responsibility of planning for school provision and determining the school budget, staffing, admission, employment, firing of staff, employing inspectors and advisors to

monitor quality of education and determination of membership of governing bodies for schools. The Taylor Committee of 1977, according to Davies recommended that in England and Wales parents, teachers and local communities should be represented in the school governing bodies (SGB). In new Guinea, the BoG were created in 1970 following the establishment of Education Act, whereby each school was required to have a BoG of at least five, incorporating a representatives of the community. Head teachers, and a representative of the agency owning the school provided they did not form majority. The law requires the BoG to meet once a term (New Guinea Education Act 1970) and deal with management issues. In Senegal, the School Management Councils (SMCs) for upper and lower Secondary oversee the material and moral activities of secondary schools which span from academic, administration to financial matters. The SMCs also ensure that secondary schools adhere to health regulations and respond to all questions from the MoE and Education Inspectorate.

The management of Education in Kenya during the colonial era was left in the hands of missionaries who provided schools with teachers, finances, curriculum, spiritual and moral guidelines. After independence in 1963, the manifesto of Kenya African National Union (KANU) declared that education was exclusively a responsibility of the government, though Christian missionaries were still welcome to continue to participate in providing Education (Burgman 1990). To guide management of secondary schools the

Education Act Cap 211 (1968), revised (1980), was enacted and Boards of Governors were established to manage public secondary schools on behalf of the government. This Act was further revised in 2013 and we currently have the Basic Education Act 2013 which has replaced BoGs with BoMs.

2.3 Boards of Management sensitization and compliance with procurement regulations

According to De Boer and Telgen (1998) a major cause of non-compliance with procurement regulations is the level of sensitization with the procurement regulations. They assert that in the Netherlands during the early days of the inception of public procurement regulations,, many municipalities could not comply due to unfamiliarity with them. Gelderman, Ghijsen and Brugman (2006) similarly found the same in a survey on compliance with EU procurement directives. Given that the procurement profession is still relatively new in Kenya with the regulations having come into force in 2007, it is possible that the level of sensitization with the regulations is still low. On the other hand, it is possible that those who are sensitized with the regulations know it so well that they know how to use the loopholes in the regulations to their advantage. It is worth noting that the ambiguity in the public procurement procedures may provide a chance for dubious acts including opaque tendering and discriminate supplier selection which may progress into poor compliance levels. Some theorists have noted that deficient sensitization of the

procurement procedure to all the Board of Management members may affect compliance.

The BoMs in any institution have to be sensitized with the procedures or steps to be undertaken in implementation of procurement policies. The institution has to find ways of ensuring Board of Management members are sensitized on these procedures. The procurement exercise follows steps according to the PPDA of 2003. These steps must be observed in order to ensure that all the stakeholders involved in the procurement exercise obtain fair treatment. Many corporate board members in Africa, especially of state-owned companies, have limited understanding of their roles, and are usually open to manipulation by management, chairmen, or principal shareholders.

According to Rossi (2010), compliance with the formal elements gives an indication of knowledge of the rules. Gelderman ,Ghijsen and Brugman, (2006) maintained that public purchasers will comply with the rules if they perceive them as clear. They added that the simple fact that the management of a public agency sensitized with the essence of the EU rules could function as an organizational incentive to comply. It is further argued that Lack of clarity is believed to increase the possibilities for non-compliance. Eyaa and Oluka, (2011) stated that lack of sensitization with procurement rules results into poor compliance levels. They also found out that in the Ugandan context, sensitization with procurement regulations significantly predicted compliance

with procurement regulations. Thus sensitization with procurement regulations improves compliance with the regulations.

2.4 Boards of Management training and compliance with procurement regulations

A study by Fayomi (2013) in Nigeria on the public procurement and due process policy found out that the policy had been adjudged to have performed below public expectations. He recommended among others that the present and successive governments should do all things possible through sincere political will, not only to sustain the policy but to re-invigorate it by putting “biting razor teeth and a “hot iron knots” to cracks or leakages through which the policy is being abused or mocked; there is need for the BPP to vigorously train and retrain the core procurement staff to acquire necessary procurement skills, competence and professionalism in order to update their knowledge in the contemporary procurement “Best Practices”. Adequate equipment should be provided to the staff to enable them effectively and efficiently discharge their responsibilities.

There have been a number of studies also done on Boards of Governors, currently Board of Management for instance a study by Olembo (2001) recommended that BoG members should have at least form four level of education and also be trained on educational management. Mestry (2004) recommended training as a remedy. Having skilled officers undertaking the role of procurement is also vital to the process being practiced as would be

required. This is according to Kenya, Francis, and Onyango, (2010) who emphasize also the value of the length of experience for the person involved in the procurement as being important in influencing his/her ability to undertake better procurement practices. These sentiments are also shared by Gachomba, (2012) who notes that even where trainings have been conducted on those charged with procurement in schools; the same people are willing to get more training saying that this will improve their performance. Mutai (2003) in a study to establish BoG effectiveness in resource management in Bureti district, observed that in order to build on the capacity and professionalism of BoGs, there is need to implement proactive approaches such as: Professional selection, In-servicing and Benchmarking. Okumbe (2007) argues that training implies the provision of specific skills to the middle and the lower cadre of workers. All education managers regardless of their previous training or experience must be given further training and development because competence never last due to changes in the world of work.

2.5 Board Members' personal ethics and compliance with procurement regulations

According to Wee (2002) ethics are the moral principles or values that guide officials in all aspects of their work. Ethical behaviour encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust, respect and consistency. Ethical behaviour includes avoiding conflicts of interest, and not making improper use of an individual's position. BoM members should always behave ethically and fairly, in all their undertakings. Ethical behaviour

supports openness and accountability in a procurement process and gives suppliers confidence. When compliance is mentioned, focus is on the unethical behaviour of the procurement officers and other aspects of public procurement. However, not much focus has been placed on explaining non compliance with public procurement regulations in Uganda despite the fact that each year compliance reports produced by the Public Procurement and Disposal of Public Assets Authority report that there is non-compliance. In Uganda, some scholars have conducted research on unethical practices in public procurement but no comprehensive study has been carried out on the factors responsible for non compliance. Moreover, there are no empirical studies that can be traced to explain why there is non-compliance.

Ntayi, Byabashaija, Eyaa, Ngoma, and Muliira (2010a) sought to explain the unethical behaviour of public procurement officers using social cohesion, group think and ethical attitudes and established that these variables considerably contribute to explain the unethical procurement behaviour of procurement officers in Uganda. Basheka and Mugabira (2008) measured professionalism variables and their implication to procurement outcomes in Uganda's public sector.

Ethics is a very important principle of procurement. Purchasing professionals such as BoMs 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). If the workforce is not adequately educated in such matters, this may lead to serious consequences; including, breaches of codes of

conduct. According to Atkinson (2003) there are approximately 500,000 professional purchasing people in the United States and only 10 per cent of these have been members of a professional Supply Chain Management Association which trains members in purchasing ethics, and the rest are not even aware that there are ethical and legal standards involved in procurement. 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, and 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).

2.6 Boards of management level of education and compliance with procurement regulations

According to Mestry (2004; 129), a view supported by Clarke (2008; 282) the governing body of every public school must ensure that there are proper policies and procedures in place for the effective, efficient and economic management of the schools. Again the school BoMs must also have systems in place to monitor and evaluate the correct implementation of the policies and procedures and to report thereon. The procurement regulations are arguably one of the most important policies that a school BoMs has to put in place.

Van Wyk (2001) did a study in South Africa to investigate on why effectiveness of boards differed from school to school, and district to district.

The Study revealed that 37% of the parents in SGB were illiterate, which hampered their active participation in decision making in the boards. Some of the weaknesses identified in this research are that the researcher did not justify why he used purposive sampling. Mwiria (Daily Nation July 28th 2004) attributed poor management of school resources to unqualified BoGs where majority were illiterate and lacked capacity to plan and implement school policies.

There have been a number of studies also done on Boards of Governors, currently Board of Management for instance a study by Olembo (2001) recommended that BoG members should have at least form four level of education. Magiri (2005) noted that newly elected BoG members' competency is affected by inadequate induction on their responsibilities, low education, inadequate exposure and inexperience. Ikiugu (2006) carried out a study in Meru Central District on BoG competence in management. The study found out that some of the BoG members reported that they were adequately prepared to handle management matters, while majority indicated that they were incapable, mainly because they were not trained and had low levels of education.

2.7 Summary of the literature review

From the foregoing, it was evident that compliance with procurement regulations is critical for any school to improve its services delivery. This area has not been exhaustively tackled by previous studies. Board of Management

members should be competent and have the skills and abilities to comply with procurement regulations. Their capacity to do so is affected by such factors as BoMs sensitization with the regulations, training, personal ethics and their level of education. The aim of the Public Procurement Regulations of 2006 was to promote fairness, transparency and non-discrimination in procurement in public institutions with the main aim of ensuring efficient use of public funds.

2.8 Theoretical framework

As cited by Defee, William, Randall and Thomas (2010), there is need for a theory to guide good research work. This study was guided by institutional theory which is the earlier approach in examining public procurement and socio-economic theory (Obanda 2010). Scott (2004) also states that institutions are composed of cultural-cognitive and regulative elements that, together with associated activities and resources give meaning to life. The author goes further to explain the three pillars of institutions as regulatory, normative and cultural cognitive. Sutinen and Kuperan (1999) propounded the socio-economic theory of compliance by integrating economic theory with theories from sociology and psychology to account for moral obligation and social influence as determinants of individuals decisions on compliance. According to Lisa (2010) psychological perspectives provide a basis for the success or failure of organizational compliance. From this theory, the perceived

legitimacy of public procurement rules has been identified as one of the antecedents of public procurement compliance behaviour.

2.9 Conceptual Framework

The conceptual framework shows that various factors can affect adhering to set procurement laws and regulations in secondary schools. These are the independent variables of the study. These factors will impact directly on the dependent variable of the study which is the compliance with procurement regulations in public secondary schools.

