

**DETERMINANTS OF IMPLEMENTATION OF GOVERNMENT  
FUNDED PROJECTS: CASE OF THE JUDICIARY REFURBISHMENT  
OF COURTS IN THE NORTH COAST REGION, KENYA**

**BY**

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**A RESEARCH PROJECT REPORT SUBMITTED IN PARTIAL  
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MASTER OF ARTS DEGREE IN PROJECT PLANNING AND  
MANAGEMENT OF THE UNIVERSITY OF NAIROBI**

**2016**

**DECLARATION**

I declare that this research project report is my original work and has not been submitted for any academic award in any University or Institute of higher learning.

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Date.....

## **DEDICATION**

This research project report is dedicated firstly to the Almighty God for giving me the strength and humility to completing the work. Secondly, to my wonderful family; Fredrick, Keith, faith and Kelly for their great encouragement to finish the race.

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## **ABBREVIATIONS AND ACRYNOMS**

<b>WBG</b>	World Bank Group
<b>IMF</b>	International Monetary Fund
<b>JTF</b>	Judiciary Transformation Framework
<b>JPIP</b>	Judiciary Performance Improvement Programme
<b>PPOA</b>	Public procurement and oversight Authority
<b>CPS</b>	Country Partnership Strategy
<b>PM</b>	Project Managers
<b>KRA</b>	Key Result Areas
<b>IT</b>	Information technology
<b>PMI</b>	Project management Institute
<b>PMBOK</b>	Project Management body of Knowledge
<b>ASA</b>	American Sociological Association
<b>UKNAO</b>	United Kingdom National Audit Office
<b>US</b>	Unites States
<b>H<sub>0</sub>1</b>	Null Hypothesis
<b>H<sub>1</sub>1</b>	Alternative Hypothesis
<b>IFC</b>	International Finance Corporation

## ABSTRACT

This report was aimed to determine the implementation of Government funded projects. Government funded projects are globally believed to fail compared to the privately-owned projects. The study was guided by the following objectives: To assess the influence of contract variation on the implementation of Government funded projects, to assess the influence of stakeholders on the implementation of government funded projects, to assess the influence of judicial work on the implementation of Government funded projects, to assess the influence of bureaucracy on the implementation of Government funded projects and to assess the influence of project Management Professionalism on the implementation of Government funded projects. The literature review examined various ideas that supported, evaluated and critiqued the cumulative knowledge growth on the subject of the study. From the theoretical framework, the study elaborated the stakeholder's analysis and the agile project management approach in support of the study. The interrelationships between the study variables are conceptualized and the hypotheses were tested using the chi square test of dependency. The study has employed descriptive survey design which was focusing on finding out what, when and how much of phenomena. In addition, questionnaires were used in order to collect data. The study used primary and secondary data sources. Data was gathered from a population of 46 employees of the Judiciary and project managers from the Ministry of Works and obtained 44 responses which was 96% response rate. The study found out that contract variation is increasing the project costs and key stakeholders need should be involved throughout the project life cycle further, the study found out that failure to involve stakeholders has led to project failures and stalled projects. It was also found that judicial functions are influencing projects implementation. Additionally, the study found that bureaucracy did not have a significant influence to the implementation of projects but is very important to public projects for transparency and accountability. The project professionalism also was found not having a significant influence to the implementation of Government funded projects. The study recommends that the Judiciary should involve key stakeholders in their project processes, the Government to review the timelines of the Judiciary projects, the Judiciary to analyze their stakeholders to know their needs and want. Finally, the study recommends the Judiciary to have a well established policy for guidance and utilization of their resources.

# CHAPTER ONE

## INTRODUCTION

### 1.1 Background of the study

The concept of project management has recently become inevitable in the construction industry. The discipline has become commonly practiced in both public and private. According to Barriere (2003) said that project management had become a common tool for favorable performance to any organization. Ibbs (2002) identified project management as the science and knowledge of managing the project life cycle. In case of undertaking Government projects project management would ensure that economic growth and development of goals. Many researchers have focused more on the private sector leaving a wider gap in the implementation of public projects. Projects are mixture of very complex processes which are undertaken for a specific purpose. These sentiments were noted by Mbaluku & Bwisa (2013) where they indicated that those processes seldom go according to project implementation. The project implementation was the process where the project inputs are put in action. Projects are considered to be successful when they come to an end meeting the cost, schedule and scope.

Historically, project constraints (Cost, schedule and scope) were decided by the project owners while the concept of project management openly introduced a range of various considerations in project implementation. Other direct and ancillary goals were introduced in the last 30 years or so. These objectives and goals did not replace the commonly known constraints but were added to be applicable in the management of projects. Cost, time, and scope could be met if the complex parts of projects are combined in order and to achieve the perceived objectives and goals. Ngetich (2010) saw that Kenya had embraced the strategy of engaging the public in prioritization and selection of public projects. These public engagements democratized the Government budget which enhanced strong acceptability by the public and tighter scrutiny by the Government agencies.

The public sector is believed to be more bureaucratic compared to the private. This was according to Boyne (2002) who noted that internal characteristic of public organization are viewed to be more bureaucratic because of the inheritance of Government sovereignty. Faridi and El-Sayegh (2006) argued that there was breakdown of equipments, poor manpower poor supervision, and poor site management and reported that shortage of skills among others would

have contributed to the United Emirates construction delays. Researcher Hanson et al ( 2003) found owner dissatisfaction in South African construction industry. He also found contract conflicts, workmanship, competency of project managers and contactors among the factor which negatively impacted the project performance. From the independence uncompleted or abandoned projects were commonly witnessed despite the Government putting measures for the monitoring and evaluation of projects on quarterly basis.

Judiciary Strategic plan (2015) elaborated that from the East African nation's bodies, Kenya had an estimated population of 46.1 million, which increase by 1 million per year. With help of the World Bank Group (WBG), International Monetary Fund (IMF) and other development partners, Kenya made important structural and economic reforms that contributed to sustain economic growth in the past decade hence an increasing urge for upholding the rule of law. With the population increasing, the number of Courts remained the same prompting the problem of justice not served equally to all citizens because of the distance one has to cover to access justice

The constitution of Kenya Article 48 provides that the state should ensure there was access to justice by all Kenyans. The Judiciary transformation agenda outlined by the Judiciary Transformation Framework provided that in fulfilling the Judiciary mandate given by the constitution, it provided the expeditious delivery of justice through case Management and improved the physical infrastructure. The Judiciary had the duty of ensuring all the bottlenecks and barriers hindering the access to justice were minimized by reducing the distance to Court Stations. This was meant to enhance delivery of justice and reducing the citizenry estrangement from the judicial system. Building, refurbishment of more Courts and increasing the number of mobile courts would be the strategies which the Judiciary should embraced in fulfilling its constitutional obligation. With the Government and World Bank funding through Judiciary Performance Improvement Programme (JPIP), the Judiciary was aimed at improved operational activities.

The Government regulates the procurement processes by use of the Public Procurement and Disposal Act (2005) and regulation (2006) which was enacted by the act parliament in order to give guidelines to the project processes. The Act has setup procedures and processes of procurement and disposal of unserviceable, obsolete or surplus items by public entities. The objectives of the Act were: to maximize economy, promote competition, fair treatment to the

competition, efficiency, promotes integrity, increase transparency and accountability. Section 47 of Act explains the procedures for contract amendments. The standard tender document provided by the Public procurement and oversight Authority (PPOA) has Conditions on provisions for variations, extension of time within reasonable limits and loss and expense clauses for public projects. The document also limits extent to which the architect/project manager can vary the contract, but with express authorization of the tender/project committee and approval. In this case the researcher wished to expound on the influences of contract variations, stakeholder's involvement, judiciary work, bureaucracy and project management professionalism on implementation of government funded projects.

## **1.2 Statement of the problem**

In the entire country 111 Court Stations have been in a deprived state and in need of a comprehensive massive rehabilitation. The court buildings have been destined as unfit for occupancy and others stalled. The Buildings needed a comprehensive rehabilitation programme from the Government and other funding agencies in order to change and install again the confidence to the Judiciary system. With budget allocations from the Government in current financial year, The Judiciary through the Government was to construct three High Court Stations and with the anticipation of the negotiations continuing with the World Bank for construction of other 10 High courts. This was in fulfillment with the constitution in construction of a High court Stations in every County by 2030. Sufficient budget allocation in support of the rehabilitation programme is underway for covering a deficit of 14 High court Stations (Joshua P. Oyieko 2012)

The Judiciary suffered long delays of justice because of the undermined public confidence and jeopardized rights granted by the Constitution. The incapacitation of staff and law enforcement were the root of the problem which has led to the deprived public trust. Essential procedural components such as court case management, filing, recording and transcribing systems are inadequate. Law schools are producing enough competent lawyers. Adequate courtrooms are in short supply, and outdated administrative methods and technology lead to congested dockets and extended stretches between arrest and verdict. Law enforcement was inefficient; creating doubt that the evidentiary basis would be established to assure that justice would be served. (Judiciary transformation Frame work 2013). The partnership with the World Bank was to champion the Judiciary in the restoration of public confidence and accountability that had long



been deprived by the poor state of the operations in the Judiciary. Through the JPIP programmes the Judiciary had aimed at providing their services in a more efficient, effective and accountable manner in which was to lead the Judiciary being the best administrator of justice in the continent.

The Judiciary, an arm of government lacks the expertise in Project Management hence depend on the Ministry of works for guidance, supervision and management of their project. This resulted to project delays and mismanagement of projects because of the interference by the Ministry of works in dictating terms of contract than considering the client specification. The contractors and the Project Managers colluded which triggered cost and time overruns in government projects, with the guise that the contractor intends to reap skyrocket profits and massive returns from the project the Quantity Surveyor (2011) revealed. The PM intends to take advantage of the expertise to exploit the government because those are public funds. The Judiciary has a unique way of doing its activities due to the nature of duties undertaken. The public has no routine pattern on when court matters are to be reported hence making it difficult for the Judiciary to plan its renovations or refurbishment projects.

There are provisional sums reserved for Government projects in which some inputs cannot be finalized at the initial stages of the contracts. The PMs deliberately reserve those funds to use at a later stage. This has given rise to uncertain changes of scope to the contract with no clear indication on where the money would be used at hence considered wet area for corruption. Kanika (2014) noted that despite the enactment of laws that govern Government procurements by the Public Procurement Oversight Authority (PPOA) to help curb ills associated with cost and time overruns for the many years, the Government projects still suffer heavily in cost and time overruns compared with privately funded projects in management and project delivery. The researcher intends to establish the determinants of the implementation of government funded projects in the Judiciary.

### **1.3 The purpose of the study**

The purpose of the study was to determine the determinants of implementation of Government funded projects in the Judiciary.

## **1.4 The objectives of the study**

The following objectives were studied in the report:

- i. To assess the influence of contract variation on implementation of Government funded projects in the Judiciary
- ii. To assess the influence of stakeholders on the implantation of Government funded projects in the Judiciary
- iii. To assess the influence of Judicial work on the implementation of Government funded projects in the Judiciary
- iv. To assess the influence of bureaucracy on the implementation of Government funded projects in the Judiciary
- v. To assess the influence of project management professionalism on implementation of Government funded projects in the Judiciary

## **1.5 The research questions**

The following were the research question the study based on:

- i. What is the influence of contract variation on the implementation of government funded projects in the Judiciary?
- ii. What are the influence stakeholders on the implementation of government funded projects in the Judiciary?
- iii. To what extend does judicial work influence the implementation of government funded projects in the Judiciary?
- iv. To what extend does bureaucracy influence the implementation of government funded projects in the Judiciary?
- v. To what extend does the Project Management professionalism influence the implementation of government funded projects in the Judiciary?

## **1.6 Research Hypothesis**

The study was guided by the following hypothesis and tested at 95% significance level. The following hypothetical propositions were tested:

- i. **H<sub>01</sub>**: There was significant relationship between the influence of contract variation and the implementation of government funded projects

- ii. **H<sub>0</sub>2:** There was significant relationship between influence of Stakeholders and the implementation of government funded projects in the Judiciary
- iii. **H<sub>0</sub>3:** There was significant relationship between the influence of judicial work and the implementation of government funded projects
- iv. **H<sub>0</sub>4:** There was significant relationship between the influence of bureaucracy and the implementation of government funded projects
- v. **H<sub>0</sub>5:** There was a significant relationship between the influence of Project management Professionalism and the implementation of Government funded projects

### **1.7 Significance of the study**

The study was found significant to the following: -

The study would be valuable to the Court Stations management because it would provide an overview of how lack of stakeholder's involvement would affect the implementation of the government funded projects and also provide recommendations on the how the station management should ensure they are involved on projects in their stations.

The Management would be in a position to evaluate on the duration a project would take considering the nature of work the Judiciary does hence advise the Government on the timing of funds allocation since the Government allocates funds to various Ministries on a Predetermined period of time, for example financial years.