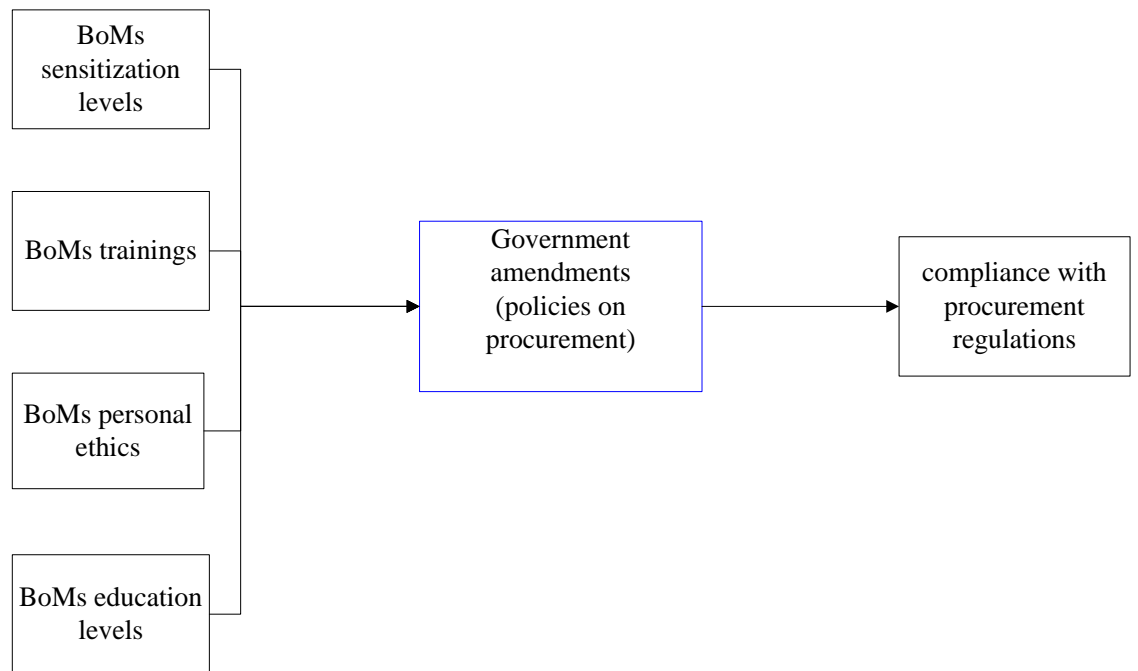


Figure 2.1: Conceptual framework on Board of Management compliance with procurement regulations

The above model shows the factors that may determine BoMs compliance with procurement regulations. The dependent variable is compliance with procurement regulations while the independent variables of this study are the BoMs sensitization levels, BoMs trainings, BoMs personal ethics and BoMs education levels. These variables have an influence on the dependent variable of the study .It is expected that in schools where the BoMs are sensitized, trained and are of high education levels as well as their personal ethics, the members compliance levels with procurement regulations will be high hence efficiency in procurement. Where the reverse is true, the results would be a dysfunctional BoM leading to non-compliance and the school procurement needs would not be met.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter describes the research methodology that was used to carry out the study. It is organized into research design, target population, sample size and sampling procedures, research instrument, instrument validity and reliability, data collection procedures, and techniques of data analysis.

3.2 Research design

This study used a descriptive research design which involves collecting information by interviewing respondents or administering questionnaires to the target population (Orodho, 2004). The design often collects data from selected members of a population to determine the current status of that population with respect to one or more variables (Mugenda & Mugenda, 2003). It describes the state of affairs as it exists at present (Kothari, 2004). This method was chosen because it enables the findings of the study to be generalized from a sample to a population so that inferences are made about some characteristics, attitudes or behavior.

3.3 Target population

According to Mugenda and Mugenda (2003), a target population is the total number of individuals to whom the researcher intends to generalize the results of his/her findings. Kirinyaga East Sub-County had 33 public secondary

schools and four school types. Boys' boarding were 4, Girls' boarding were 7, Mixed day were 21 while Mixed day/ boarding was 1. So, in 33 schools in Kirinyaga East Sub-County, the researcher targeted 462 BoM members and 33 principals who formed the respondents in this study (Kirinyaga East Sub-County T.S.C Unit). The study targeted schools according to school category, that is, National, Extra-County, County and Sub-County public schools. The schools were further e stratified according to type- boys' boarding, girls' boarding, mixed day and mixed day/ boarding schools.

3.4 Sample size and sampling procedure

Mugenda and Mugenda (2003) pointed out that sampling is a process of selecting a small group of individuals to represent a larger group in a study. Stratified random sampling was used to come up with the representative portion of the sample. This method is appropriate as all existing categories will be represented. Each category of school formed the strata and therefore the sample was drawn from each stratum. School principals are directly involved with the procurement function thus they will all be chosen to represent the population purposively. Since their total number was, small the researcher chose to let them be represented in the sample 100%. Through purposive sampling the study selected 5 members of the tender and procurement committee. The procurement committee deals with most procurement issues but reports to the full BoM during meetings. Therefore there were 200 BoM Members and 33 principals giving a total sample of 233.

Table 0:1 Sample size

School type	Target population	Sample schools	BoMs	Principals
Boys' boarding	4	2	20	4
Girls boarding	7	4	40	7
Mixed day	21	13	130	21
Mixed day/boarding	1	1	10	1
Total	33	20	200	33

3.5 Research instruments

Data was collected using two questionnaires, one for BoM and the other for the principals. The questionnaires were administered to at least five tender and procurement committee members from each school to collect data on sensitization, training, personal ethics, and education levels to answer the research questions. The responses to the statements in the questionnaire were hinged on a 4 point Likert scale. The measurement scales used in the questionnaire was obtained from previous studies and the public procurement regulations of Kenya.

3.6 Validity of the research instruments

According to Sunders (2000), a research is valid only if it actually studies what is set out to study and if studies are verifiable. Orodho (2009) further focused on the magnitude on which results from data analysis actually represents the case being investigated. Validity is hence the degree to which an instrument measures what it is supposed to measure (Key, 1997). Content validity refers

to the appropriateness of the content of an instrument like questions and observation logs. According to Borg and Gall (1989), expert opinions are needed to establish content validity. To ascertain content validity the instrument were thoroughly discussed with experts in the subject matter but especially with my supervisor.

3.7 Reliability of research instruments

Orodho (2004), states that reliability measures the degree to which a research instrument yields consistent findings on repeated trials. The researcher used test-retest technique. To improve the reliability of the instrument, an assessment of the consistency of the responses on the pilot questionnaires was made to make a judgment on their reliability.

3.8 Data collection procedures

The researcher sought a permit to conduct the research from the National Commission for Science, Technology and Innovation. Thereafter the office of the Sub-County Director of education for Kirinyaga East was notified of the intended study before the start of the study. A Prior visit to the schools was also undertaken to familiarize with the schools and explain to the principal, the procedure and purpose of study after which questionnaires will be administered. Thereafter with the assistance of the principals, the researcher made appointments with the BoM members and administer the questionnaire in their respective schools.

3.9 Data analysis techniques

After field work the researcher edited and counterchecked for completion of the questionnaire in order to identify items which might not have been responded to. Each research question was then analyzed to ascertain the achievement of the stated objectives. Descriptive and analytical statistics were used to analyze both quantitative and qualitative data collected from the field. The data was then coded and keyed into a computer for analysis using the statistical package for social sciences (SPSS) version 20. For quantitative data, descriptive statistics were used. The results of analyzed data were presented in form of visual diagrams that is charts and tables.

3.10 Ethical issues

The researcher secured permission from the Ministry of Education through the County education office and the school principals before starting the study and the principle of voluntary participation was strictly adhered to. The respondents were not forced to participate in the study, rather they were explained to about the purpose and participation was voluntary. The researcher assured the participants confidentiality in the whole research process.

CHAPTER FOUR

DATA ANALYSIS, PRESENTATION AND INTERPRETATION

4.1 Introduction

This chapter gives a summary of the findings resulting from the analysis of the data collected from the respondents. The data was obtained through the use of questionnaires which were the main tools for data collection for this study. The data was interpreted in view of the research questions and objectives. The data provided information that formed the basis for discussions and the interpretation of the results.

4.2 Questionnaire response rate

The researcher noted the high response rate generally across the two samples of respondents as shown in table 4.1 below.

Table 4:1 Questionnaire response rate

Respondent category	Sampled population	Returned	Percentage
BoM members	200	179	89
Principals	33	33	100

100 percent questionnaire response rate was realized among the principals. This was very significant for the study in the sense that all the principals sampled were willing to give information and remained cooperative in the whole data collection exercise. For the BoM members, a total of 179

questionnaires out of the 200 that were administered were returned. This was found valid enough to inform this study since 89 percent questionnaire return rate was realized among the BoM members which shows that the response rate was favorable. According to Mugenda and Mugenda (2003) in which they assert that 50 percent response rate is adequate, 60 percent is good and above 70 percent is rated as very well.

4.3 Demographic information of respondents

The researcher took keen attention in finding out demographic information of the respondents. These would be very vital in informing the study of the nature and type of respondents the researcher was dealing with. The information sought included gender, age, level of education, length of service and position of the BoM members within the BoMs.

4.3.1 Gender of respondents

As background information, the gender of respondents was sought as a measure of balance in terms of the positions in the BoM and among the principals.

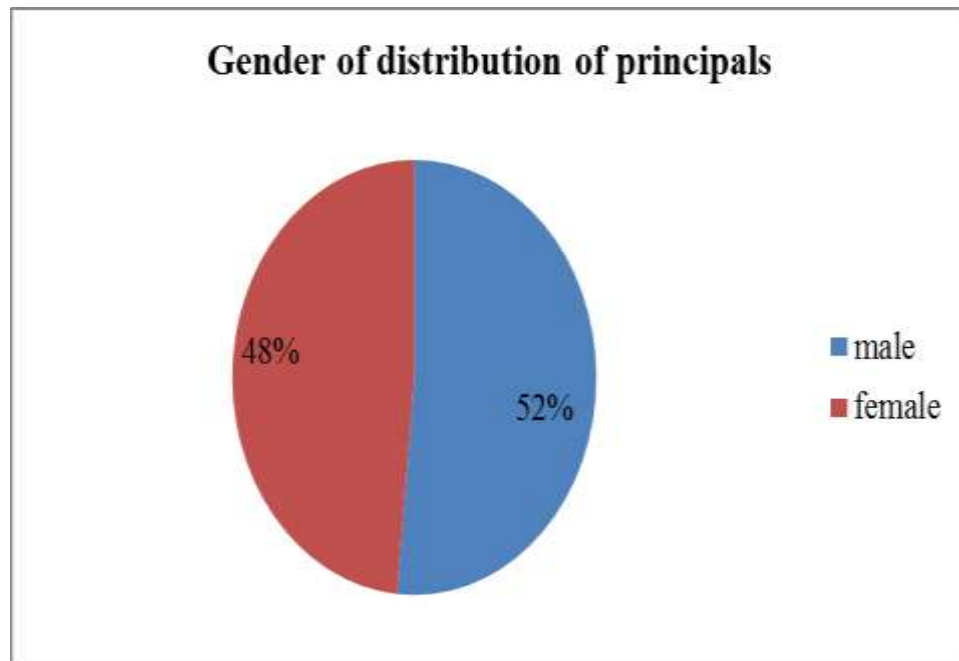


Figure 4:1 Gender distribution of principals

From figure 4.1, it can be noted that majority (52%) of the respondents who participated in the study were male while the rest were female as shown by 48%. This shows that the respondents were well distributed in terms of their age and therefore would answer the questions with ease. It is also worth noting that there exists a very slight difference between the number of male and female principals. This clearly shows that 2/3 majority rule on gender was followed in this study and tentatively, might be the gender representation in the whole population of principals in the whole sub-county.