Policies and rules are equally important to any management; this study would assist management to identify and remove bottlenecks in policies and create favorable environment for successful project implementation. This in turn would fulfil Key Result Areas (KRA) pillar No.9 of the Judiciary strategic plan framework that is value for money and improved service delivery to Kenyans.

The Judiciary management by this report would appreciate the importance of professionalism in project management. Project management professionalism reduces the number of contractors and Project managers who are quacks from entering into contracts. An overview of the project life cycle would reduce projects cost and time overruns in the Judiciary through thoroughness and conclusiveness of all the aspects of the project as well as the solution on the problem of dominance on expertise from the works Ministry. This research was therefore relevant and important to the Judiciary which has the acute shortage of project professionals

The Government channels the funds to the Judiciary through the Treasury and other donors. With a purpose of ensuring justice to all Kenyans, the study would provide documentary evidence to enable the Government to put in place strategies that facilitate effective performance of the Judiciary projects hence decentralizing justice to the citizens in all the counties. The Judiciary duties entails silence while court in session. The study would help the Government to determine the duration the Judiciary projects would be accorded considering the judicial duties performed by the courts. The Judiciary projects should be given a different budget timelines compared to other arms of government.

The study would be significant to the contractors. It would enable them determine the factors leading to implementation of government funded projects especially in the Judiciary and thus determining all variables that are outlined to ensure the projects are implemented successfully without affecting the services rendered by the Judiciary

### **1.8 Assumptions of the study**

In order to undertake this study, the researcher banked on the co-operation of interviewees, trusted that they would be willing to part with pertinent information crucial for this study and that the information given would be accurate, concise and truthfully a representation of the government projects under study. The researcher assumed the implementation of government funded projects is mainly influenced by the variables stated in the study objectives. The researcher assumes that stakeholders would make use of the findings of the study.

### **1.9 The limitations of the study**

The study encountered difficulties reaching the respondents from Hola, Mpeketoni and Lamu because of the means of sending the questionnaire were not fully reliable. The area is security volatile and no reliable parcel companies are available only dependent to public means of transport for sending parcels. There were also delays in tracing the Project Managers who have wide responsibilities in their sub Counties.

### **1.10 Delimitations of the study**

The study was conducted within the Judiciary, North Coast Region. The study was restricted to five determinants of implementation of government funded projects in the Judiciary. These

include influence of: contract variation, stakeholders, judicial work, bureaucracy and Project Management Professionalism.

### **1.11 Definition of Significant Terms**

**Project implementation:** This is the process the process in the project life cycle where project inputs are converted into project outputs. The stage must be well planned and controlled in order to meet the cost, time and scope of the projects. The stage involves utilization of project resources.

**Stakeholders:** This are individuals or groups who are have interest in the project. They are affected by the implementation of the projects either positively or negatively. Researchers have recognized that stakeholders can be beneficial to projects and may lead project to success yet they can also antagonize when they opposed to the project goals and objectives.

**Contract variation:** This is the process of altering the scope of work through either addition, subtraction or omissions from the original contract. This can have an impact on the project costs, timings and the scope of activities to be performed

**Bureaucracy:** This is the degree of specialization. They are guidelines to any organization that regulate the operations may it be public or private. This is also referred to as the legal framework which is believed to produce some dysfunctional effects in projects.

**Judicial duties:** The judicial duties are duties undertaken by the judicial officers in dispensing justice as elaborated in the Kenyan national anthem that justice be our shield and defender. It entails quietness in the court when the courts are in session.

**Project Manager:** This is an expert in the project managements who give guidance to project sponsors and owners. They act as the agents between the project and the clients. They advise the project owners on the stages of project life cycle.

**Project Professionalism:** These are skills needed in project management. The project management involves planning, controlling, coordinating and managing projects in order to strictly adhere to the budget, and completion period yet not compromising the quality of the project

## **1.12 Organization of the Study**

This study report was organized into five sub topics as follows: -

Chapter one was comprised of the background of the study, the problem statement in which the study was to be conducted, the objective of the study to which the study is based on and the study hypothesis to which relationships are tested. The study also included the study assumptions, delimitation, limitations, significant terms and the definitions of the significant terms of the study. Chapter two comprised of literature review which fine points various studies on contract variation frame work, stakeholders influence, judicial working environment, bureaucracy, project management professionalism and theoretical framework. Chapter three elaborated the research methodology which included the research design, population targeted, and methods of data collection, instruments used and the methods of data analysis. Chapter four presented the data analysis and results observed and Finally Chapter five presented the summary of findings, the conclusion drawn from chapter four findings, the recommendations based on the conclusions and the suggestions for further studies.

## CHAPTER TWO

### LITERATURE REVIEW

#### 2.1 Introduction

This section presented a critical review of relevant literature on projects funded by the government. It examined various ideas that supported, evaluated and critiqued the cumulative knowledge growth on the subject of the study.

#### 2.2 The concept of Project Management

International journal of project management (2008) elaborated the interest in project management as growing significantly. Yet, projects continue to public fail at an astonishing rate. The nature of work was changing, and with it, the demand for project managers was increasing. Hodgson & Cicmil (2006) noted the practice of project management has been proven in the traditional project based industries, such as aerospace and information technology (IT), and the demand was growing in the energy, health care, constructions, and finance sectors. It was projected that between the years 2010 and 2020, “15.7 million new project management roles would be added globally across seven project intensive industries; Manufacturing, Business Services, Finance & Insurance, Oil & Gas, Information Services, Constructions, and Utilities a research by PMI. (2013)

Frimpong et al. (2003) revealed that project management gears and methods played an important role in the effective management of a project. Many projects in the nation were over timed resulting to contractors and project managers to relax and rushing the works at the end of completion. The rushed projects were poorly done as the time elapses hence many projects are found abandoned at the end of financial year of the Government. Akinsola, (1996) saw that Some projects were successfully and professionally managed while others were mishandled which incurred delays and cost overruns, when projects are behind schedule, they are either prolonged or accelerated incurring extra cost on the project.

#### 2.3 The influence of Contract variation on implementation of government funded projects

Sutrisna (2004) noted that contract variations had become almost inevitable in most of the construction project. Wilmot-Smith (2010) elaborated that the term variation in construction contract was usually described where new items of works (additional item) being added to a

contract as well as situation where some of the original items were omitted (omission) or substituted with other material from the original contract. Sutrisna (2004) perceived variation as an agreement either by words or conduct to be paid by the owner, as instructed by or on behalf of the owner, and applies on the works that are not genuinely agreed in the contract.

Mohamed, (2001) and Ssegawa et al. (2002) asserted that contract variation would not be evaded completely. They further added that the presence of variation clauses in contracts amounts to admitting that no project can be completed without changes. Even if carefully planned, it is likely that there will be changes to the scope of the contract as the work progresses (Harbans, 2003). Hanna et al. (2002) indicated that variations occur given the uniqueness of each project and the limited resources of time and money available for planning. Construction industry due to its compartmentalization has made variation almost an inevitable element and had become so prevalent that it is hardly possible to complete a project without changes to the plans or the construction process itself.

Sutrisna (2004) also found that there were two types of variations widely agreed which were variations expressly authorized under the terms of the contract which were correlated to the requirement for completion of the original works in the contract and variations to which the terms of the contract itself would be all contracts that had been agreed upon by the parties involved, thus included works that were not include in the original contract. This analysed report concurred with the findings that the causes of contract variations were affected by the clients who are the Court station managements

It was almost becoming a rare thing for a project not to have variation, thus becoming a normal incidence in all construction projects. Finsen, (1999); Wainwright and Wood, (1983) noted that most contracts ought to make provisions for possible variations given the nature of building construction project. Finsen, (1999) saw it being an unfortunate aspect of the variation clause tended to encourage clients to change their minds and embark on building projects without having properly thought through their project requirements. Uff (2005) further pointed out that a clause permitting variation of works was an essential feature of any construction contract because without it the contractors were not bound to execute additional work or to make omissions or changes. This appeared to be the same for the architects who tend to crystallize their intentions on paper before the contract is signed because they know variation clauses will allow them during the implementations (Wainwright and Wood, 1983). Ashworth (2001)



added that the advantage of the variation clause is that it allows the architect or other designers to delay making some decisions almost until the last possible moment.

Different authors identified the global causes of contract variations in both the private and public construction projects. The findings identified showed that contract variation was here to stay as part and parcel of the construction projects. This was cutting across different stakeholders. These effects on construction projects were observed by many researchers and were quoted by Faisal and Low in their study “The potential effects of variation orders on institutional building projects”. Assaf et al., (1995) argued that contract variation increased project cost, delayed payment, hiring new professionals to take care of complex technological projects. CII, (1995) noted that contract variation increased overhead expenses. O’Brien, (1998) noted that contract variation led to quality degradation and logistics delays.

#### **2.4 The influence of stakeholders on the implementation of government projects**

Mitchell, Agle and Wood (1997) suggested that power, legitimacy and urgency are key stakeholder characteristics. A stakeholder is any person who is affected positively or negatively by the implementation of any project, may it be public or private project. They could be internal or external to the project. In many public projects the public are considered to be the stakeholders. The challenge to the implementers especially the project Manager is different needs of the public and to classify which needs are priorities in the implantation of public projects. Seldom, there are no direct representatives of the public to be consulted during project planning and execution. By understanding the complexities involved in the implementation of government funded projects, the Judiciary ensures that there is thorough stakeholder mobilization involvement of the Court users, contractors, and Station heads. The aim of the mobilization is to ensure that there was minimal resistance by the key stakeholders when it comes to the actual implementation of the projects. These consultative sessions are also aimed at ensuring that there is commitment and buy-in from the various stakeholders prior to the actual rollout of the project. Stakeholder management is critical to the success of every project in every organization.

Based on Murali et al., (2007) it was noted that poor communication between the various parties, inappropriate construction techniques, conflict with other parties, unforeseen site situations, delayed payments for completed work, delays prompted by the subcontractor and

gaps in contract documents gave rise to disputes between the various parties. Furthermore, GTZ's (1988) elaborated that if the disputes were not solved harmoniously or easily it could lead to arbitration or litigation.

Schultz and Slevin (1975) noted that management supported projects or any form of implementation as long as it was considered of great importance in distinguishing between their final success or failure. Beck (1993) considered project management as not only reliant on top management for authority, direction and support, but ultimately the instrument for implementing top management strategic plans of the organization. The need for client consultant has been found to be increasingly important in attempting to successfully implement a project. Anyanwu (2003) found the extent to which owners are individually involved in the implementation of projects caused great variation in projects

Anyanwu (2003) also viewed owners support as the first stage in the process to implement change which was required throughout the project life cycle. Schultz, Pinto and Slevin (1987) warned that, it would be hazardous for the PM to presume that since project owner was satisfied at an early stage, the exercise could be ignored in the remainder part of the project. Project acceptance like any other stage in the implementation must be properly managed in order the stakeholders could buy in the project objectives. Locus (2009) as an implementation strategist, discussed the importance of user participation in the early stages of a system development as a way of improving the likelihood of later acceptance. Wilson (2009) contrasted the use of intermediaries to act as liaison between the project life cycle stages.

A study by Baker, et al (1988) strongly confirmed the importance of including project owner satisfaction within any measure of project success. After sampling six hundred and fifty (650) project managers, the researcher concluded that project success is something much more than just meeting presumed cost, schedules and performance specifications. In fact, project owner's fulfillment with project results has a great impact to the perceived success or failure

According to Neap et al (2004), the principles of value base project management were highlighted and the owner's role, responsibility and contribution of the client /owner was revealed. The owner had to ensure that all the specifications and requirements were communicated and understood by all the parties involved. The owner had to select contractors, suppliers, designers and consultants who were to be involved in the implementation of the projects. Neap (2004) continued to explain the importance of those actions being performed at

the appropriate time and in the correct way. The owner was termed as the stakeholder who not only being an invest also contribute significantly towards the successful completion of the project.

## **2.5 The effects of the judicial work on the implementation of government funded projects**

In Kenya, Section 5 of the Judicature Act, which was repealed by the High Court Administration Act, 2016, provides for how one can be punished for the contempt of court when there is interference with Court activities and procedures. This affected the duration of the Judiciary projects because contractors have to work on specific time and days. Assaf and Al-Hejji,(2006) elaborated delay as the time overrun which was beyond the specified time of completion in the contract or that has extended beyond the greed time by both parties. Time was found to be an important resource that is irrevocable, time bound within 24 hour clock and dynamic because its ever changing.

M.Odeh et al (2002) conducted a survey which was aimed at identification of the most causes of project delays in the construction fields; the survey indicated that contractors and consultants agreed that owner interference, contract financing and payments, slow decision making, owner obstruction and subcontractors were the most important factors which were contributing to the project delays. Murali et al (2007) recognized the owner interference, slow decision making, unrealistic contract duration and requirements imposed contributed to causes of delays. N.k. Fong et al (2006) identified the client type, lack of timely making decision, unrealistic imposed contract and client initiated variations contribute to causes of delays. Essam (2006) identified the change or variation orders, delay caused by owner, oral change orders by owner contribute to causes of delays.

Mohamad (2010) citing Abdalla et al (2002) noted the owner interference, slow decision making by owner, unrealistic impose contract duration contribute to causes of delays. G. Sweis et al (2007) identified the delays in site preparation, delay in contractor's claims settlements, work suspension by the owner, too many change orders from owner, slow decision making from owner, inference by the owner in the construction operations, delay in progress payments by the owner. The selection of the most appropriate contractor is the important to ensure that the best value for money is obtained. "Construction clients are becoming more aware of the fact that selection of a contractor based on tender price alone is quite risky and may lead to the

failure of the project in terms of time delay and poor quality standards. Singh, (2005) noted evaluation of contractors based on multiple criteria therefore, become more popular

Al-Khalil & Al-Ghafly (1999) assessed the frequency of project delay in water and sewage projects, the extent of delay, and the party responsible for the delay. They found that a large number of projects experience delay, especially in medium and large size projects. Owners and consultants assigned the major responsibility for delay to the contractor but the contractor placed it mostly on the owner. On an average, the contractor is assigned the most responsibility, but when considering that part of the responsibility of the consultant and others may be transferable to the owner, the owner may carry the prime responsibility for delay

Delay in construction is a global phenomenon (Sambasivan & Soon 2007) affecting not only the construction industry but the overall economy of countries as well (Faradi & El-Sayegh 2006). Time overrun (delay) involves multiple complex issues all of which are invariably of critical importance to the parties to the construction contract. These issues concern entitlement to recover costs of delay or the necessity to prolong the project with the consequential entitlement to recovery costs for adjustments to the contract schedules. Questions arise as to the causes of delay and the assigning of fault often evolves into disputes and litigation (Bolton, 1990).

Several studies identified the factors of client related delays. Chan and Kumarasamy (1997) in their study have listed the client characteristic, project financing, client variation and interim payment to contractor. Sambasivam and Soon (2006) identified the factor of interference, slow decision making and unrealistic contract duration. Aibinu and Odeyinka (2006) have added the factors of late contract award by client.

## **2.6 The effects of bureaucracy on the implementation of government funded projects**

Basically, bureaucracy involves a hierarchical positioning of jobs and responsibilities in such a planned and rational manner and guided by such internal rules and regulations as to obviate the intermixture of personal interests with official functions/roles (Ozor, 2004). The rules and regulations also define the duties of members and the procedures for carrying out official duties based on formal structures and authority. In simple terms, bureaucracy is a formal administrative structure with distinct operational features that include division of labour,

hierarchy of authority, impersonality, rationality, neutrality and system of rules among others (Ezeani, 2006).

Beetham, (1987) reported that bureaucracy was producing some dysfunctional effects which included the rigidity, red tape, insignificance, inconsiderateness, officiousness stoppages of smooth running of information flow. Boyne (2002) proposed that a certain degree of bureaucracy is necessary for public organizations to safeguard their operations and ensure their accountability. The public organizations which were funded by Government and its agencies were supposed to be under public scrutiny. Mullins (1996) notes that only those organizations subjected to a turbulent environment need to be flexible in order to adapt to environmental changes.

According to Mouzelis (1975), an understanding of Weber's (1947) theory of domination would be very contributory to the understanding of bureaucracy. Max Weber contributed to the field of bureaucracy and he tried to make the system more well-organized and operative. Unlike many researchers who believed on the ideal form of administration especially in a government sector was bureaucracy, He believed that if carefully managed, a bureaucratic administration can lead to effective decision-making, optimum use of resources and successful accomplishment of organizational goals.

## **2.7 The importance of project Management professionalism on the implementation of government funded projects**

A recent report published by the United Kingdom National Audit Office (UKNAO) identified skills shortages in central government where a quarter of senior operational delivery and programme and project management roles are filled by staff who are not specialists in these fields. The report highlights the need for professionalism in project management because ineffective skills development can have an adverse impact on the performance of public sector programmes and projects. It continued that it is a known fact that the public sector has lost its staff to the consulting sector. With the loss of technical staff, many public-sector clients have insufficient in house capacity to get these projects up and running or to effectively oversee their implementation. The interesting to note is that there are more engineers and technologists working for contractors than government or local authorities.

Nwachukwu, (1988) viewed that the most important assets in the building up and efficiency of any organization, be it private or public, depends to a large extent upon how effectively human resources (personnel) are utilized. However, an unfortunate situation could develop, as Pinto and Slevin (1988) observed: in many situations, personnel for the project team are chosen with less-than-full regard for the skills necessary to actively contribute to the success of implementation. Regardless of how carefully the project was planned initially, it is impossible to foresee every problem arising from the organizational environment. Pinto and Slevin (1986), cautioned that each team should obtain technically competent people with the specific assignment to deal with problems when and wherever they arise, and to foresee, and possibly forestall potential trouble areas in the implementation process.

Hauschildt, 2000; Sauer, Li, & Johnson, 2001) indicated that management selects project managers because they have potential as a project manager or a technical specialty. Rarely are project managers hired for their role. Furthermore, Darrell, Baccarini, and (Love 2010) discussed what little preparation and training project managers get for their job, contributing to the notion of project management as an accidental profession. Although research has investigated the role of the accidental profession, there is still work to be done. The accidental project manager is relevant today requiring more study and understanding in a variety of industries and organizations (Darrell et al., 2010).

Pinto and Kharbanda (1995), discussed. In a traditional expected career path, a project manager acquires skills and knowledge to manage projects through a combination of skills and experiences (Darrell et al., 2010). Again, Darrell et al., (2010) commented that many project managers who fall outside of traditional project management industries enter the profession by accident. In other words, these project managers enter the profession without formal training. Often, project managers are picked because of technical knowledge (Ranf, 2011) but they require other skills and knowledge as well.

In another study, results suggested that multiple-project managers possessed unique competencies (Patanakul & Milosevic, 2007). This research acknowledged that multiple-project managers need to have both individual technical competencies and competencies that can stimulate cross collaboration across multiple projects simultaneously. The top critical competencies for multiple-project managers were monitoring (administrative), problem solving (interpersonal), business sense (business/strategic) and knowledge of product applications (technical). Krane, Olsson, and Rolstadas (2012) found that owners of a project need to rely on

and trust the project manager and his or her knowledge because, often, the project manager has more knowledge of the particular project. Project manager support may be tied to project success, and it is important to prevent project managers from performing in a vacuum (Larsen & Gobeli, 1989)). Holzle (2010) found the importance of a project manager to be aligned to appropriate career path levels. Holzle further contended that an organization needs to engage and provide continuity for project managers like they would any other career field in their organization.

Expertise and knowledge transfer are critical to the success of practicing project management and the organizations within which project managers work (Demartini & Paoloni, 2011). Petter and Randolph (2009) discussed how knowledge is a combination of experiences, values, insights, and information. They went on to say that the context is important in identification and transfer of knowledge in organizations. Brown, Adams, and Amjiad (2007) discussed that project managers' knowledge and experience are important determinates in project outcomes. They further explained that a combination of knowledge and experience would improve project manager performance. Furthermore, Yasin (2000) found that the use of communication exceeded project manager's knowledge, indicating that communication needs to be an area of emphasis. Projects need to be classified, and that needs to be factored into the project manager's career path as well. The project manager must receive support from the organization and have a definition of roles. Organizations need to engage in strategic staffing, have a strong training program, and have team autonomy on projects to improve team effectiveness and decision making (Drouin & Bourgault,2013).

Despite the urgent need most construction organizations in developing countries have no requisite experience and are small, which make it difficult for them to compete effectively and efficiently with their developed counter parts (Adnanet al.,2006). J. Rodney Turner and Ralf Muller, writing in the International Journal of Project Management (2003), noted: If project management were recognized as a profession, and the use of the title Project Manager restricted to those individuals in possession of related professional certification, it would help in the selection of project managers, giving greater confidence in their competence and trustworthiness.

The largest of these organizations, the US based Project Management Institute (PMI), states in their Policy governance manual that 'Project management is a profession' (PMI, 2000). Yet in a study partially funded by PMI, Bill Zwerman, Janice Thomas, Susan Haydt and Terry

Williamson (2004) concluded in part that project management is ‘unlikely to ever become recognized as a standalone profession’ (Zwerman, Thomas, Haydt & Williamson, 2004). No less an authority than Peter Drucker (1999) states ‘management is the distinguishing organ of any and all organizations’ meaning that the fundamental skills and principles of managing people to produce goods and services are necessary regardless of the application. Henry Fayol (1916), in his *Administration industrielle et generale* (Industrial and general administration), almost perfectly describes today’s project management body of knowledge, yet does so in the context of general management, not project specific.

## **2.8 Theoretical Framework**

The research was grounded on stakeholder management and an agile project management approaches. The approaches are ideal because they support the influence of the independent variables on the dependent variables

### **2.8.1. Stakeholder’s Management**

A project is successful when it achieves its objectives and meets or exceeds the expectations of the stakeholders. The stakeholder approach is described as a powerful means of understanding the firm in its environment (Nyandika, O. F & Ngugi, K. 2014) citing (Oakley, 2011). This approach is intended to broaden the management’s vision of its roles and responsibilities beyond the profit maximization function (Mansuri & Rao, 2004). Patton (2008) elaborated that the stakeholder model entails that all persons or groups with legitimate interests participating in a project do so to obtain benefits and that there is no pre-set priority of one set of interests and benefits over another (Karl, 2007).

Often there is more than one major stakeholder in the project. An increase in the number of stakeholders adds stress to the project and influences the project’s complexity level. The emotional investment of the stakeholders in the project and the ability to influence the project outcomes or execution influence the stakeholder’s complexity of the project. In addition to the number of stakeholders and their level of investment, the degree to which the project stakeholders agree or disagree influences the project’s complexity.



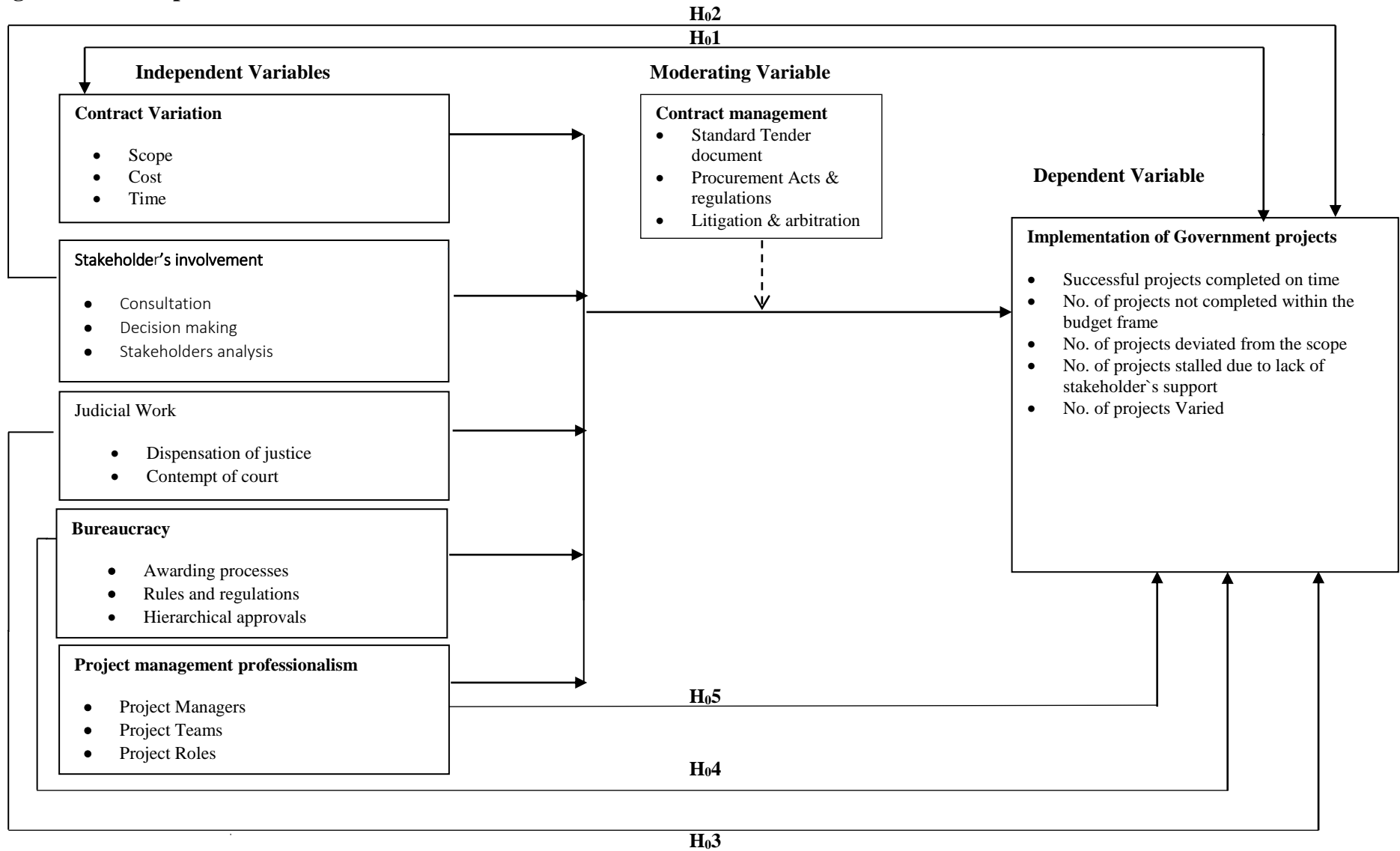
### **2.8.2. The agile project management**