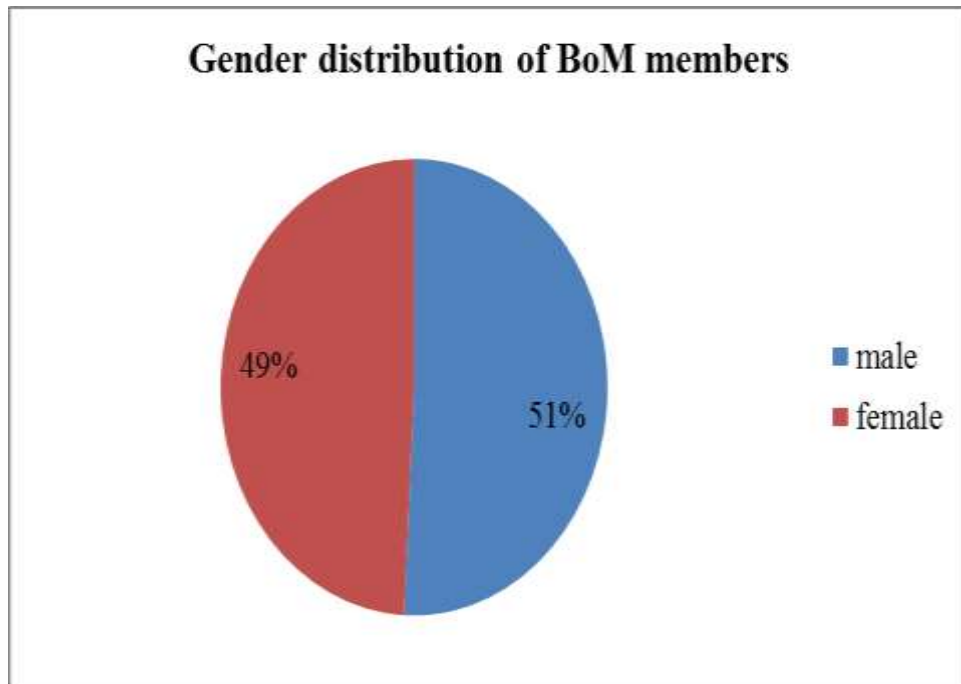


Figure 4:2 Gender distribution of BoM members

As evident from the data collected, majority of the members of the BoM were male as shown by 51% while the rest were female as shown by 49 percent. This shows that the respondents were well distributed in terms of their age.

The findings in regards to gender distribution of principals and BOM members imply that the views expressed in these findings are gender sensitive and can be taken as representative of the opinions of both genders in regards to the factors influencing Board of Management members' compliance with procurement regulations in public secondary schools in Kirinyaga East sub-county, Kenya. This concurs with findings by Westland (2006) who stated that it is important to ensure fair engagement of people in terms of their gender in a project.

4.3.2 Age of respondents

The age of all the respondents in this study were sought by the researcher to inform the researcher of the inclusion of both the young and the old especially in the BoMs.

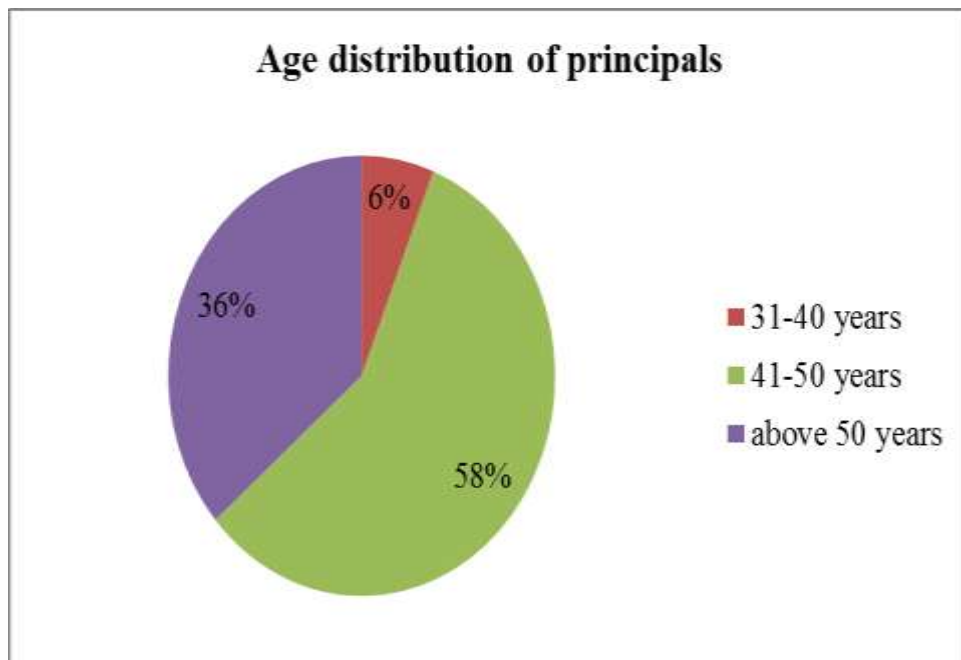


Figure 4.3: Age distribution of principals

From the figure above, majority of the principals were aged between 41-50 years as shown by 58% while the minority were aged between 31-40 years as shown by 6%. This shows that majority of the respondents were experienced and were in a position to answer the questions with ease. Figure 4.3 below illustrates the aged distribution of BoM members.

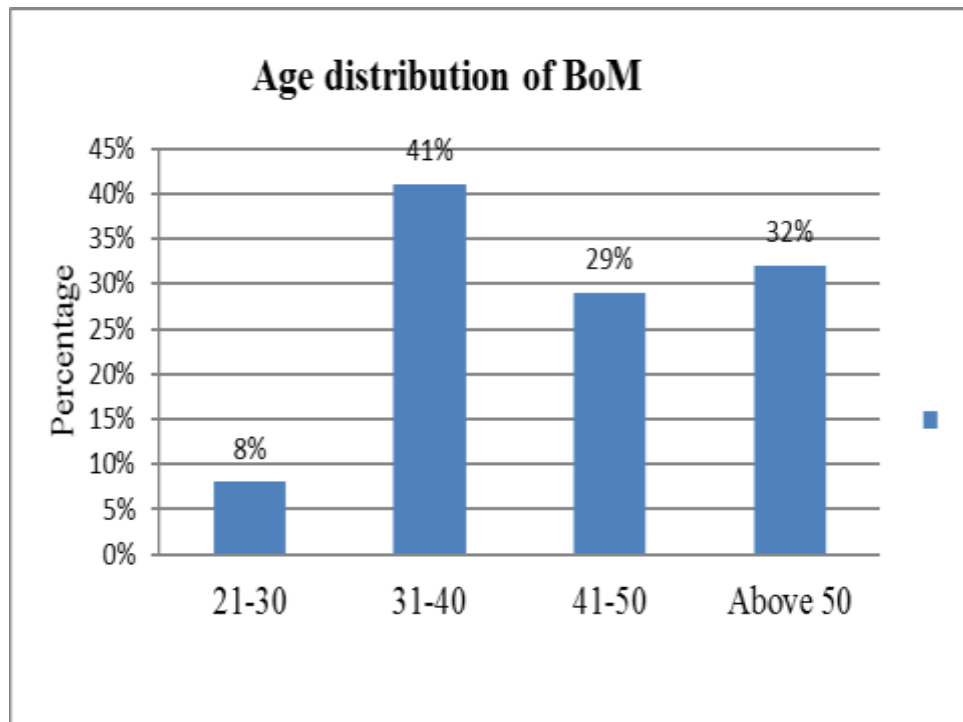


Figure 4.4: Age distribution of BoM members

From the data collected, the researcher noted that most of the BoM members were aged between 31-40 years. This is represented by 41% while the least number of respondents were between the age of 21 and 30 years being only 8%. According to Farrel (2010) different age groups are perceived to hold diverse opinions on different issues. Having middle aged respondents means that majority of members are experienced and therefore could competitively recommend the areas for adjustment if need be as stated by Farrel, (2010).

4.3.3 Level of education

The level of education is a factor that determines merit for an individual to hold certain office or authority or leadership. And as such, the researcher was keen on establishing the level of education of his respondents so as to relate it to their knowledge of the variables in procurement in schools.

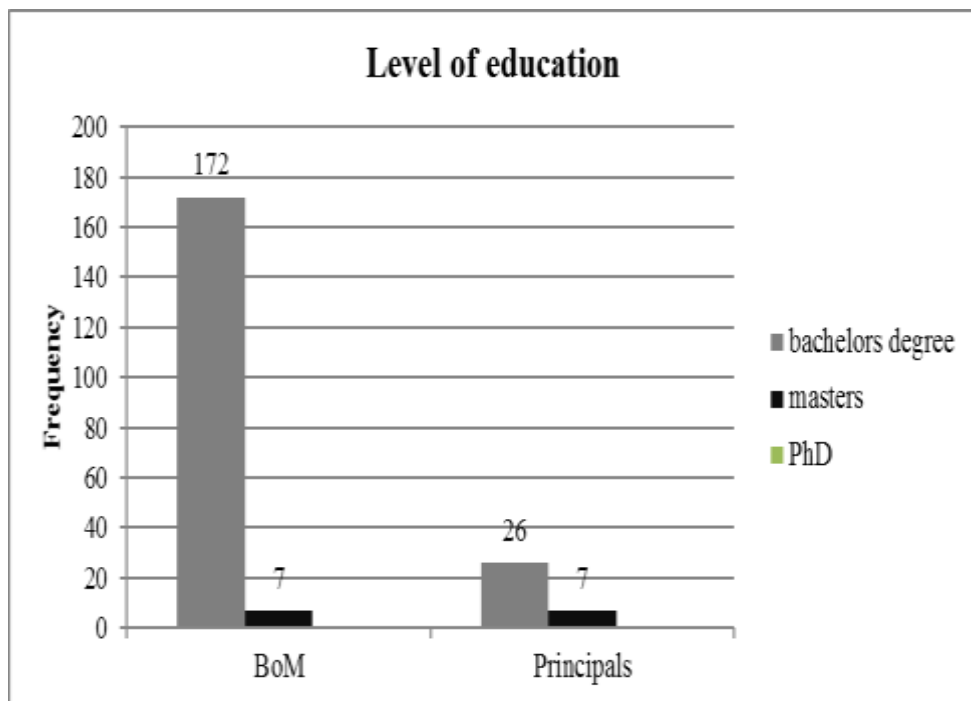


Figure 4.5 Level of education

From figure 4.5 above, the researcher noted that a very high number of BoM members had achieved bachelor's degree level of education. This is represented by 96% while those with master's level of education were 4%. Among the principals, 79% had achieved bachelor's degree level of education.

From the figure, it is seen that a number of the respondents had university education. This could be due to the fact that the schools require professionals as they are the center of education. According to Kerzener (2001) education has been identified as one of the primary agents of transformation towards development. However, low level of literacy and education is one of the major challenges facing most of the underdeveloped countries. Active community involvement and participation has emerged as an effective mechanism in improving the sustainable level of education in many of these countries.

4.3.4 Length of service as head teacher

The length of service here was used by the researcher to reveal the amount of experience that respondents hold in their respective docket. Figure 4.6 illustrates the length of service of principals.

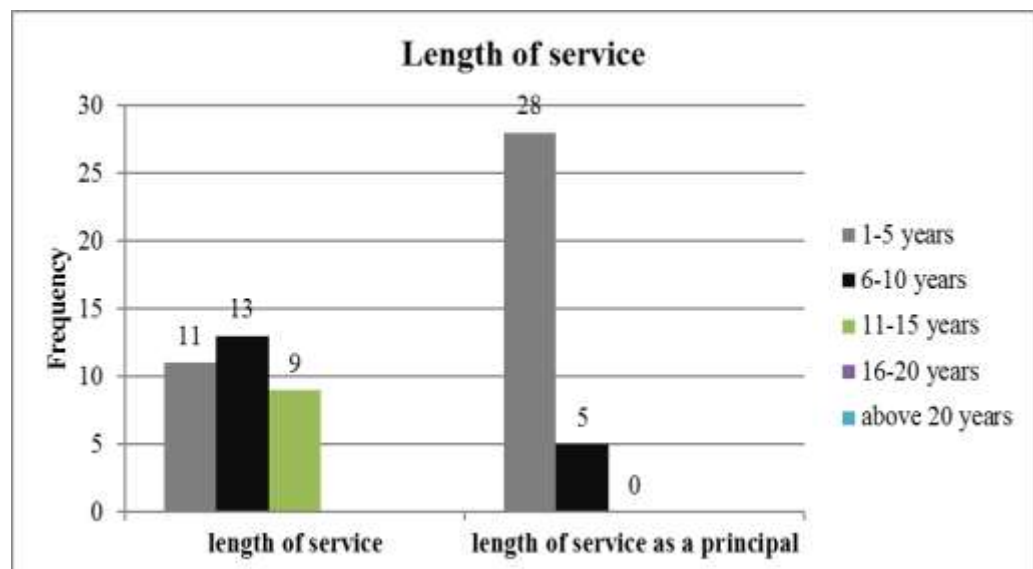


Figure 4.6: Length of service of principals

The researcher noted that most of the principals had served as a principal for a period of between 6 and 10 years. This is represented by a total of 13 principals (39 percent). 9 (27 percent) had served for between 11 and 15 years. Furthermore, 28 principals (85percent) had served as a principal in the current school for a period of between 1 and 5 years while 5 (15 percent) had served as a principal in their current school for a period of between 6 and 10 years.

This implies that the principals had been in the school for considerable number of years. The duration that the principals had been in the institution may have an impact on the compliance with procurement regulations. This is because they are endowed with experience that is necessary for effective procurement regulations. This agrees with Abraham and Medoff (2005) report that employees who have worked for a considerable number of years in one company have special skills that are enhanced by experience.

4.3.5 Position in the Board of Management

Members of the BoMs were asked to indicate their positions within the BoMs. This was used by the researcher to establish the role each respondent played.

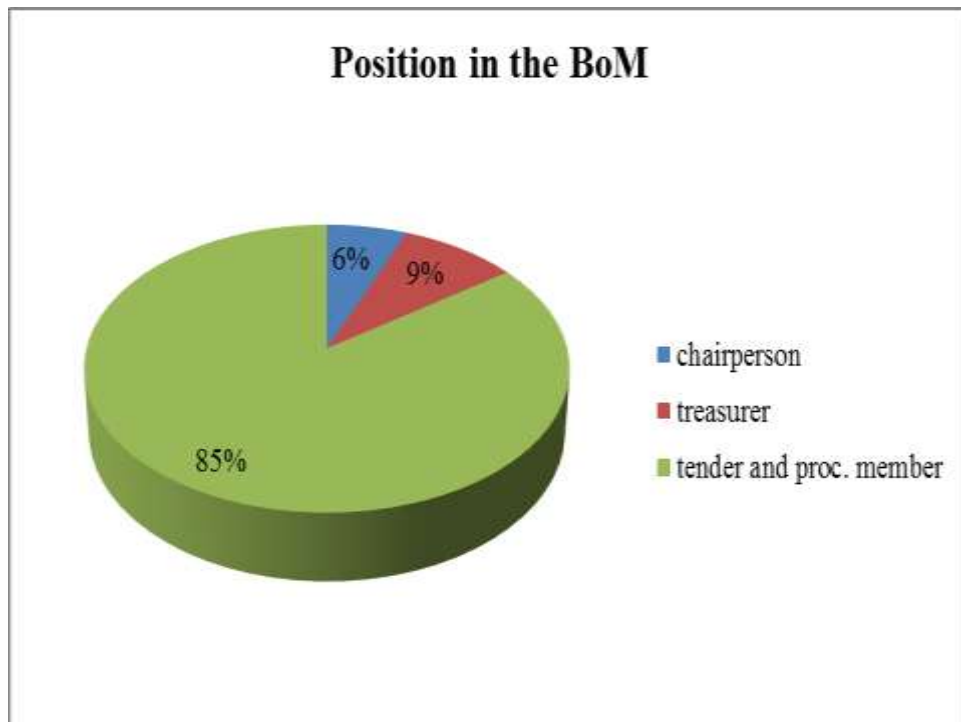


Figure 4.7: Position of BoM members

From the data collected, the study noted that a high percentage of 85 percent were members of the tender and procurement committee. While 6 percent of the respondents were chairpersons. This enabled the researcher to obtain the required information regarding procurement regulations since the tender and procurement officers are conversant with procurement. This findings are in line with Kremer (2011) who states that reliable information is obtained from people who are experienced on the research field.

4.3.6 Length of service as BoM member in current school

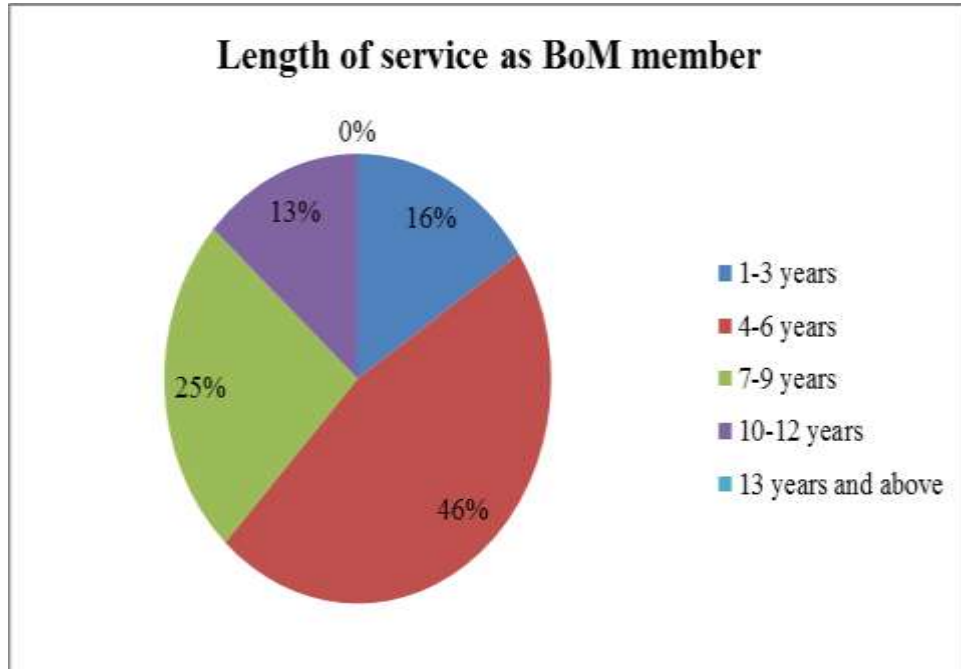


Figure 4.8: Length of service as BoM member

With regard to the length of service of the BoM members in their current schools, a higher percentage had served for a period of between 4 and 6 years. This is represented by 46 percent (83). Those who had served for a period of between 10 and 12 years were the least, posting 13 percent (21). Working in the same environment for a considerable number of years triggers experience and thus the respondents were experienced. This agrees with Lan, Cayer, (2005) report that employees who have worked for a considerable number of years in one company have special skills that are enhanced by experience.

4.3.7 Frequency of BoM members' meetings

As evident in figure 4.9, most of the BoM meetings were held once a year. This is according to 52 percent of the BoM members while 7 percent said that BoM members met only when there was an emergency. This result agrees with a study by De Boer and Telgen (2008) that during the early days of the inception of public procurement regulations in The Netherlands, many municipalities could not hold frequent meetings because they were not conversant with them.

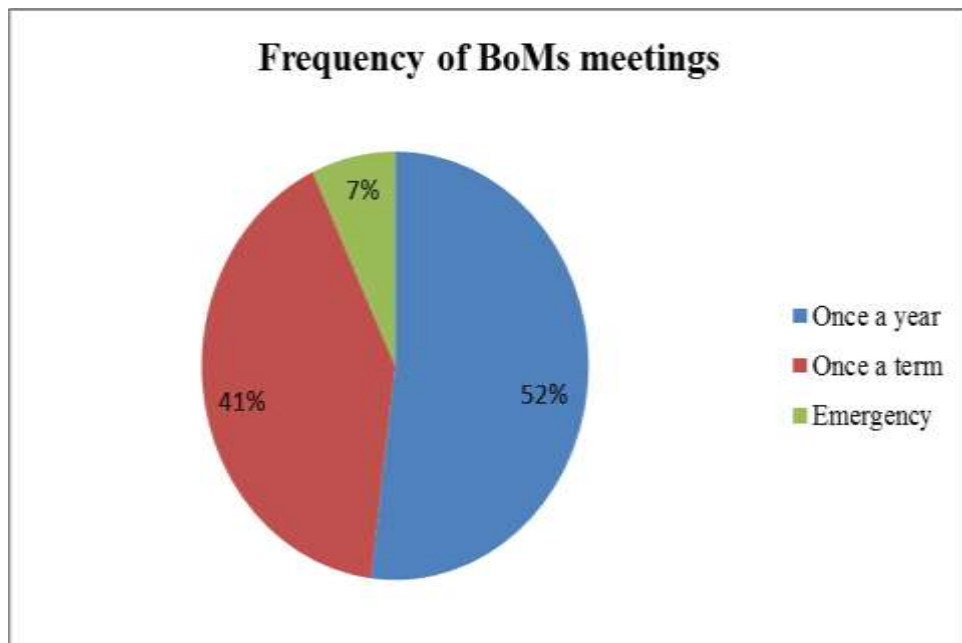


Figure 4.9: Frequency of BoMs meetings

4.4 Influence of BoMs sensitization on compliance with procurement regulations

The researcher sought to establish the kind and nature of influence that sensitization has on the compliance with procurement regulations.

Sensitization specifically on compliance with procurement regulations deemed very important in determining the right procurement exercises. Table 4.3 below illustrates principal’s responses on the attendance of sensitization workshops and seminars on procurement.