For decades, corporations have been changing from a hierarchical approach to project management to being more collaborative as knowledge work has grown in importance. In the center of increased globalization is the need for project managers to have flexibility in a project system in order to be able to adjust constantly to emerging challenges and opportunities (Fernandez,2016). Massimo Long (2014) argued that in the world of construction projects, cost and time management usually have a greater influence than scope management despite how big they are. Construction projects usually suffer from cost and time overruns, however, analysing their root causes, we discover they are issues in the overall value management of the final project deliverables; it is mostly taken by time and cost management, as these are the constraints that ultimately influence the main decisions about the management of a construction project. Agile project management focuses on continuous improvement, scope flexibility, team input, and delivering essential quality products. In traditional waterfall project management, the Project Manager is burdened with balancing project scope, cost, quality, personnel, reporting, risk, and adapting as requirements change (Stanley E. Portny 2013)

### **2.9 Conceptual framework**

A conceptual framework is a detailed mental formulation of ideas that give direction to a study. It enables the interaction between dependent and independent variables to be portrayed (Kothari, 2004). In this study, the dependent variable is implementation of government projects while the independent variables are those factors that were thought to be the determinants of the dependent variable. The interrelationships between the study variables were conceptualized as shown in figure 2.1 below:

**Figure 2.1: Conceptual Framework**



The literature review has elaborated that Variation was inevitable in most of the construction project. The variation orders cannot be avoided completely and the presence of variation clauses in contracts amounts to admitting that no project can be completed without changes. Even if carefully planned, it is likely that there will be changes to the scope of the contract as the work progresses. This therefore significantly shows a relationship between the influence of contract variation and the implementation of government funded projects hence the null hypothesis  $H_01$  was tested.

The empirical literature has shown that the beneficiaries of any project would contribute to the success of the project. Where the project was undertaken without the consent of the beneficiaries the project always may not be as successful. Once the beneficiaries do not support the project it leads to project failure as all that is done would not achieve its objectives. In Kenya for instance a lot of projects have been decided upon without the necessary consultation with the beneficiaries leading to nonsupport and general project failure. There was a significant influence of stakeholders on the implementation of government funded projects hence null hypothesis  $H_02$  is tested.

From the literature review Joshua (2008), noted that the performance of an organization was evaluated in terms of the degree of achievement of the organizational goals and objectives at what monetary costs and efficiency. The core function of the Judiciary was to dispense justice. Justice is accessed everyday regardless of the situation hindering. Silence must be observed at all times the courts are in session. This affected the contract duration and cost due to specific timings for undertaking the refurbishment for example working after 1630hrs of the day and weekends. To meet the contract period, the contractor would either incur cost of employing more casuals or extending the contact period. This indicated a significant relationship between the nature of judicial work and the implementation of government funded projects hence tested  $H_03$  hypothesis.

The conceptual model also showed significant relationship between bureaucracy and the implementation of government funded projects. Max Weber believed that the ideal form of administration especially in a government sector was bureaucracy. He believed that if carefully managed, a bureaucratic administration can lead to effective decision-making, optimum use of resources and successful accomplishment of organizational goals. The Kenya government

project knowledge and experience are important determinates in project outcomes. They further explained that a combination of knowledge and experience would improve project manager performance. Acts are guided and governed by the Procurement Act (2005) and Regulation (2006) now cited as new Act (2015). The government policies must be followed for all government projects. The extent was tested in hypothesis H<sub>04</sub>.

The literature on project management professionalism showed a significant relationship between the performance and the implementation of government projects. Knowledge and experience are important determinants in project outcomes and would improve project manager`s performance. The extent of this relationship in this study was tested in hypothesis H<sub>05</sub>

The contract management in this study was the moderating variable which would influence the implementation of government projects. However, there was a significant contributory on standard tender document guiding and properly managing the terms and conditions of the contract, Procurement Acts & Regulations for guiding the government projects and the Litigation & arbitration of contracts. This variable was not studied.

## **2.10 Knowledge Gap**

The research observed the gaps identified within the review of relevant literature as shown in the table below;

**Table 2.1: knowledge gap**

<b>Variable</b>	<b>Author and Year</b>	<b>Findings</b>	<b>Knowledge gap</b>
Contract variation	Sutrisna (2004), Mohamed, (2001) and Ssegawa et al. (2002), Hanna et al. (2002)	Variation was almost inevitable in most of the construction project. Variation orders cannot be avoided completely,	Many projects have stalled because of variations and agencies are struggling with project variation. Again, the literature does not show that variation is a key parameter in contract management
Stakeholder`s influence	Patton (2008), Karl (2007).	Stakeholders entails all persons or groups with legitimate interests participating in a project to obtain benefits	The existing literature did not show the direct representative of the public to be consulted during project planning and execution. There is no pre-set priority of one set of interests and benefits over another
Judicial work	M.Odeh et a (2002) Murali et al (2007) N.k. Fong et a! (2006)	There was massive agreement that owner interference is an important cause of delays in construction projects	There was limited literature on how to handle clients undertaking a one-off projects besides at a global view. Judiciary has unique, duties centrally to the refurbishment project it has to undertake.
Bureaucracy	Beetham, 1987). Bozeman, Reed, and Scott 1992 Mullins (1996)	A certain degree of bureaucracy is necessary for public organizations to safeguard their operations and ensure	The degree of flexibility allowance is not well established in the literature review since rigid and formal bureaucratized organizational structure is ill-suited to deal with the change of environment,
Project management Professionalism	Hauschildt, 2000 Sauer, Li, & Johnson, (2001) Darrell, Baccarini & Love (2010)	Management selects project managers because they have potential as a project manager or a technical specialty. Rarely are project managers hired for their role	The literature review does not show the training need for the project management profession

## **2.11 Summary of the literature review**

This chapter discussed the major determinants of the implementation of government projects in the Judiciary. Consideration must be given from the initial stages (inception) of the project until commissioning. Contractual provision was required to define the conduct of owner, consultant and contractor to participate in and manage variations. Systematic and proper procedures must be set in place to process a change from conceptual development until it materializes in the field. Major variation must be managed and handled professionally in order to minimize its cost, schedule and consequential impacts that may divert the project away from its targeted goals. Secondly, sustaining stakeholder participation through the duration of the project required the careful consideration on project stage and stakeholder's interests and influence. Generally, stakeholders felt valued and respected and that their feedback taken into consideration early in the process would encourage their active contribution for the duration of present and for future projects (IFC 2007; Stiglitz 1998). Time is an essential resource; it's irrecoverable, limited and dynamic. The performance of an organization is evaluated in terms of the degree of achievement of the organizational goals and objectives. The importance of project managers is to be aligned to appropriate career path levels. Organization needs to engage and provide continuity for project managers like they would any other career field in their organization process.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

This chapter described the methodology used in conducting the study. It explained the research design chosen for the study, target population, sampling techniques, data research instruments, validity and reliability of research instruments, data collection procedure and data analysis techniques.

#### **3.2 Research design**

The study employed descriptive survey design. Descriptive survey is used focusing on finding out what, when and how much of phenomena. The design involves collection of data from a sample of a population in order to determine the current status of that population with respect to one or more variables (Munyoncho 2015) citing Mugenda (1999). This research strategy was preferred because it permitted the collection of data through questionnaires administered to a sample. The data collected by this design was used to suggest reasons for particular relationships between independent and dependent variables (Saunders & Thornhil, 2007). A survey design was also used to facilitate the collection of a considerable amount of data quickly, efficiently and accurately (Oso & Onen, 2005).

#### **3.3 Target population**

The target population for the study was 48 employees and Project Managers from 6 Court Stations with government funded Projects in North Coast Region within Kilifi, Tana & Delta and Lamu Counties for the financial years 2015- 2018. The target population comprised of a project Managers, a Head of the Court Station, 3 members of the Tender Evaluation Committees and 3 members of the Inspection and Acceptance Committees in each Court Station who participate significantly in the Court Stations projects and had adequate information on the projects.

#### **3.4 Sampling Technique**

Sampling procedure is the process of selecting a specific number of objects to form respondents for study; (Ngulube, 2003). The researcher used a non-probability sampling technique. In this method, a desired number of sample units was selected deliberately or purposely depending upon

the object of inquiry so that only the important items representing the true characteristics of the population are included in the sample. Purposive sampling technique was used to select respondents. Purposive sampling method was used because elements are chosen based on purpose of the study and may involve studying the entire population of some limited group or a subset of a population. Purposive sampling is the most popular in qualitative research and subjects are selected because of some characteristic (Patton, 1990). Mugenda & Mugenda, (2003) explained that the target population should have some observable characteristics to which the researcher intended to generalize the results of the study.

### **3.5 Method of data collection**

The data in this research was primary data. The researcher used the survey method in collecting the data. The survey method was very versatile particularly in collecting primary data. This was because it was possible to gather abstract information of all types by the survey method. Survey was more efficient and economical. Information can be gathered by a few well-chosen questions.

The data was collected at the field using Mail survey and self-administered questionnaires in which the respondent completed them at their convenience. Questionnaires were used because the population was literate and able to comprehend the questions. Mail survey was administered to courts which are beyond the radius of 110km from Malindi town comprising of the following Court Stations; Mpeketoni, Garsen, Hola and Kaloleni. These Court Stations are also volatile to security issues and the researcher would have incurred more expenses for hiring security escorts if self-administered questionnaires were preferred. The courts which were within the 110KM from Malindi the researcher used self-administered questionnaires. In order to improve the response rate and quality of data gathered, the researchers administered the questionnaires personally and picked them once they were completed for Malindi and Kilifi Law Courts. A follow up by email and telephone was used to the other Law Courts of the study.

### **3.6 Validity and Reliability of Instruments**

Validity referred to the appropriateness, meaningfulness and usefulness of the inferences a researcher makes (Frankel & Wallen 2008). Reliability referred to the consistency of scores or answers from one administration of an instrument to another, and from one set of items to another.



### **3.6.1 Pilot testing of the research instrument**

A pilot study was conducted with the aim of assessing both validity and reliability of the research instrument (questionnaire) before the main research was conducted. The pilot involved four respondents drawn from the target population. The pilot respondents will not be included in the final survey.

### **3.6.2 Validity of Instruments**

Validity was determined by seeking expert opinion from Project management supervisors who ensured that the content of the instrument is adequate enough to collect the intended data. The researcher enhanced the validity of the instruments by subjecting them to the supervisor appraisal and also a field pre-test through a pilot of two respondents from the target population in Malindi to ensure clarity of the questions. The subjects pretest was encouraged to give suggestions concerning the instructions to record the data and some sort of assurance that the information obtained would enable the researcher to draw the correct conclusions about the people's feelings

### **3.6.3 Reliability of Instruments**

Reliability was the extent to which the results were consistent over time and were accurate representation of the total population of the study instrument. Reliability is the dependability and trustworthiness of the test. This was measured through split-half reliability likert test of coefficient Spearman Brown Formula method where the questionnaire were administered to a group of the same categories of individuals with similar characteristics as the actual sample from Mombasa Law Courts. The coefficient of reliability was calculated and was found to be  $R_{xy} = 0.877$ . This meant that the measure had a good reliability of the sample.

### **3.7 Data Collection Procedures**

The researcher obtained permit to conduct the research from the Presiding Judge, Malindi Law Courts and communicated to targeted Court Stations before the data collection process commenced. After obtaining the permission, travel to Kilifi Law Courts was be organized and mails were send to the other targeted Court Stations; Lamu, Hola, Kaloleni, and Garsen Law Courts. A letter of introduction was availed with each questionnaire for ease of identification,

authentication of data and undertaking that the information collected would only be used for the said research only.

### **3.8 Method of data analysis**

Data analysis was the process of obtaining raw data and converting it into information useful for decision making by users. Quantitative and qualitative data was analyzed on the objectives and research questions of the study using descriptive statistics such as frequency tables to show the general features of successful project implementation. According to DeCaro, (2003), descriptive statistics describes a big junk of data with summary, charts and tables but do not attempt to draw conclusions about the population. Chi square statistics tests of hypothesis drew conclusions about the population under study.