Table 4.2: Principals’ attendance of sensitization workshops/seminar on procurement

Attending sensitization workshops/seminar	Frequency	Percentage
Attended sensitization workshop	14	42
Never attended sensitization workshop	19	58
Frequency of attending the workshops		
Monthly	2	14
Quarterly	6	43
Yearly	6	43

From the table above, 14 principals had attended sensitization workshops, representing 42 percent of the total sample size of principals. A total of 19 principals (58 percent) had not attended any sensitization workshops and seminars on procurement. Of those who recorded attendance of sensitization of workshops and seminars on procurement, 2 had attended the workshops on a monthly basis, 6 had attended the workshops on quarterly basis while 6 had attended the workshops on a yearly basis.

Furthermore, BoM members were asked to indicate whether they had attended seminars and workshops on procurement as well as the frequency of these workshops. Their responses are presented in the combined table 4.3.

Table 4.3: BoMs’ attendance of sensitization workshops/seminar on procurement

Attending sensitization workshops	Frequency	Percentage
Attended sensitization workshop	54	30
Never attended sensitization workshop	125	70
Frequency of attending workshops		
Monthly	4	7
Quarterly	12	22
Semi-annually	8	15
Yearly	30	56

From the table above, 54 BoM members had attended sensitization workshops, representing 30 percent of the total sample size of principals. A total of 125 principals (70 percent) had not attended any sensitization workshops and seminars on procurement. Of those who recorded attendance of sensitization of workshops and seminars on procurement, 4 had attended the workshops on a monthly basis, 12 had attended the workshops on quarterly basis and 8 had attended the workshops on a semi-annually basis while 30 had attended the workshops on a yearly basis.

The researcher sought to establish the relationship between influence of sensitization score and Compliance to procurement regulations. The Cross tabulation was carried out and the results are shown in the Table 4.4 below.

Table 4.4: sensitization score influence to compliance cross tabulation

		Compliance to procurement regulations		Total
		Non-Compliance	Compliance	
influence of	low	50.80%	49.20%	100.00%
sensitization	Average	47.40%	52.60%	100.00%
score	high	47.10%	52.90%	100.00%

The results in Table 4.4 indicated that in general, most (52.90%) of BOM members were compliant to procurement regulations while 47.1% were non-compliant. Thus sensitization levels slightly influenced compliance to procurement regulations. The findings of this study conquer with the writings of Eyaa and Oluka, (2011) who stated that lack of sensitization with procurement rules resulted into poor compliance levels. They also found out that in the Ugandan context, sensitization with procurement regulations significantly predicted compliance with procurement regulations. With the writings of De Boer and Telgen (1998) as quoted by Gelderman, Ghijsen, and Brugman (2006), one of the factor causes of non-compliance with procurement regulations is the level of sensitization with the procurement regulations. Therefore, from the findings of this study, the researcher asserted that sensitization on procurement regulations improves compliance with the regulations.

BoM members are aware of various procurement methods that ensure fairness, members are familiar with the pre-qualification procurement procedures and regulations and finally, members are properly informed about various forms of

procurement communication used in tendering process. 54.2 percent (97) of the BoM members and 42.4 percent (14) of the principals expressed neutral opinions on the influence of sensitization on compliance with procurement regulations. 9.5 percent (17) of the BoM members and 9.1 percent (3) of the principals were of the opinion that sensitization does not have an influence on the compliance with procurement regulations. This means that these group of respondents strongly disagreed with the statements relating to the influence of sensitization on compliance with procurement regulations.

4.5 Influence of BoMs exposure to training on compliance with procurement regulations

Exposure to training is very vital and when it specifically targets compliance with procurement regulations, those being exposed to the training end up being well equipped to handle matters procurement following the set out regulations. The respondents were asked to indicate their attendance of training on compliance with procurement regulations and their responses are outlined below. With regard to the principals, a high number were not exposed to training on compliance with procurement regulations.

Table 4.5: Principals exposure to training on compliance with procurement regulations

Attending training on procurement	Frequency	Percentage
Attended training	11	33
Never attended training	22	67
Frequency of attending trainings		
Monthly	0	0
Quarterly	6	55
Semi-annually	0	0
Yearly	5	45

From table 4.5 above, the researcher noted that only 11 (33 percent) principals had attended training workshops and seminars on procurement regulations with 22 (67 percent) not attending such trainings. Of those who had attended the training workshops, 6 (55 percent) had attended on a quarterly basis and 5 (45 percent) on a yearly basis. With regard to the BoM members, a high number had not been exposed to trainings on compliance with procurement regulations as shown below.

Table 4.6: BoMs exposure to training on compliance with procurement regulations

Attending training on procurement	Frequency	Percentage
Have attended training	54	30
Never attended training	125	70
Frequency of attending training		
Monthly	0	0
Quarterly	8	15
Semi-annually	39	72
Yearly	7	13

As shown in table 4.6 above, the researcher noted that only 54 (30 percent) BoM members had attended workshops and seminars on procurement while 125 (70 percent) had not attended these training workshops. Of those that had attended the training workshops, 8 (15 percent) had attended on a quarterly basis, 7 (13 percent) on a yearly basis and 39 (72 percent) on a semi-annually basis.

Further the researcher carried out Cross tabulation to compare exposed BOM members verses Non-exposed BOM members to training and level of compliance. The results are shown in table 4.7 below.

Table 4.7: Exposure to training influence on Compliance cross tabulation

		Compliance to procurement regulations		Total
		Non-Compliance	Compliance	
influence of	Low	55.9%	44.1%	100.0%
training on	Average	48.4%	51.6%	100.0%
compliance	High	43.5%	56.5%	100.0%
score				

The findings in table 4.7 indicates that, that highly trained BOM members were more compliant (56.5) to procurement regulations compared to 44.1% of the lowly trained. This means that training/capacity building programs attended on procurement methods contributed to compliance with procurement regulations. Mestry (2004) recommended training as a remedy to non-compliance with procurement regulations. Having skilled officers undertaking the role of procurement is also vital to the process being practiced as would be required. The researcher further conquired with the findings of Okumbe (2007) that training improves the provision of specific skills to the workers that include the procurement officers in BoMs.

4.6 Influence of BoMs personal ethics on compliance with procurement regulations

Procurement processes are sometimes faced with unethical practices ranging from the initial stages of tender advertising to the final stages of awarding and payment. The study sought to establish the occurrence of unethical procurement practices within the respective schools.

Table 4.8: Unethical procurement practices as responded by principals

Schools principals handling cases of un ethical procurement practice	Frequency	Percentage
Principals handling cases	10	30
Principals not handling cases	23	70
Areas of unethical procurement		
Tendering method used	0	0
Equity in vetting bidders	2	20
Confidentiality by officers	3	30
Neutrality in awarding bidders	5	50
Qualifications to be awarded	0	0

As evident in figure 4.8 above, 10 principals (30 percent) had handled cases of unethical practices in procurement while 23 (70 percent) had not handled any cases of unethical practices in procurement. Of those that had handled these cases of unethical practices in procurement, there were 2 unethical cases in equity in vetting for the highest bidder, 3 unethical cases in confidentiality by the officers and 5 unethical cases with regard to neutrality in picking highest bidder. With regard to the BoM members handling cases of unethical practices in procurement, there were 69 cases (38.5 percent) where schools handled cases of unethical practices in procurement while in 110 cases (61.5 percent), schools did not handle any cases of unethical practices in procurement. Of those instances where cases of unethical practices in procurement were evident, 3 cases were in tendering method for goods and services, 24 cases in equity in vetting for the highest bidder, 7 cases with regard to confidentiality

by the officers and 35 cases relating to neutrality in picking highest bidder.

Table 4.9 illustrates this distribution.

Table 4.9: Unethical procurement practices as responded by BoM members

School BoM handling un-ethical practice in procurement	Frequency	Percentage
BoM handling un-ethical procurement practice	69	39
BoM not handling unethical procurement practice	110	61
Areas of unethical procurement		
Tendering method used	3	4
Equity in vetting bidders	24	35
Confidentiality by officers	7	10
Neutrality in awarding bidders	35	51
Qualifications to be awarded	0	0

Respondents were also asked to rate their level of agreement with various statements regarding the influence of personal ethics on compliance with procurement regulations. Their responses were tabulated in a likert scale and the scores for each response were calculated. The results are given in the combined table 4.9

Researcher also carried out Cross tabulation to compare BOM members with strong verses those with weak ethical value on their level of compliance on regulation. The results are shown in table 4.10 below.

Table 4.10: Personal ethics influence on compliance Cross tabulation

		Compliance to procurement regulations		Total
		Non-Compliance	Compliance	
influence of	Low	51.2%	48.8%	100.0%
personal	Average	54.1%	45.9%	100.0%
ethics on	High	35.0%	65.0%	100.0%
compliance				

The findings indicated that BOM members with low influence of personal ethics are likely to be compliant as compared to those BOM members with high personal ethics. Thus both personal ethics of Board of Management members influences compliance to procurement regulations. As Atkinson (2003) noted, there are approximately 500,000 professional purchasing people in the United States and only 10 percent of these have been members of a professional Supply Chain Management Association which trains members in purchasing ethics, and the rest are not even aware that there are ethical and legal standards involved in procurement. This raises the question why are most of these members of BoM and principals are oblivious of the importance of ethical aspects in procurement? Giving low pre-eminence to ethical considerations in procurement leaves gaps and sends mixed signals on BoM compliance with procurement regulations.

4.7 Influence of BoMs education level on compliance with procurement regulations

Further the researcher carried out Cross tabulation to compare BOM members with high level of education with those with low level of education on level compliance on regulation. The results are shown in table 4.11 below.

Table 4.11: level of education influence on compliance Cross tabulation

		Compliance to procurement regulations		Total
		Non-Compliance	Compliance	
level of education	Masters	48.3%	51.7%	100.0%
	Bachelor's degree	71.4%	28.6%	100.0%

The findings indicated that BOM members with high level education are likely to be more compliant than those BOM members with low level of education. Thus, level of education influences compliance to procurement regulations.

4.8 Rating of BoMs members competency in compliance

Competency of an individual in most cases is used as a measure of their ability and potential to perform and deliver services with respect to the set standards, expectations and codes of professional conduct. This study sought to establish the views of the respondents with regard to the competency of the BoM members in handling procurement and complying with procurement regulations within their respective schools. The results of the responses are given in figure 4.10.