### **3.9 Ethical Considerations**

The targeted Court Stations were informed prior to the study to avoid suspicions and resistance. Consent was also sought from the respondents whose participation in this study was voluntary. A declaration statement was made clear that the information to be provided would be treated with utmost confidentiality. Privacy and dignity of the respondents was considered during the research. Names of the respondents were not exposed and positions held were used instead.

### **3.10 Operationalization of Variables**

Operational definition of independent, dependent and moderating variables were as shown in Table 3.1 below:-

**Table 3.1 Operationalization of Variables**

<b>Objectives</b>	<b>Independent Variables</b>	<b>Indicators</b>	<b>Measurement Scale</b>	<b>Methods of data collection</b>	<b>Data collection tools</b>	<b>Data analysis technique</b>
To assess the extent to which contract variation influence on implementation of government funded projects	Contract variation	<ul style="list-style-type: none"> <li>• Project specifications change</li> <li>• Cost Overruns</li> <li>• Deviation from the scope</li> </ul>	Nominal and Ordinal scale	Administering Mail & self-questionnaire	Mail survey and self-administered questionnaires	Descriptive statistics
To establish the influence of stakeholders on implementation of government funded projects	Stakeholder`s influence	<ul style="list-style-type: none"> <li>• Participation</li> <li>• Rejection</li> <li>• Laziness &amp; Laxity</li> <li>• Motivation</li> <li>• Community perception</li> </ul>	Nominal and Ordinal scale	Administering questionnaire	Mail survey and self-administered questionnaires	Descriptive statistics
To establish how the nature of Judicial work affects the implementation of government funded projects in the Judiciary	Judicial work	<ul style="list-style-type: none"> <li>• Complexity</li> <li>• Client` involvement</li> <li>• Higher final account</li> </ul>	Nominal and Ordinal scale	Administering questionnaire	Mail survey and self-administered questionnaires	Descriptive statistics
To assess the effects of bureaucracy on the implementation of government funded projects	Bureaucracy	<ul style="list-style-type: none"> <li>• Culture/customs</li> <li>• Work ethics</li> <li>• Authorization of variations</li> <li>• Procurement Acts &amp; Regulations</li> </ul>	Nominal and Ordinal scale	Administering questionnaire	Mail survey and self-administered questionnaires	Descriptive statistics
To assess the importance of project Management professionalism on the implementation of government funded projects	project Management professionalism	<ul style="list-style-type: none"> <li>• Experience in project management</li> <li>• Code of Ethics</li> <li>• Stalled projects</li> <li>• Projects within budgets</li> </ul>	Nominal and Ordinal scale	Administering questionnaire	Mail survey and self-administered questionnaires	Descriptive statistics

## CHAPTER FOUR

### DATA ANALYSIS, PRESENTATION AND INTERPRESENTATION

#### 4.1 Introduction

This chapter discussed the interpretation and presentation of the findings. The data collected was keyed, analysed and coded by simple descriptive analysis using tables. The chapter provides the major findings and results of the study as obtained from the questionnaires.

#### 4.2 Questionnaire Response Rate

The questionnaires were administered to all the 46 respondents and only 44 responses were obtained. Due to the coverage area of the Hola, Project Manager and Inspection and acceptance Member were unavailability. The returned questionnaires were analysed as shown in table 4.1

**Table 4.1 Questionnaire response rate**

<b>Court station</b>	<b>Targeted population</b>	<b>Return Rate</b>
Malindi	11	11
Kilifi	7	7
Kaloleni	7	7
Hola	7	5
Mpeketoni	7	7
Garsen	7	7
<b>TOTAL</b>	<b>46</b>	<b>44</b>

From table 4.1, most of the respondents were form Malindi Law Courts. This is because the station acts as the regional coordinator for all the courts in the North Coast region. Out of the 46 respondents targeted in the study, 44 respondents completed and returned the questionnaire which constituted to 96% response rate. This response rate was excellent and representative of the targeted population as noted by Mugenda and Mugenda (2003).

#### **4.3 Demographic characteristics of the respondents**

The study wanted to find out the demographic information of the respondents in terms of the designation and areas of specialization. This was to analyse the information from respondents who have knowledge on projects in their stations.

#### **4.4 Distribution of Respondents by project designation**

The following members were found to be very key to any project. The study found out the designation of the respondents as shown in table 4.2

**Table 4.2: Distribution of Respondents by project designation**

<b>Designation</b>	<b>Frequency</b>	<b>Valid Percent</b>	<b>Cumulative Percent</b>
Head of Stations	6	14	14
Tender Evaluation Committee Member	16	36	50
Project Inspection Committee Member	17	39	89
Project Managers	5	11	100

From the above table 39% of the respondents were the project inspection and acceptance committee, 36% tender processing committee members. This shows that the study targeted respondents who are involved in project. 16% were head of stations comprising of in charges of courts administration and 11% were project managers comprising of each county one project Manager

#### **4.5 Distribution of Respondents by area of specialization**

The study also sought to establish the respondent's area of specialization. This was to evaluate the composition of the project teams in the Stations. The results obtained were as shown in table 4.3

**Table 4.3: Distribution of Respondents by area of specialization**

<b>Specialization</b>	<b>Frequency</b>	<b>Valid Percent</b>	<b>Cumulative Percent</b>
Technical	8	18	18
Administrative	21	48	66
Finance	6	14	80
Supply Chain Management	4	9	89
Any Other	5	11	100

According to the table above, 48% of the respondents were from administrative departments symbolizing the users of the Courts, 18% were in technical fields with clear knowledge of the projects and also giving guidance to other committee members. 14% were from finance, 11% from other specialization who are also involved in the projects. The supply was the least in the composition of the team because most Court Stations were coordinated from regional level hence fewer personnel were involved. The study indicated that the information collected was relevant because the committee members were involved in projects implementations.

#### **4.6 The influence of contract variation on the implementation of Government funded projects in the Judiciary**

The study sought to assess the influence of contract variation on the implementation of Government funded projects in the Judiciary

##### **4.6.1 The respondent`s view on the influence of contract variation in the Judiciary projects**

The study sought to find out if contract variation had an influence on the Judiciary projects. The findings were as shown in table 4.4

**Table 4.4: The impact of contract variation in the Judiciary**

	<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Percent</b>
Yes	40	91	91
No	4	9	100

Table 4.4 showed that 91% of the respondents agreed that contract variation had influence on the Judiciary project with a 9% declining to the statement. It therefore showed that the contract variation is inevitable and globally most projects are affected by this variable.

#### **4.6.2 Projects stalled or abandoned because of variations**

The study investigated if the respondents had witnessed projects in the Judiciary which had been abandoned because due to variations. The findings were as shown in table 4.5

**Table 4.5: projects stalled or abandoned because of variations**

	Frequency	Percent	Cumulative Percent
Yes	27	61	61
No	17	37	100

From the above table 61% of the respondents accepted to have witnessed projects which were abandoned or stalled because of contract variation while 37% had not witnesses abandoned or stalled projects.

#### **4.6.3 Contract Variation Can be avoided by stakeholder`s involvement in the project implementation.**

The study sought to find out if contact variations can be avoided by involving all key stakeholders in the implementation of government funded projects. The findings were as shown in table 4.6

**Table 4.6 Avoidance of contract Variation by stakeholder`s involvement**

	Frequency	Percent	Cumulative Percent
Yes	44	100	100
No	0	0	100

There was 100% acceptance that contract variations can be avoided if all key stakeholders are involved in the project implementations. This showed that for a project to be successful stakeholder`s engagement from the start of the project is very key and could prevent contract variations because all the parties involved contribute to the project scope.

#### 4.6.4 Contract variations increase project cost

The study sought to find out if contract variation has effects on cost. The findings were as shown in table 4.7

**Table 4.7: Contract variations increase project cost**

<b>Respondents</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Not Sure</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
Head of station	4	1	1	0	0
Tender Evaluation Committee	8	4	1	2	1
Project Inspection & Acceptance Committee	10	4	2	1	0
Project Manager	0	0	1	1	3
<b>TOTAL</b>	<b>22</b>	<b>9</b>	<b>5</b>	<b>4</b>	<b>4</b>

From the above table 31 respondents agreed that contract variation increase project cost, 8 disagreed and 5 were not sure. This showed that deviation from the contract had impact on cost because of the involvement of items which were not catered for in the contract. The response was in agreement with the involvement of key stakeholder in all stages of project cycle as the remedy.

#### 4.6.5 Contract variation delay project completion and payment

The study sought to find out if contract variations delayed project completion and payment. The findings were as shown in the table 4.8

**Table 4.8 Project completion and payment delays**

<b>Respondents</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Not Sure</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
Head of station	3	3	0	0	0
Tender Evaluation Committee	4	6	3	2	1
Project Inspection & Acceptance Committee	6	8	2	0	1
Project Manager	0	0	2	1	2
<b>TOTAL</b>	<b>13</b>	<b>17</b>	<b>7</b>	<b>3</b>	<b>4</b>



According to the table above 30 of the respondents agreed that contract variations delay project completion and payments,7 were not sure while the other 7 disagreed with the statement. From these findings, we could conclude that there were delays in completion of projects because of changes effected during implementation of projects hence payments were delayed.

#### 4.6.6 Contract variation changes project scope

The study sought to find out if variation had impact on the scope of the projects. The findings were as shown in table 4.9

**Table 4.9: Contract variation changes project scope**

<b>Respondents</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Not Sure</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
Head of station	2	2	0	1	1
Tender Evaluation Committee	6	8	2	0	0
Project Inspection & Acceptance Committee	6	10	1	0	0
Project Manager	4	1	0	0	0
<b>TOTAL</b>	<b>18</b>	<b>21</b>	<b>3</b>	<b>1</b>	<b>1</b>

From the above table, it was clear that contract variation changes the scope of the project with 39 respondents agreeing to the statement, 3 were not sure and 2 disagreed. This concludes that variations have huge impact on projects. The Change of scope brought confusion to the contractors and Project managers which resulted to litigations and also delayed projects

#### 4.6.7 Combined results on influence of contact variation

The results of the findings on contract variation were combined in order to test the dependability of the variable as shown in table 4.10

**Table 4.10 Combined results on influence of contact variation**

Variable	Agreed	Not sure	Disagree	TOTAL
Cost	31	5	8	44
Time	30	7	7	44
Scope	39	3	2	44
<b>TOTAL</b>	<b>100</b>	<b>15</b>	<b>17</b>	<b>132</b>

Out of 132 responses on the factors in favor of the independent variables 100 agreed that contract variation affected the project cost, completion schedules and project scope. The relationship was tested using chi square test of dependability at 95% confidence level. The results are in table 4.11

**Table 4.11: Chi square test on the dependability of contract variation to the implementation of government funded projects**

O	E	(E-O) ^2	(O-E) ^2/E
31	33.33333	5.444444	0.163333
5	5	0	0
8	5.666667	5.444444	0.960784
30	33.33333	11.11111	0.333333
7	5	4	0.8
7	5.666667	1.777778	0.313725
39	33.33333	32.11111	0.963333
3	5	4	0.8
2	5.666667	13.44444	2.372549
			<b>6.707059</b>

Accept  $H_0$  because 6.707 is less than 9.488 (for  $\alpha = 0.05$ )

Null hypothesis ( $H_0$ ) indicated that there was a positive relationship between the contract variations on the implementation of government funded projects

Alternative hypothesis (H<sub>1</sub>) indicated that there was no relationship between the contract variations on the implementation of the government funded projects.

**Decision:** The chi square statistics was ( $\chi^2 = 6.707$ ) which was less than the chi critical  $X_{\alpha} = 9.488$  at 0.05 level of significance and at a degree of freedom of (df=4) therefore the null hypothesis (H<sub>0</sub>) was accepted that the contract variations has a positive relationship on the implementation of government funded projects.

#### **4.7 The influence of stakeholders on the implementation of Government funded projects**

The study sought to investigate whether the Judiciary involved key stakeholders in the implementation of the Judiciary projects.

##### **4.7.1 Stake holder`s analysis**

The study sought to investigate whether the Judiciary undertakes thorough stakeholder`s analysis before commencement of their projects and the finding were as shown in table 4.12

**Table 4.12 Stakeholder Analysis**

	<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Percent</b>
Yes	6	14	14
No	38	86	100

From the above table 86% disagreed with the statement that the Judiciary undertake thorough stakeholder`s analysis and 14% agree with the statement. From the findings, it showed that the Judiciary projects are conceived by very few people and that the management did not map their stakeholders in order to understand them and their wants. Stakeholders analysis is very key successful project implementation because is used in classification of stakeholders and their influences to projects.

#### 4.7.2 Sufficient stakeholder's consultation

The study sought to find out if there was sufficient consultation with key stakeholders on the implementation of the Judiciary projects. The findings were as shown in the table 4.13

**Table 4.13 Stakeholder's not involved in the consultation**

<b>Respondents</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Not sure</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Head of station	0	2	0	4	0
Tender Evaluation Committee	0	3	2	7	4
Project Inspection & Acceptance Committee	0	4	6	5	2
Project Manager	0	1	1	2	1
<b>TOTAL</b>	<b>0</b>	<b>10</b>	<b>9</b>	<b>18</b>	<b>7</b>

Table 4.13 showed that 10 respondents agreed, 9 were not sure and 25 disagreed with the statement that there is always sufficient consultation with key stakeholders throughout the project lifecycle. This could be attributed to other factors that most projects are conceived at the Headquarters and implemented in the Court Station. By not involving key stakeholders at the Station levels triggered would noncompliance and unacceptable by the stakeholders. This showed that 25 respondents were in support that stakeholder's consultation was important while 10 were in support that the Judiciary consulted their stakeholders. From analysis, it was reflected to be a negative question which needed to be proved. The following were the interpretation used in the testing of the hypothesis.

**Table 4.14 Stakeholder's consultation involvement**

<b>Respondents</b>	<b>Agree</b>	<b>Not sure</b>	<b>Agree</b>
Head of station	4	0	2
Tender Evaluation Committee	11	2	3
Project Inspection & Acceptance Committee	7	6	4
Project Manager	3	1	1
<b>TOTAL</b>	<b>25</b>	<b>9</b>	<b>10</b>

### 4.7.3 Monitoring and evaluation reviews.

The study sought to find out whether the Judiciary involved key stakeholders in monitoring and evaluation of their projects at least quarterly in order review their views on the project. The findings were as shown in the table 4.15.

**Table 4.15 Monitoring and Evaluation**

<b>Respondents</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Not sure</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Head of station	1	2	3	1	0
Tender Evaluation Committee	2	7	3	3	1
Project Inspection & Acceptance Committee	6	7	2	1	0
Project Manager	0	1	0	3	1
<b>TOTAL</b>	<b>9</b>	<b>17</b>	<b>8</b>	<b>8</b>	<b>2</b>

From table 4.15 half of the Head of stations did not accept them being part of the key stakeholders they were involved in the monitoring and evaluation of projects in their Stations. This showed that the Judiciary projects do not follow a sequence of follow ups of their project and this might have attributed to the project failure. The Public Procurement Act (2005) amendment 109 of 2013 elaborates the need for tender processing committees in order to follow up projects from the evaluation stage to inspection and commissioning.

### 4.7.4 Project ownership

The study sought to find out if the institution by involving key stakeholders on the implementation of projects portrayed ownership. The findings were as shown in table 4.16

**Table 4.16 Project ownership**

<b>Respondents</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Not sure</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Head of station	1	4	1	0	0
Tender Evaluation Committee	4	9	2	1	0
Project Inspection & Acceptance Committee	4	10	2	1	0
Project Manager	2	1	2	0	0
<b>TOTAL</b>	<b>11</b>	<b>24</b>	<b>7</b>	<b>2</b>	<b>0</b>

Table 4.16 showed 35 of the respondents agreed that involvement of stakeholders in the project implementation portrayed ownership. The study assumed that the stakeholders felt themselves being part of the project and owning the decisions made. Only 2 respondents disagreed. Stakeholders can make a project success or failure.

#### **4.7.5 Combined analysis for the influence of stakeholders**

The study combined the factors in favor of this independent variable and the findings were as shown in table 4.1

**Table 4.17 Combined analysis for the influence of stakeholders**

<b>Variables</b>	<b>Agreed</b>	<b>Not sure</b>	<b>Disagree</b>	<b>TOTAL</b>
Consultation	25	9	10	44
Decisions	31	6	7	44
Ownership	35	7	2	44
<b>TOTAL</b>	<b>91</b>	<b>22</b>	<b>19</b>	<b>132</b>

The respondents averagely agreed and disagreed that stakeholders influenced the implementation of government funded projects with 72 respondents who agreed, 32 not sure and 28 disagreed. The chi-square test for independence was applied to calculate the relationship as shown in table 4.18

**Table 4.18 Chi square test on the influence of stakeholders**

<b>O</b>	<b>E</b>	<b>(E-O) ^2</b>	<b>(O-E) ^2/E</b>
25	28.66667	13.44444	0.468992
9	8	1	0.125
10	7.333333	7.111111	0.969697
26	28.66667	7.111111	0.248062
8	8	0	0
10	7.333333	7.111111	0.969697
35	28.66667	40.11111	1.399225
7	8	1	0.125
2	7.333333	28.44444	3.878788
$X^2$			8.184461

Accept  $H_0$  because  $X^2 = 8.184$  is less than  $X^2 \alpha = 9.488$  (for  $\alpha = 0.05$ ,  $d.f = 4$ )

Null hypothesis ( $H_0$ ) indicated that there was a positive relationship between the contract variation on the implementation of government funded projects

Alternative hypothesis ( $H_1$ ) indicated there was no relationship between the contract variations on the implementation of the government funded projects.

**Decision:** Accepted the null hypothesis that there was a positive relationship between the contract variation on the implementation of government funded projects and rejected the alternative hypothesis that there is no positive relationship between the influence of stakeholders and the implementation of government funded projects because the chi square statistics was ( $x^2 = 8.184$ ) was greater than the chi critical  $X\alpha = 9.488$  at 0.05 level of significance and at a degree of freedom of ( $df = 4$ )

#### **4.8 The influence of judicial work on implementation of government funded projects in the Judiciary.**

The study sought to assess whether there was influence of judicial work on implementation of Judiciary projects

#### 4.8.1 Judicial Functions

The respondents were asked whether the kind of duties undertaken by Judicial Officers affected the implementation of government funded projects in the Judiciary. The findings were as elaborated in table 4.19

**Table 4.19 Judicial Functions**

	<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Percent</b>
Yes	35	80	80
No	9	20	100

From the above table 80% of the respondents agreed that judicial functions affected the implementation of the Judiciary projects. This was due to the fact that during court proceedings there was no construction activity which could be allowed to proceed concurrently.

#### 4.8.2 Contempt of Court.

The study sought to find out if projects could proceed concurrently with court proceedings and if a person can be punished for contempt of court if there was interference with court proceedings. The findings were as shown in table 4.20

**Table 4.20 Contempt of Court**

<b>Respondents</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Head of station	3	2	0	0	1
Tender Evaluation Committee	4	10	2	0	0
Project Inspection & Acceptance Committee	5	9	2	1	0
Project Manager	2	1	2	0	0
<b>TOTAL</b>	<b>14</b>	<b>22</b>	<b>6</b>	<b>1</b>	<b>1</b>



From the above table, it showed majority of the respondents agreed that one could face the law if he or she interfered with Court proceedings. This had affected the construction projects and projects had taken long time before completion.

### 4.8.3 Utilization of budget funds

The study sought to find out if judicial functions delayed the completion of projects hence affecting the utilization of allocated funds within the budgeted time. The findings were as shown in table 4.21

**Table 4.21 Utilization of budget funds**

<b>Respondents</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Not sure</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Head of station	2	1	0	2	1
Tender Evaluation Committee	3	9	2	2	0
Project Inspection & Acceptance Committee	5	8	1	3	0
Project Manager	0	5	0	0	0
<b>TOTAL</b>	<b>10</b>	<b>23</b>	<b>3</b>	<b>7</b>	<b>1</b>

From the above table majority of the respondents agreed that the judicial functions affected the project completions which eventually affected the utilization of government allocated funds. The government allocates funds on financial budget years and if an institution has not consumed the funds they were returned to the treasury regardless of the project status.

### 4.8.4 Contract working hours

The study sought to find out whether contract working hours were affected by the judicial functions. The findings were as shown in the table 4.22

**Table 4.22 Contract working hours**

<b>Respondents</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Not sure</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Head of station	2	0	1	2	1
Tender Evaluation Committee	7	5	1	3	0
Project Inspection & Acceptance Committee	9	4	1	3	0
Project Manager	4	1	0	0	0
<b>TOTAL</b>	<b>22</b>	<b>10</b>	<b>3</b>	<b>8</b>	<b>1</b>

From the table above majority of the respondents agreed that the judicial functions made projects to be undertaken during odd hours. Contractors are forced to work over the night and during the weekends in order to meet the completion date. This resulted to many requests for extension of the contract period. All project Managers agreed to the statement. This showed that they were very much affected by the judicial functions during the project implementation. The project Managers manage projects for the whole county and when one project is delayed it affects Gantt charts for the other projects.

#### **4.8.5 Chi square test on the influence of judicial work on the implementation of projects in the Judiciary**

**Table 4.23 Combined analysis for the influence of Judicial work**

<b>Variables</b>	<b>Agreed</b>	<b>Not sure</b>	<b>Disagree</b>	<b>TOTAL</b>
Contempt of court	36	6	2	44
working hours	33	3	8	44
Utilization of funds	32	3	9	44
<b>TOTAL</b>	<b>101</b>	<b>12</b>	<b>19</b>	<b>132</b>

Table 4.23 showed full support that there were influences of judicial functions which negatively affected the implementation of projects in the Judiciary. The above information was used to test the dependability of the variables

**Table 4.24: Testing the hypothesis**

<b>O</b>	<b>E</b>	<b>(E-O) ^2</b>	<b>(O-E) ^2/E</b>
36	33.66667	5.444444	0.161716
6	4	4	1
2	6.333333	18.77778	2.964912
33	33.66667	0.444444	0.013201
3	4	1	0.25
8	6.333333	2.777778	0.438596
32	33.66667	2.777778	0.082508
3	4	1	0.25
9	6.333333	7.111111	1.122807
			6.283742

Accept  $H_03$  because 6.284 is less than 9.488 (for  $\alpha = 0.05$ )

Null hypothesis ( $H_03$ ) indicated there was a positive relationship between the influence of judicial work on the implementation of government funded projects

Alternative hypothesis ( $H_13$ ) indicated there was no relationship between the influence of judicial work on the implementation of the government funded projects.

**Decision:** The chi square statistics was ( $x^2 = 6.283742$ ) which was less than the chi critical  $X_{\alpha} = 9.488$  at 0.05 level of significance and a degree of freedom of ( $df=4$ ) therefore the null hypothesis ( $H_03$ ) was accepted that there was a positive relationship between the influence of judicial work and the implementation of government funded projects.

#### **4.9 The influence of bureaucracy on implementation of government funded projects**

The study sought to find out if bureaucracy influenced the implementation of government funded projects.

##### **4.9.1 Influence of Bureaucracy**

The study sought to understand if rules and procedures influenced the implementation of government funded projects. The findings were as shown in table 4.25

**Table 4.25 Influence of bureaucracy**

	<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Percent</b>
Yes	41	93	93
No	3	7	100

From the above table 93% of respondents felt that excessive and rigid procedures were affecting the efficiency of implementation of public projects. Compared to private projects public projects are deemed to be delayed because of too much use of policies which did not add value in the processes. 7 % felt that rules and procedure provide systems to work on and they did not see the influence on the implementation of public projects.

#### **4.9.2 Influence of bureaucracy in the Judiciary projects**

The study sought to find out if Judiciary projects are influenced by bureaucracy. The findings were as in table 4.26

**Table 4.26. The influence bureaucracy in Judiciary**

	<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Percent</b>
Yes	39	89	89
No	5	11	100

From the above table 89% of the respondents accepted that Judiciary projects follow the same procedures as other government projects. The rigidity of government rules and regulations were too repetitive in the Judiciary due to decentralization of Courts Stations who repeated the same procedure as the headquarters.

#### **4.9.3 Time consuming contract awarding processes**

The study sought to find out whether the hierarchal awarding processes of public projects were tedious, time consuming and prone to corruption and malpractices. The findings were as shown in table 4.27

**Table 4.27 Time consuming contract awarding processes**

<b>Respondents</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Not sure</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Head of station	1	4	0	0	1
Tender Evaluation Committee	4	11	0	1	0
Project Inspection & Acceptance Committee	5	11	0	1	0
Project Manager	1	3	0	1	0
<b>TOTAL</b>	<b>11</b>	<b>29</b>	<b>0</b>	<b>3</b>	<b>1</b>

From the above table 40 respondents agreed that there were too many hierarchies in the awarding of contracts. The tendering process takes quite long time to the award of the contract. The approvals also follow a long queue to the final approval. The project committees had the highest level of agreement because they felt to be safe when the all procedures are followed.

#### **4.9.4 Transparency and accountability**

The study sought to establish if government regulations on procurement and financial management were good for transparency and accountability. The findings were as shown in the table 4.28

**Table 4.28 Transparency and accountability**

<b>Respondents</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Not sure</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Head of station	2	0	4	0	0
Tender Evaluation Committee	1	9	4	2	0
Project Inspection & Acceptance Committee	5	9	3	0	0
Project Manager	1	0	3	1	0

<b>TOTAL</b>	<b>9</b>	<b>18</b>	<b>14</b>	<b>3</b>	<b>0</b>
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Table 4.28 elaborated a mixed implication because 27 respondents agreed and 14 of the respondents were not sure if policies influence curb corruption and malpractices in the public projects. The Government seemed to be bureaucratic because it should be accountable to the public.