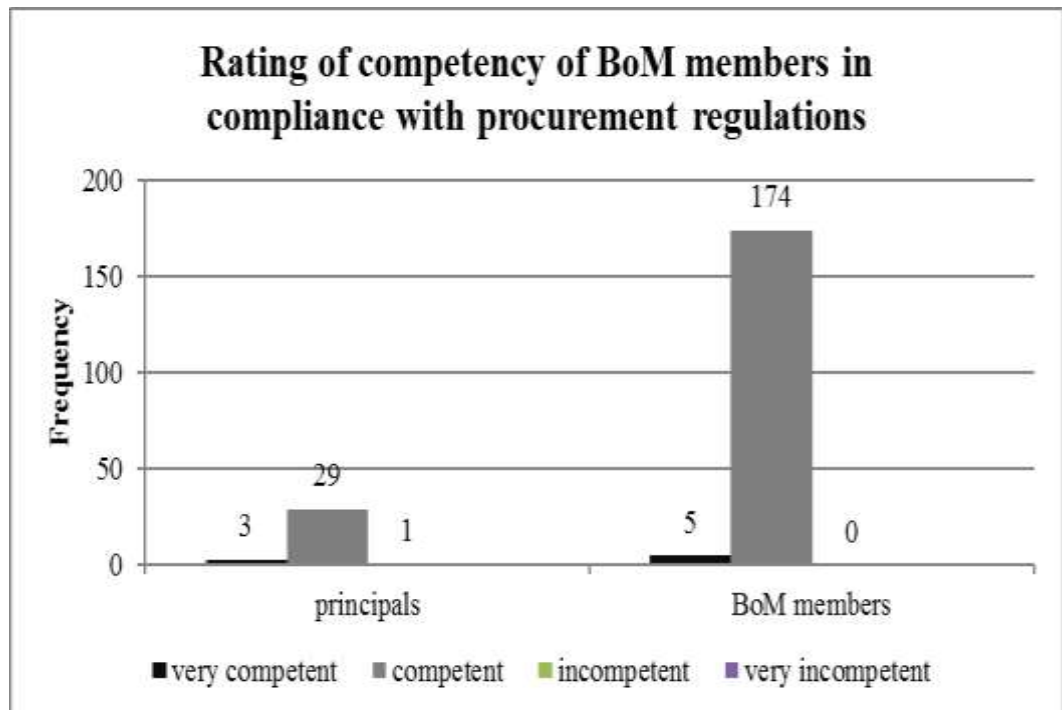


Figure 4.10: Rating of BoMs' competency

From figure 4.10 above, most principals rated BoM members as competent. A total of 29 principals rated BoM members as competent, 3 rated very competent while 1 principal rated the BoM members as incompetent. With regard to the BoM members, most of them gave a rating of competent. This is represented by a total of 174 respondents while only 5 rated BoM members as very competent. This means that BoM members are very confident that all members of BoMs in public secondary schools are competent enough to handle matters procurement and thus, are compliant with procurement regulations. Similarly, there is a high level of confidence among the principals that BoM members are competent enough and thus, compliant with procurement regulations.

When asked about presence of tender documents within their respective schools, a higher percentage of the BoM members were positive that tender documents were present in their schools as shown in the figure below.

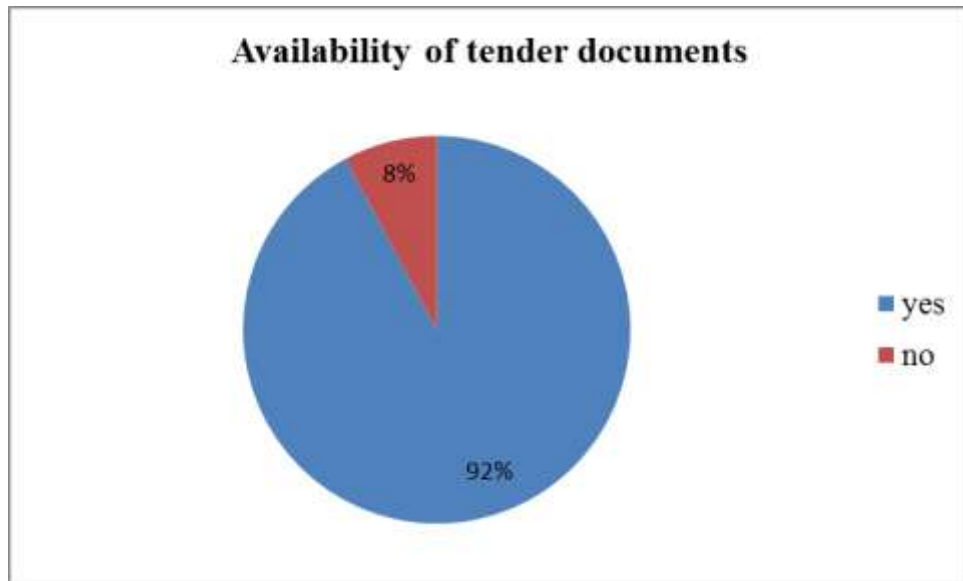


Figure 4.11: Availability and use of tender documents

From the findings 92 percent of the BoM members noted that the tender documents were available while only 8 percent responded negative, implying that there tender documents were not present in their respective schools. This observation is noted in figure 4.11

4.9 Intervention strategies in improving compliance

The researcher further sought to establish the intervention strategies that are employed by both principals and BoM members. These strategies were aimed at improving BoM compliance with procurement regulations. The results of their responses are illustrated below.

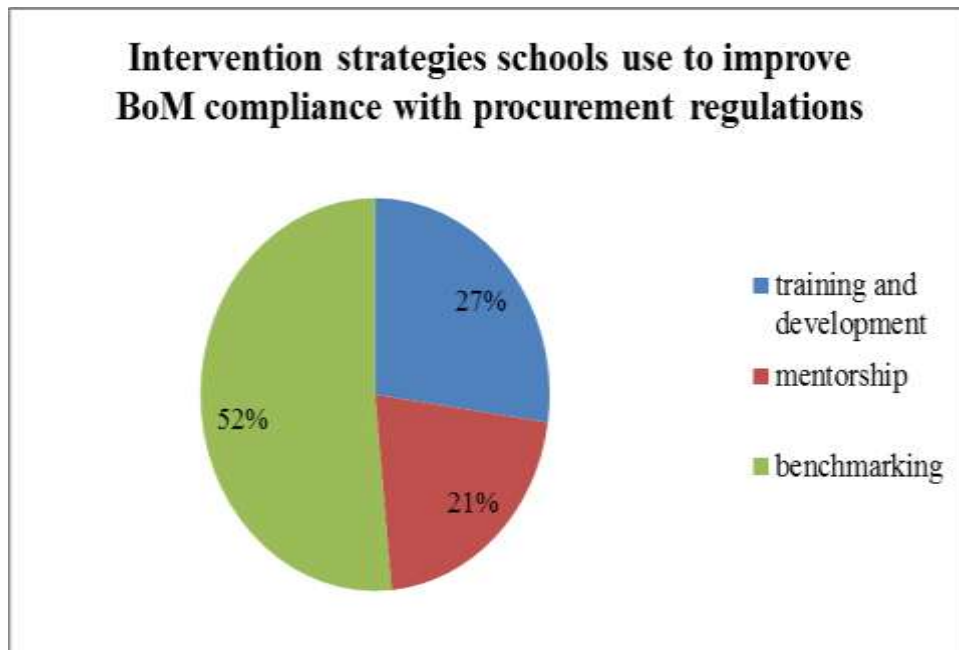


Figure 4.12: Principals intervention strategies used to improve BoM compliance with procurement regulations

A higher percentage of the principals expressed the use of benchmarking as their major strategy of improving BoM compliance with procurement regulations. This is represented by 54 percent (17). Those who used training and development were 27 percent (9) while those who employed mentorship were 21 percent (7). Benchmarking seems a popular strategy as it was also proposed by Mutai (2003) who observed that in order to build on the capacity and professionalism of BoGs, there is need to implement proactive approaches such as professional selection, in-servicing and benchmarking.

With regard to the BoM members, a higher percentage expressed the opinion that benchmarking was their main strategy for improving BoM compliance

with procurement regulations in their respective schools. The results of their responses are given in figure 4.13.

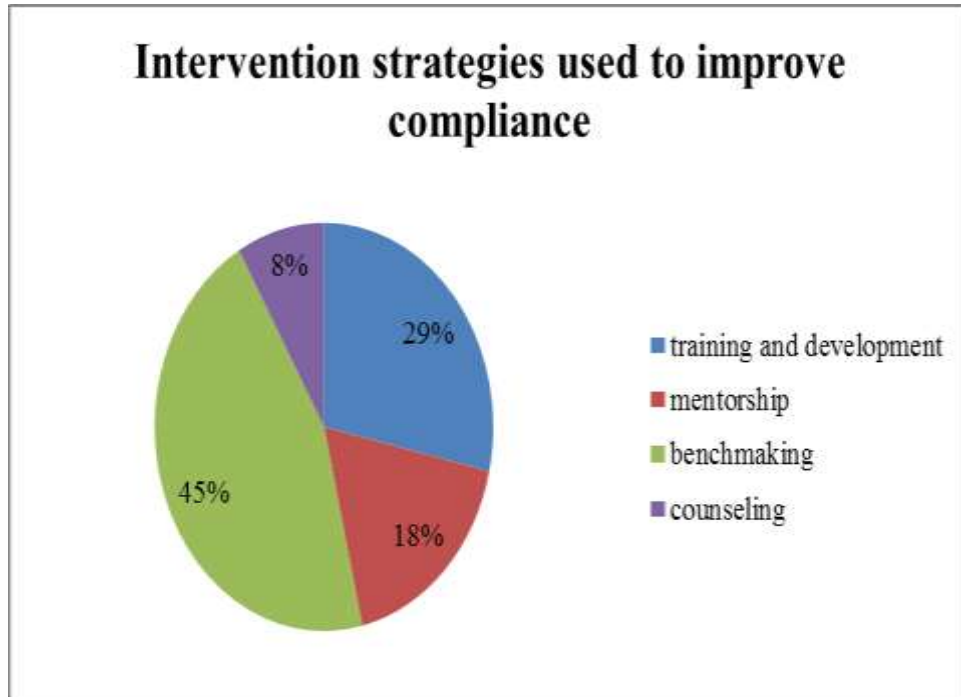


Figure 4.13: BoMs’ intervention strategies used to improve BoM compliance with procurement regulations

Benchmarking was recorded in 45 percent (81) of the BoM members, 18 percent (32) were for mentorship while 8 percent (15) were for counseling. Training and development was recorded in 29 percent (51) of the respondents. Taking into account the most high and most prominent percentages and with corroboration from the writings of Gachomba, (2012) who noted that even where trainings have been conducted on those charged with procurement in schools; the same people are willing to get more training saying that this will improve their performance, the researcher noted with confidence that exposure to training has an influence on compliance with procurement regulations.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATION

5.1 Introduction

The main focus of this chapter is on summary of the study, conclusions derived from the study findings and recommendations based on the findings of the study which sought to investigate factors influencing Board of Management members' compliance with procurement regulations in public secondary schools in Kirinyaga East sub-county, Kenya. The chapter also presents suggestions for further research.

5.2 Summary of the study

The purpose of this study was to investigate factors influencing Board of Management members' compliance with procurement regulations in public secondary schools in Kirinyaga East sub-county, Kenya. The study was guided by the following objectives:

- i. To establish the influence of Board of Management members' level of sensitization on compliance to procurement regulations in public secondary schools in Kirinyaga East sub-county.
- ii. To determine the influence of Board of Management members' exposure to training on compliance to procurement regulations in public secondary schools in Kirinyaga East sub-county.