#### **4.9.5 Lack of ownership**

The study sought to find out if the laid down procedures and policies for project Management makes team lack ownership of the project. The findings were as shown in table 4.29

**Table 4.29 Lack of ownership**

<b>Respondents</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Not sure</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Head of station	0	3	1	1	1
Tender Evaluation Committee	1	6	7	2	0
Project Inspection & Acceptance Committee	2	5	6	4	0
Project Manager	0	2	2	0	1
<b>TOTAL</b>	<b>3</b>	<b>16</b>	<b>16</b>	<b>7</b>	<b>2</b>

Table 4.29 showed that the respondents did not seem convinced that rules and procedures would make project teams lack ownership of the project. 18 respondents agreed that the project teams needed to be involved in the formulation of project policies so that they would articulate what they planned. Projects are unique and need some flexibility in the implementation. This would enable the project teams to make informed decisions when need be. When there are too tight policies the implementation may be slowed down awaiting unnecessary approvals. 9 respondents disagreed with the statement. This showed that there was need for laid down procedures which would give uniformity in the implementation of public projects.

#### 4.9.6 Chi square test on the influence of bureaucracy on the implementation of projects in the Judiciary

**Table 4.30 Combined analysis of the influence of bureaucracy**

Respondents	Agreed	Not sure	Disagree	TOTAL
Time consuming	39	0	5	44
Accountability	27	14	3	44
Lack of ownership	19	16	9	44
<b>TOTAL</b>	<b>85</b>	<b>30</b>	<b>17</b>	<b>132</b>

From table, above 85 responses were for flexibility, 30 were not sure if bureaucracy influence projects while 17 were for bureaucratic project environment. This analysis showed that for public institutions some bureaucracy is health to safeguard public interests.

**Table 4.31 Testing Hypothesis**

O	E	(E-O) ^2	(O-E) ^2/E
39	28.33333	113.7778	4.015686
0	10	100	10
5	5.666667	0.444444	0.078431
27	28.33333	1.777778	0.062745
14	10	16	1.6
3	5.666667	7.111111	1.254902
19	28.33333	87.11111	3.07451
16	10	36	3.6
9	5.666667	11.11111	1.960784
			25.64706

Reject  $H_0$  because  $X^2 = 25.647$  is greater than  $X^2 \alpha = 9.488$  (for  $\alpha = 0.05$ , d.f =4)

Null hypothesis ( $H_0$ ) indicated there was a positive relationship between the influence of bureaucracy and the implementation of government funded projects

Alternative hypothesis ( $H_1$ ) indicated there was no relationship between the influence of bureaucracy and the implementation of the government funded projects.

**Decision:** Rejected the null hypothesis and accepted the alternative hypothesis that there is no positive relationship between the influence of bureaucracy and the implementation of government funded projects. The chi square statistics was ( $\chi^2=25.647$ ) which was greater than the chi critical  $X_{\alpha} = 9.488$  at 0.05 level of significance and at a degree of freedom of ( $df=4$ ). The independent variable did not prove relationship with the dependent variable.

#### **4.10 The influence of project management professionalism in implementation of government funded projects in the Judiciary**

The researcher sought to know if project management professionalism has influence on implementation of government funded projects in the Judiciary

##### **4.10.1 Influence of project management professionalism in the Judiciary**

The respondents were asked if project professionalism had influence on implementation of the Judiciary projects. The findings were as shown in table 4.32

**Table 4.32 Influence of project management professionalism**

	<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Percent</b>
Yes	41	93	93
No	3	7	100

From the above table 93% accepted that project Management is very key in the management of projects while 7% did not accept. This meant that projects needed to embrace project Management skills for better results in their projects



#### 4.10.2 Project management Team

The respondents were asked if the Judiciary had project management team to spear head projects. The findings were as shown in table 4.33

**Table 4.33 Project management team**

	Frequency	Percent	Cumulative Percent
Yes	23	52	52.2727273
No	21	48	100

From the above table 52% accepted that the Judiciary had project team personnel who undertake projects yet a 48% did not agreed. This showed that the Judiciary had not fully embraced project management professionalism in their projects.

#### 4.10.3 Project Management professionals

The study sought to find out whether the Court Stations have got professionals in the Project management. The findings are as in table 4.34

**Table 4.34 Project Management Professionals**

Respondents	Strongly agree	Agree	Not sure	Disagree	Strongly disagree
Head of station	0	2	2	2	0
Tender Evaluation Committee	0	0	7	4	5
Project Inspection & Acceptance Committee	0	0	4	6	7
Project Manager	0	0	4	0	1
<b>TOTAL</b>	<b>0</b>	<b>2</b>	<b>17</b>	<b>12</b>	<b>13</b>

From the above table, only 2 respondents agreed that the Judiciary has project professionals, 17 were not sure and 25 completely disagreed. It's evident that the Judiciary do not have project professional at the Court Stations and in most cases when they have projects the Ministry of Works personnel are consulted to be the project Managers.

#### **4.10.4 Availability of Ministry of Public works for supervision of the Judiciary projects**

The study sought to find out whether the Ministry of Public Works professionals were readily available when needed to supervise the Judiciary projects. The findings were as shown in table 4.35

**Table 4.35 Availability of Ministry of Public works for supervision of the Judiciary projects**

<b>Respondents</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Not sure</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Head of station	0	0	3	1	2
Tender Evaluation Committee	2	2	5	5	2
Project Inspection & Acceptance Committee	2	3	3	7	2
Project Manager	3	2	0	0	0
<b>TOTAL</b>	<b>7</b>	<b>7</b>	<b>11</b>	<b>13</b>	<b>6</b>

From the above table, 18 respondents disagreed that the project managers are readily available when need to supervision the Judiciary projects. 14 agreed that the Project Managers are available readily available. 11 respondents were not sure if the PMs are readily available considering that they are in charges of counties with many project responsibilities

#### **4.10.5 Project management roles.**

The study sought to find out if the Judiciary appoints qualified project teams. The findings were as shown in the table 4.36

**Table 4.36 Project Management roles.**

<b>Respondents</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Not sure</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Head of station	3	1	1	0	1
Tender Evaluation Committee	4	2	5	1	4
Project Inspection & Acceptance Committee	2	7	5	1	2
Project Manager	2	1	1	1	0
<b>TOTAL</b>	<b>11</b>	<b>11</b>	<b>12</b>	<b>3</b>	<b>7</b>

From the above table 22 respondents agreed that the Judiciary appointed staff with a technical know-how in project management, 12 were not sure and 10 disagreed. These indications from the study was that many teams were appointed not because they were project specialist but had specialization in other fields which were associated with projects like finance, architect, engineers, and many others

#### **4.10.6 Chi square test on the influence of project management professionalism on the implementation of projects in the Judiciary**

**Table 4.37 Combined factors for the influence of Project Management Professionalism**

<b>Variables</b>	<b>Agreed</b>	<b>Not sure</b>	<b>Disagree</b>	<b>TOTAL</b>
project professionals	2	17	25	44
Availability of ministry personnel	14	11	19	44
Project management roles	22	12	10	44
<b>TOTAL</b>	<b>38</b>	<b>40</b>	<b>54</b>	<b>132</b>

From the above analysis, it showed that 54 responses disagreed with most of the statements which addressed the influences of the project management professionalism. 40 responses

were for not sure and 38 had agreed that project management professionalism influence the implementation of government funded projects.

**Table 4.38. Testing Hypothesis**

<b>O</b>	<b>E</b>	<b>(E-O) ^2</b>	<b>(O-E) ^2/E</b>
2	12.66667	113.7778	8.982456
17	13.33333	13.44444	1.008333
25	18	49	2.722222
14	12.66667	1.777778	0.140351
11	13.33333	5.444444	0.408333
19	18	1	0.055556
22	12.66667	87.11111	6.877193
12	13.33333	1.777778	0.133333
10	18	64	3.555556
			<b>23.88333</b>

Reject  $H_0$  because  $X^2 = 23.883$  is greater than  $X^2 \alpha = 9.488$  (for  $\alpha = 0.05$ ,  $d.f = 4$ )

Null hypothesis ( $H_0$ ) indicated that there was a positive relationship between the influence of project management professionalism and the implementation of government funded projects

Alternative hypothesis ( $H_1$ ) indicated that there was no relationship between the influence of project management professionalism and the implementation of the government funded projects.

**Decision:** Rejected the null hypothesis and accepted the alternative hypothesis that there is no positive relationship between the influence of project management professionalism and the implementation of government funded projects. The chi square statistics was ( $\chi^2 = 23.883$ ) which was greater than the chi critical  $X\alpha = 9.488$  at 0.05 level of significance and at a degree of freedom of ( $df=4$ ). The independent variable did not prove the relationship with the dependent variable.

## **CHAPTER FIVE**

### **SUMMARY OF FINDINGS, DISCUSSIONS, RECOMMENDATIONS AND CONCLUSION.**

#### **5.1 Introduction**

This chapter presents the summary of the study findings, discussions, recommendations and conclusion of the research. The chapter also contains suggestions for further studies that may be carried out in the future.

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

The purpose of this study was to determine the determinants of implementation of government funded projects in the Judiciary North Coast Region from the analysis and review of research data through questionnaires.

The response rate of the study was 96% which was considered excellent for the study. The researcher targeted respondents who had knowledge and had participated in implementation projects. These included the head of stations who acts as the authority to incur expenditure (AIE) holders of the projects resources, the tender evaluation committee members who are mandated to analysing tenders and recommend the viable bidders, the project Inspection and Acceptance Committee who approve projects completion and recommend commissioning and payments of the project. Also, the Project Managers were considered for their expertise in project management.

##### **5.2.1 Finding on the influence of contract variations on the implementation of government funded projects**

From the study, 91% of the respondents agreed that contract variation has influenced the Judiciary projects, 61% accepted to have witnessed projects which had been abandoned or

stalled due to contract variation, 100% accepted contract variations can be avoided if all key stakeholders were involved in the project implementations. 31 respondents agreed contract variation increased cost of project, 30 agreed variations delayed project completion and payments while 39 agreed variation changed the scope of the project. The study established that there existed a significant relationship between contract variation and the implementation of government funded projects in the Judiciary, with the variable test using chi square test of dependence. The chi square statistics was ( $\chi^2 = 6.707$ ) which was less than the chi critical  $X_{\alpha} = 9.488$  at 0.05 level of significance and a degree of freedom of ( $df=4$ ).

### **5.2.2 The findings of the influence of stakeholders on the implementation of Government funded projects**

From the study 86% disagreed with the statement that the Judiciary undertake thorough stakeholder's analysis. 10 respondents agreed, 19 were not sure and 15 disagreed that there is always sufficient consultation with key stakeholders throughout the project lifecycle. Half of the Head of stations respondents did not accept they are involved in the monitoring and evaluation of projects in their stations. 35 of the respondents agreed that involvement of stakeholders in the project implementation portrays ownership. The respondents averagely agreed and disagreed about stakeholder's influence in the implementation of government funded projects with 72 who agreed, 32 not sure and 28 disagreed. The chi-square test for independence was applied to calculate the relationship. The study established that there exists a significant relationship between the influence of stakeholders and the implementation of government funded projects in the Judiciary with chi square statistics being ( $\chi^2 = 8.184$ ) which was less than the chi critical  $X_{\alpha} = 9.488$  at 0.05 level of significance and at a degree of freedom of ( $df=4$ ) hence accepting there is a relationship between the tested variables.

### **5.2.3 The findings of the influence of judicial work on implementation of government funded projects in the Judiciary.**

From the study 80% of the respondents agreed that judicial functions affect the implementation of the Judiciary projects. Majority of the respondents agreed that one can face the court of law if he or she interferes with court proceedings. They also agreed that the judicial functions affect the project completions which eventually affect the utilization of government allocated funds. It was agreed that the judicial functions make projects to be

undertaken during odd hours. The relationship was tested using chi square test of dependence. The chi square statistics was found to be  $x^2 = 6.283742$  which was less than the chi critical  $X\alpha = 9.488$  at 0.05 level of significance and a degree of freedom of (df=4) therefore the null hypothesis ( $H_0$ ) was accepted notifying as a positive relationship between the influence of judicial work and the implementation of government funded projects.