- iii. To establish the influence of Board of Management members' personal ethics on compliance to procurement regulations in public secondary schools in Kirinyaga East sub-county.
- iv. To determine the influence of Board of Management members' level of education on compliance to procurement regulations in public secondary schools in Kirinyaga East sub-county.

The study employed descriptive survey design. 33 public secondary schools in Kirinyaga East sub-county formed the target population. The 33 head teachers of these schools were all enjoined in the study as respondents. A total of 462 BoMs members of these schools formed the target population for respondents who were part of the BoM. By use of stratified sampling, the researcher was able to obtain the desired sample size by grouping the schools into four categories. Purposive sampling was used to select 5 BoM members who were part of the tendering and procurement committee. A total of 200 BoM members were thus enjoined in the study. Data was collected using structured questionnaires, self-administered to both the head teachers and the BoM members.

Data analysis was done by use of SPSS software (Version 20) where data was coded, cleaned, sorted, analyzed descriptively and presented using tables and charts. To ascertain content validity, data collection instruments were thoroughly reviewed and discussed with experts in the subject matter and especially with the research supervisor. Their comments were reviewed and incorporated to enhance the validity of the questionnaires. The researcher will

use test-retest technique. To assure the reliability of the instruments, an assessment of the consistency of the responses on the pilot questionnaires was made to make a judgment on their reliability. Pilot questionnaires were administered to the respondents to allow for reliability testing.

The researcher sought a research permit from the National Commission for Science, Technology and Innovation. Thereafter, the office of the Sub-County Director of Education for Kirinyaga East was notified of the intended study before the start of the study. A Prior visit to the schools was also undertaken to familiarize with the schools and explain to the principal, the procedure and purpose of study after which questionnaires were administered. With the assistance of the principals, the researcher will made appointments with the BoM members and administered the questionnaire in their respective schools.

5.3 Summary of the research findings

It is without doubt that sensitization is a very important factor that influences compliance with procurement regulations. As evidenced by the findings of the study, a higher percentage of the BoM members as well as a larger percentage of the principals believe in the various concepts of sensitization. From table 4.4, the researcher noted that BoM members and principals were in total agreement with statements relating to the influence of sensitization and thus, were positive that sensitization influences compliance with procurement regulations. This is against a minority who disagreed that sensitization has no influence on compliance with procurement regulations. (Table 4.4) Despite the

existence of a group of the respondents expressing feelings that sensitization has no influence on compliance with procurement regulations, the researcher noted with confidence that as shown by the large percentage that were positive, sensitization influences compliance with procurement regulations. Therefore, from the findings of this study, the researcher asserted that sensitization on procurement regulations improves compliance with the regulations.

Secondly as evidenced by the findings of the study, most of the BoM members as well as the principals had not attended training workshops and seminars on compliance with procurement regulations. (Table 4.6) Similarly, among those who had attended the seminars and workshops, the attendance was not regular or often. Surprisingly, a high percentage of both BoM members as well as the principals employed benchmarking as their most preferred intervention strategy used to improve compliance with procurement regulations. A high percentage of the BoM members and principals agreed to all the sentiments that relate to exposure to training and thus, were positive that exposure to training influences compliance with procurement regulations. (Table 4.7). This is against a small percentage of 12.8 percent of the BoM members and 6.1 percent of the principals who disagreed that exposure to training has no influence on compliance with procurement regulations. Therefore, as evidenced by the findings of the study, the researcher concluded that exposure to training influences compliance with procurement regulations.

Thirdly it was noted that among both the BoM members and principals, there were considerable cases of unethical procurement cases being handled as shown in Tables 4.8 and 4.9. It was also noted with concern that among all the cases of unethical practices in procurement, there were many cases with regard to neutrality in picking the highest bidder. This implies that tender committee members engaged in malpractices especially with competitively picking the highest bidders for tenders. Additionally, there were a high number of unethical cases related to equity in vetting for the highest bidder. A high percentage of principals as well as BoM members were of the opinion that personal ethics have no influence on compliance with procurement regulations (Table 4.9). This implies that this group of respondents disagreed with statements regarding the influence of unethical practices on compliance with procurement regulations. On the other hand, a small percentage agreed to statements regarding the influence of unethical practices on compliance with procurement regulations. Their responses mean that unethical practices in procurement have an influence on compliance with procurement regulations. The study found out that matters personal ethics had not been taken into keen consideration by both BoM members and the principals. Giving low pre-eminence to ethical considerations in procurement leaves gaps and sends mixed signals on BoM compliance with procurement regulations.

Fourthly the level of education in most cases improves ones competency to perform and deliver services. As evidenced by the findings of this study, most

of the BoM members and principals rated the BoMs as being competent. This means that there is a high level of confidence in the BoMs in managing the affairs of the schools as well as compliance with procurement regulations. Despite the existence of one response from the principals that the BoMs were incompetent, the researcher noted with much confidence that the competent and very competent responses suggested the existence of well professionally equipped BoMs. This is according to the responses posed with regard to respondents recommendations on improving BoM members' compliance with procurement regulations.

5.4 Conclusion

The researcher made several conclusions with regard to the prominent matters arising from the study and with respect to the study objectives. First of all, sensitization is very important not only among the BoM members but also among the principals. It being that important, it has a great influence on compliance with procurement regulations as those targeted get to receive a wide array of information regarding their fields of service delivery. It is through sensitization that an individual is oriented into the real world of rules, regulations, codes of conduct and expectations of processes such as procurement. Therefore, the study concluded that sensitization influenced compliance with procurement regulations. Secondly, it is through training that an individual equips themselves with the operations of their field of service delivery.

As evidenced in the study, most of the respondents were of the opinion that exposure to relevant training is very vital in ensuring that individuals comply with procurement regulations. If individual comply, it directly translates that BoMs will be compliant to procurement regulations. Therefore, it was true to conclude that exposure to training influenced compliance with procurement regulations.

Thirdly, despite unethical practice being handled within the respective schools, most of the respondents were of the opinion that personal ethics have no influence on compliance with procurement regulations. From the study findings, it means that personal ethics do not influence compliance with procurement regulations.

Finally, education level or competency greatly influenced compliance with procurement regulations. As evidenced in the study, most of the BoMs were competent. This implies that their level of education and training was adequate enough to render them competent enough to comply with procurement regulations. Thus, education influences compliance with procurement regulations.

5.5 Recommendations

The researcher made the following recommendations:

- i. In view of the importance of ethical considerations in all professions, BoMs should be taken through thorough ethical audit and subsequent training on matters ethics in procurement. This will enlighten them on

the importance of ethics in procurement and further, boost their compliance with procurement regulations.

- ii. The government through its respective agencies should carry out comprehensive audits on cases of unethical practices in procurement that have been recorded not only in the findings of this study, but also in other schools within the country. This will unravel not only the causes of these unethical practices and bring to book the perpetrators, but also strategies and root out these unethical practices. Supervision of the process needs to be enhanced internally and externally to reduce cases where those involved compromise on the ethics of the process. Together with this, the Ministry of Education should take disciplinary measures on all those who violate procurement policies for self-interest and gain while undertaking the procurement process.
- iii. There is need for emphasis of training and sensitization on matters procurement and specifically compliance with procurement regulations among BoMs of secondary schools within the country. This will go a long way in bringing to light some unknown and hidden issues that BoM members are unaware of. BoM members will also learn much with regard to best procurement practices and avoid malpractice and ignorance of procurement regulations.

5.6 Suggestions for further studies

The researcher recommends further study on ethical matters regarding to procurement in secondary schools, with objectives including establishing the

cause of unethical practices in procurement, establishing the lead perpetrators of unethical practices in procurement and establishing possible remedies or strategies of eliminating these unethical practices.

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Appendices

Appendix I: LETTER OF INTRODUCTION

University of Nairobi,
Kikuyu Campus,
P O Box 92,
Kikuyu.

The principal,

.....

.....

Dear Sir/Madam,

RE: PARTICIPATION IN RESEARCH.

I am a post graduate student in the Department of Educational Administration and Planning, University of Nairobi. In partial fulfillment for the award of a Masters degree in Educational Administration, I am required to conduct a research titled individual characteristics influencing Board of Management members' compliance with procurement regulations in public secondary schools in Kirinyaga East sub-county, Kenya. I request you to kindly allow me to carry the study in your institution. The identity of the respondent will be kept confidential and the information given will be used for academic purpose only.

Thank you,

Yours faithfully,

Bancy M. Njagi.

Appendix II: Principals' questionnaire

Please answer all the questions and use a (√) where appropriate and where no choices are provided, write your responses in the spaces provided. Section A:

Personal data

1. What is your Gender? Male [] Female []
2. What is your Age in years? 22-30years [] 31-40years [] 41-49 years [] 50 and above years []
3. Level of education Bachelors degree [] Masters [] PhD []
4. What is your position in the BoM? Chairman [] Treasurer []
Tender and procurement committee Member []
5. How many years have you been member of BoM in this school? 1-3years []
] 4-6years [] 7-9years [] 10-12years [] Over 13years []
6. How often do you meet as BoM Members? Once a month [] Once a term []
] Once a year [] Only when there is an emergency []

Section B:

Influence of BoMs sensitization on compliance with procurement regulations:

7. Have you attended any sensitization workshops/seminar on procurement held in the district/school? Yes [] No []

If yes, how often do you attend the sensitization programmes on procurement?

- Monthly [] Quarterly [] Yearly [] Semi-annually []
Never []

8. Please indicate by use of a tick [√] in the relevant column the extent to which each of the following statements applies in your school.

Strongly Agree (1), Agree (2), Disagree (3) or Strongly disagree (4)

	Statements	1	2	3	4
i.	Knowledge of procurement rules and regulations contributes to compliance with procurement regulations in schools				
ii.	BoM members are aware of various procurement methods that ensure fairness				
iii.	Members are familiar with the pre-qualification procurement procedures and regulations				
iv.	Members are properly informed about various forms of procurement communication used in tendering process				

Section C:

Influence of BoMs exposure to training on compliance with procurement regulations:

9. Have you attended any training workshops/seminar on procurement held in the district/school? Yes [] No []

If yes, how often do you attend training programmes on procurement?

Monthly [] Quarterly [] Yearly [] Semi-annually []

10. What Intervention strategy does your school use to improve members compliance with procurement regulations?

Training and development [] Mentorship []

Benchmarking [] Counselling []

10. Please indicate by use of a tick [√] in the relevant column the extent to which each of the following statements applies in your school.

Strongly Agree (1), Agree (2), Disagree (3) or Strongly disagree (4)

	Statements	1	2	3	4
a.	Members training/capacity building programmes attended on procurement methods meet the school needs on procurement				
b.	Adequate training on qualifications to be awarded contracts has contributed to compliance with procurement regulations				
c.	Members training on publication of procurement contracts ensures fairness				
d.	Training on termination of procurement proceedings meets procurement needs				

Section D:

Influence of BoMs personal ethics on compliance with procurement regulations:

11. Has your school ever handled cases of un-ethical practice in procurement of goods and services? Yes [] No []

If yes, what areas? Tendering method for goods and services []

Equity in vetting for the highest bidder [] Confidentiality by the officers []

Neutrality in picking highest bidder [] Qualifications to be awarded []

12. Please indicate your agreement or otherwise with the following statements using the Following Likert scale.

Strongly Agree (1), Agree (2), Disagree (3) or Strongly disagree (4)

	Statements	1	2	3	4
a)	Tenders are openly advertised				

b)	Complain related to procurement process are documented				
c)	Procurements are accompanied by a written agreement				
d)	Procurement committee conducts a brief for unsuccessful bidders				
e)	Tendering should be free and fair in public schools				
f)	Appeals are first heard and determined before procurement is completed				
g)	Political forces have affected procurement process at the school				

Section E: Influence of BoMs education level on compliance with procurement regulations:

14. How competent are the BoMs in compliance with procurement regulations

Very competent [] Competent []

Incompetent [] Very incompetent []

15. Tick either yes or no for the availability of the following items

ITEM	YES	NO
Tender documents		
Advertisement for tenders		

16. What would you recommend to be done to improve compliance with

procurement regulations by BoM?

.....

Thank you for your time and cooperation

Appendix III: Members of BoM questionnaire

Please answer all the questions and use a (√) where appropriate and where no choices are provided, write your responses in the spaces provided. Section A:

Personal data

1. What is your Gender? Male [] Female []
2. What is your Age in years? 22-30years [] 31-40years [] 41-49 years [] 50 and above years []
3. Level of education Bachelors degree [] Masters [] PhD []
4. What is your position in the BoM? Chairman [] Treasurer [] Tender and procurement committee Member []
5. How many years have you been member of BoM in this school? 1-3years [] 4-6years [] 7-9years [] 10-12years [] Over 13years []
6. How often do you meet as BoM Members? Once a month [] Once a term [] Once a year [] Only when there is an emergency []

Section B:

Influence of BoMs sensitization on compliance with procurement regulations:

7. Have you attended any sensitization workshops/seminar on procurement held in the district/school? Yes [] No []

If yes, how often do you attend the sensitization programmes on procurement?

Monthly [] Quarterly [] Yearly [] Semi-annually []

Never []

8. Please indicate by use of a tick [√] in the relevant column the extent to which each of the following statements applies in your school.

Strongly Agree (1), Agree (2), Disagree (3) or Strongly disagree (4)

	Statements	1	2	3	4
v	Knowledge of procurement rules and regulations contributes to compliance with procurement regulations in schools				
vi	BoM members are aware of various procurement methods that ensure fairness				
vii	Members are familiar with the pre-qualification procurement procedures and regulations				
viii	Members are properly informed about various forms of procurement communication used in tendering process				

Section C:

Influence of BoMs exposure to training on compliance with procurement regulations:

9. Have you attended any training workshops/seminar on procurement held in the district/school? Yes [] No []

If yes, how often do you attend training programmes on procurement?

Monthly [] Quarterly [] Yearly [] Semi-annually []

10. What Intervention strategy does your school use to improve members compliance with procurement regulations?

Training and development []

Mentorship []

Benchmarking []

Counseling []

10. Please indicate by use of a tick [√] in the relevant column the extent to which each of the following statements applies in your school.

Strongly Agree (1), Agree (2), Disagree (3) or Strongly disagree (4)

	Statements	1	2	3	4
e.	Members training/capacity building programmes attended on procurement methods meet the school needs on procurement				
f.	Adequate training on qualifications to be awarded contracts has contributed to compliance with procurement regulations				
g.	Members training on publication of procurement contracts ensures fairness				
h.	Training on termination of procurement proceedings meets procurement needs				

Section D:

Influence of BoMs personal ethics on compliance with procurement regulations:

11. Has your school ever handled cases of un-ethical practice in procurement of goods and services? Yes [] No []

If yes, what areas? Tendering method for goods and services []

Equity in vetting for the highest bidder [] Confidentiality by the officers []

Neutrality in picking highest bidder [] Qualifications to be awarded []

12. Please indicate your agreement or otherwise with the following statements using the following Likert scale.

Strongly Agree (1), Agree (2), Disagree (3) or Strongly disagree (4)

	Statements	1	2	3	4
h)	Tenders are openly advertised				
i)	Complain related to procurement process are documented				
j)	Procurements are accompanied by a written agreement				
k)	Procurement committee conducts a brief for unsuccessful bidders				
l)	Tendering should be free and fair in public schools				
m)	Appeals are first heard and determined before procurement is completed				
n)	Political forces have affected procurement process at the school				

Section E: Influence of BoMs education level on compliance with procurement regulations:

14. How competent are the BoMs in compliance with procurement regulations

Very competent [] Competent []

Incompetent [] Very incompetent []

15. Tick either yes or no for the availability of the following items

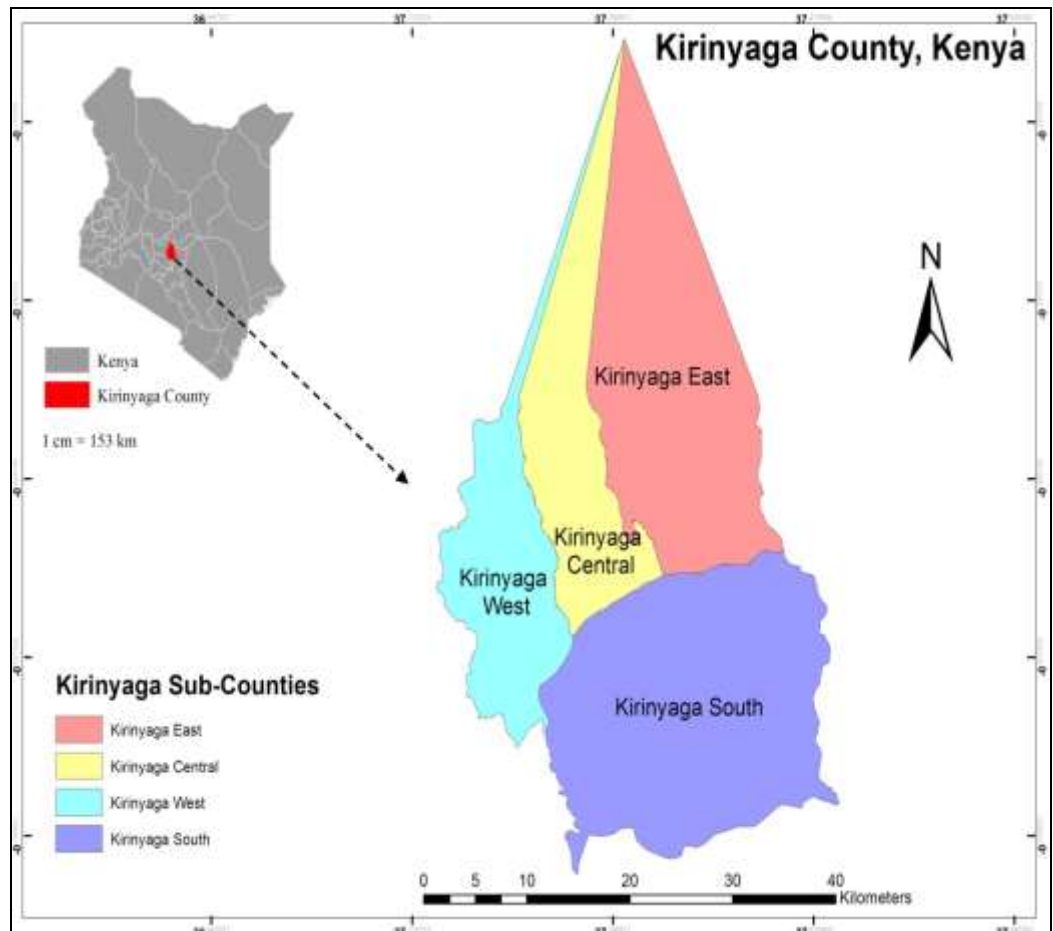
ITEM	YES	NO
Tender documents		
Advertisement for tenders		

16. What would you recommend to be done to improve compliance with procurement regulations by BoM?

.....

Thank you for your time and cooperation

Appendix IV: Study Location Map



Appendix V: Authorization Letter



NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Telephone: +254-20-2213471,
2241349,3310571,2219420
Fax: +254-20-318245,318249
Email: dg@nacosti.go.ke
Website: www.nacosti.go.ke
when replying please quote

9th Floor, Utalii House
Uthuru Highway
P.O. Box 30623-00100
NAIROBI-KENYA

Ref. No.

Date:

NACOSTI/P/16/23591/13457

27th October, 2016

Bancy Muthoni Njagi
University of Nairobi
P.O. Box 30197-00100
NAIROBI.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on *“Individual characteristics influencing Board of Management members compliance with procurement regulations in public secondary schools in Kirinyaga East Sub County, Kenya,”* I am pleased to inform you that you have been authorized to undertake research in **Kirinyaga County** for the period ending **24th October, 2017.**

You are advised to report to **the County Commissioner and the County Director of Education, Kirinyaga County** before embarking on the research project.

On completion of the research, you are expected to submit **two hard copies and one soft copy in pdf** of the research report/thesis to our office.


BONIFACE WANYAMA
FOR: DIRECTOR-GENERAL/CEO

Copy to:

The County Commissioner
Kirinyaga County.

The County Director of Education
Kirinyaga County.

National Commission for Science, Technology and Innovation is ISO 9001:2008 Certified

Appendix VI: Research Permit

THIS IS TO CERTIFY THAT:
MS. BANCY MUTHONI NJAGI
of **NAIROBI UNIVERSITY, 20-10301**
KIANYAGA, has been permitted to
conduct research in **Kirinyaga County**

Permit No : **NACOSTI/P/16/23591/13457**
Date Of Issue : **27th October, 2016**
Fee Received : **Ksh 1000**

on the topic: **INDIVIDUAL CHARACTERISTICS INFLUENCING BOARD OF MANAGEMENT MEMBERS COMPLIANCE WITH PROCUREMENT REGULATIONS IN PUBLIC SECONDARY SCHOOLS IN KIRINYAGA EAST SUB-COUNTY, KENYA.**

for the period ending:
24th October, 2017


.....
Applicant's Signature




Director General
National Commission for Science, Technology & Innovation

CONDITIONS

1. You must report to the County Commissioner and the County Education Officer of the area before embarking on your research. Failure to do that may lead to the cancellation of your permit.
2. Government Officer will not be interviewed without prior appointment.
3. No questionnaire will be used unless it has been approved.
4. Excavation, filming and collection of biological specimens are subject to further permission from the relevant Government Ministries.
5. You are required to submit at least two(2) hard copies and one (1) soft copy of your final report.
6. The Government of Kenya reserves the right to modify the conditions of this permit including its cancellation without notice



REPUBLIC OF KENYA



National Commission for Science, Technology and Innovation

RESEARCH CLEARANCE PERMIT

Serial No.A **11462**

CONDITIONS: see back page