#### **5.2.4 The findings of the influence of bureaucracy on implementation of government funded project**

From the study, it showed that 93% felt that excessive and rigid procedures were affecting the efficiency of implementation of public projects, 7 % felt that rules and procedures provided systems to work on and they did not see bureaucracy influencing the implementation of public projects. 89% of the respondents accepted that Judiciary projects follow the same procedures as other government institutions and project rules and regulations were a must to be followed. 40 respondents agreed that there are too many hierarchies in the awarding of contracts. Table 4.21 elaborated a mixed implication because 27 respondents agreed and 14 were not sure if policies influences could curb corruption and malpractices in the public projects. The Government seems to be bureaucratic because it should be accountable to the public.

Table 4.23 showed that the respondents were not convinced that rules and procedures make project teams lack ownership of the project. 18 respondents agreed that the project teams needed to be involved in the formulation of project policies so that they would articulate what they planned. 85 responses were for flexibility, 30 were not sure if bureaucracy influence projects while 17 were for bureaucratic project environment. Null hypothesis was rejected and alternative hypothesis accepted. The analysis found that there was no positive relationship between the influence of bureaucracy and the implementation of government funded projects because the chi square statistics was found to be  $x^2 = 25.647$  which was greater than the chi critical  $X\alpha = 9.488$  at 0.05 level of significance and at a degree of freedom of (df=4). The independent variable did not prove relationship to the dependent variable.

### **5.2.5 The influence of project management professionalism in implementation of government funded projects in the Judiciary**

From the study 93% accepted that project Management is very key, 52% accepted the Judiciary had project team personnel who undertake projects, 2 respondents agreed that the Judiciary had project professionals, 17 were not sure and 25 completely disagreed. 18 respondents disagreed that the project managers are readily available when needed to supervision the Judiciary projects, 14 agreed Project Managers were readily available. 22 respondents agreed the Judiciary appoint staff with a technical know-how in project management, 54 responses disagreed with most of the statements which addressed the influences of the project management professionalism. 40 responses were for not sure and 38 had agreed that project management professionalism influenced the implementation of government funded projects. Null hypothesis was rejected and alternative hypothesis was accepted which concluded that there was no positive relationship between the influence of project management professionalism and the implementation of government funded projects. The chi square statistics was found to be  $\chi^2 = 23.883$  which was greater than the chi critical  $X_{\alpha} = 9.488$  at 0.05 level of significance and at a degree of freedom of (df=4). The independent variable did not prove the relationship to the dependent variable.

## **5.3 Discussions of the findings**

The study revealed a positive relationship in the influence of contract variation, stakeholders and judicial work to the implementation of government funded projects. It also revealed weak relationship in the influence of bureaucracy and project Management professionalism. The discussions of findings from this study were as presented below:

### **5.3.1 Contract variation and implementation of government funded projects**

The study revealed that contract variation is inevitable in most projects not only in the Judiciary but globally at large. In works tender documents the presence of variation clauses revealed that no project which can be completed without changes. Most public contracts have contingency and provisional sums in their bills of quantities to help in the eventualities; this it gives a leeway for variation in order to exhaust all the project resources hence an area for possibility of corruption.



The study has shown that projects are abandoned or stalled on the way because in many times the burden of the variation of orders is passed to the contractors with no extra compensation. Most projects have been stalled because of court cases resulting from nonpayment of projects. The study has showed that for a project to be successful stakeholder`s had to be engaged from the start of the project in order to prevent contract variations and only a few unforeseen variations can be allowed during the implementation stage.

The findings indicated that deviation from the contract had an impact on cost because of the involvement of items which were not catered for in the contract. The response was in agreement with the involvement of key stakeholder in all stages of project cycle as the remedy. This was supported by Mbaluku & Bwisa (2013) who found that for a project would be considered successfully implemented if it comes to completion on-schedule, budget and achieves essentially all the goals originally set for it, accepted and used by the intended clients

The delays in completion of projects were seen to affect the payment schedules because the changes in the scope had to go through all the necessary approvals before implementation. The changes were seen to bring confusion to the contractors and Project managers. The contractor wishes to complete the project before the specified time while the project managers wish to meet the time, scope and cost of the project.

### **5.3.2 The stakeholder`s influence and the implementation of government funded projects**

The findings indicated that the Judiciary projects were conceived by very few people and the management do not analyse their stakeholders in order to understand them and their wants. Stakeholder`s analysis was very key to successful project implementation. Locus (2009) found an implementation schemer and discussed the importance of stakeholder`s participation in the project initiation as the process of improving acceptance of other stages in the project life cycle. This could be attributed to other factors that most projects are conceived at the Headquarters and implemented in the Court Station. By not involving key stakeholders at the Station levels would trigger noncompliance and unacceptance by the stakeholders. A report

by Baker et al (1988) supported the study by confirming the importance of owner satisfaction within the measure of project success. Baker after sampling six hundred and fifty PMs, the researcher decided that project success is something more than just meeting the projects constraints thus the cost, schedules and scope or quality but first winning owner's satisfaction had a great deal to project success and fulfillment.

The report had shown that the Judiciary does not follow a sequence of follow ups of their project and this seemed to be attributing to the project failures. The Public procurement act (2005) amendment 109 of 2013 elaborated the need for tender processing committees to follow up projects from the evaluation stage to inspection and commissioning.

### **5.3.3 Judicial work and the implementation of government funded projects**

The study found that, Section 5 of the Judicature Act, provided for how one could be punished for the contempt of court when there was interference with Court activities and procedures. The Judicial functions affected the duration of the Judiciary projects because contractors have to work on specific time and days. This study was supported by Assaf and Al-Hejji, (2006) who saw delay as the time overrun that extended beyond the specified contract period or extended that's beyond the agreed period of time by the parties involved. This was due to the fact that during Court proceedings there would be no construction activities which could be allowed in concurrent with Court proceedings. Contractors were forced to work over the night and during the weekends in order to meet the completion date hence many contractors requested for contract period extension.

The study indicated that time overrun (delay) involved multi complex issues that were consistently important to all the key stakeholders in the construction contracts. These issues of concern involved recovery of cost of delays or necessitation to extend the project with the consequential privilege to recover the costs for adjustments to contract. Bolton, (1990) found that questions arose as to the causes of delay and the assignment of being involved into disputed and litigations but with Judiciary projects the study has shown fear on the side of contractors considering the institution is the custodians of law.

The government allocates funds on financial budget years and if an institution has not consumed the funds they are returned to the treasury regardless of the project status. The

study has shown that the Judiciary projects were influenced by the judicial functions hence this affected the exhaustion of the allocated funds. The study revealed that the government needs to be considerate on the timings of the Judiciary projects. The study was supported by the World bank initiative for funding the JPIP projects for a period of six years as part of world bank`s financial 2010 to 2013.

#### **5.3.4 Bureaucracy and the implementation of government funded projects**

The study revealed that there was no positive relationship between the influence of bureaucracy and the implementation of government funded projects. The study indicated that compared to private projects, public projects are deemed to be delayed because of too much use of policies that do not add value in the processes. The rigidity of government rules and regulations are too repetitive in the judiciary due to decentralization to Courts Stations who repeat the same procedures as the headquarters. This was supported by Beetham, (1987) who found that bureaucracy produced some dysfunctional inequity that included inflexibility, indifferences red tapes, insensitivity and blockage of smooth flow of information.

Morris, (1990) revealed that delays in decision making by Government bodies, bureaucracy and stereotype in hierarchy affects decision on projects on site, thus affecting completion of projects in time and within costs. The study found that tendering process takes quite long time for the award of the contracts. The approvals also follow a long queue to the final approvals but the project committees score highly in agreement that the public projects needed to be bureaucratic for transparency and accountability.

Projects are unique and need some flexibility in the implementation. This enables the project teams to make informed decisions when need be. When there are too tight policies the implementation may be slowed down awaiting unnecessary approvals. The study did not support bureaucracy though supported that public institutions need some bureaucratic organization to safeguard public interests. The public bureaucracy translated articulated policies into practical reality and bridging the gap between the legislative fulfillments. According to Dick (2003) in his report he noted public bureaucracy had become an escapable nature of the modern societies and had grown its importance to the society. In fact, it was noted that public bureaucracy indeed was an important tool for change and development in the public projects

### **5.3.5 Project Management and the implementation of government funded projects**

The report revealed that there were no significant relationships between project management or professionalism and implementation of Government funded projects. The Judiciary needed to embrace project Management skills for better results in their projects. The study indicated that the Judiciary has not fully embraced project management professionalism in their projects. It was evidenced that the Judiciary did not have project professional at the Court Stations and in most cases the institution use the Ministry of Works personnel as their project professionals. The study established that majority of the respondents felt that the Ministry of Work experts were not readily available for Judiciary projects considering that they have many responsibilities in the counties they represent.

The indication from the study was that many teams were appointed to projects not because they were project specialist but specialized in other fields which were associated with projects like finance, architect, engineers, and many others. This has been also supported by Kimani (2004), Ileri (2008) and Kikwasi (2012) who found that lack of adequate technical and managerial skills in project implementation by contractors had impeded their performance and growth.

### **5.4 Conclusions**

From the findings of the study, the following conclusions were made on the determinants of implementation of the Government funded projects in the Judiciary. Contract variation, stakeholders and judicial work influenced the implementation of government funded projects in the Judiciary. Contract variation increases contract costs, delays project completion and also it changes the scope of the projects. 100% accepted contract variations can be avoided if all key stakeholders are involved in the project implementations. It has been proved by many researchers in the literature review that contract variation was inevitable even when carefully planned; It was likely that there were changes to the scope of projects as the contract progress. The delays in completion of projects were seen to affect the payment schedules because of the changes in the scope had to go through all the necessary approvals before implementation.

Stakeholder`s involvement is paramount in development of projects and helps to avoid problems in future. These involvement sessions were aimed at ensuring that there is buy in and commitments by key stakeholders prior to the actual implementation of the projects. Once the beneficiaries do not support the project it leads to project failure as all that is done will not achieve its objectives. The Judiciary projects have mainly failed because of lack of involvement of key stakeholders in the projects decision making.

The judicial functions affect the implementation of projects in the Judiciary. The contractors have to work on odd days or incur more cost of employing many casuals in order to meet the contract period. It seems the Judiciary projects rarely meet the cost, time and scope as per the contract.

The Judiciary has unique duties compared to other institutions who can undertake projects concurrently with their core functions. The need for consideration by Government when scheduling projects in terms of cost and completion time especially during budgeting

From the findings, a certain degree of bureaucracy was traced to be important to public institutions in order to safeguard public operations and ensure transparency and accountability transparency and accountability. Public institutions are funded by the Government through the treasury and therefore the institutions must be under public scrutiny. The Judiciary lacks the expertise in Project Management and the dependency to the Ministry of works Project Managers for guidance, supervision and management of their project has greatly impacted the Judiciary because the PMs have enlarged responsibilities within their counties. This has resulted to project delays and mismanagement of projects because in many cases the contractors undertake Judiciary projects on their own without supervision.

## **5.5 Recommendations**

In light of the study findings, the following were the recommendations;

1. The Judiciary should involve key stakeholders throughout the project cycle. This will reduce contract variations because key parties will contribute from the project initiation.
2. The Judiciary should conduct stakeholder`s analysis before commencement of their projects in order to classify stakeholders needs and wants

3. The Judiciary should involve its stakeholders in key management decisions. This will help in project acceptance by the stakeholders
4. The government should allocate the Judiciary project funds considering the type of function the institution undertakes.
5. The Judiciary should ensure that there is thorough stakeholder mobilization programmes that would reduce the effects of resistance by key stakeholders during the actual implementation of the projects.
6. The optimal use of bureaucracy when carefully managed would yield the benefits of effective decision making and adequate use of the allocated resources.

### **5.6 Suggestions for Further Studies**

This study aimed to research on the influences of contract variation, stakeholders, judicial work, bureaucracy and project management professionalism on implementation of Government funded projects in the Judiciary. These were not the only factors that influences Government funded project. The research recommends the following areas for further research;

1. The strategies on how to handle clients undertaking a one off projects besides at a global view.
2. Factors influencing project completions of other Government Institutions such as Commissions and Tribunals
3. The strategies that the Government should put in place to facilitate effective performance of the Judiciary projects hence decentralizing justice to the citizens in all the counties.

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.APPENDIX I: LETTER FROM THE UNIVERSITY OF NAIROBI



UNIVERSITY OF NAIROBI  
COLLEGE OF EDUCATION AND EXTERNAL STUDIES  
SCHOOL OF CONTINUING AND DISTANCE EDUCATION  
DEPARTMENT OF EXTRA- MURAL STUDIES

MALINDI SUB CENTRE

MALINDI EXTRAMURAL CENTRE  
P.O.BOX 5309-80200 MALINDI

21<sup>st</sup> September 2016.

TO,

THE PRESIDING JUDGE,  
MALINDI LAW COURTS

Dear Sir/Madam

**RE: DATA COLLECTION-**

Nzamu Jeniffer Mbula of student ID Number L50/79593/2015 is undertaking Master of Arts in Project Planning and Management at the University of Nairobi, Malindi. As part of the requirement for her program, she is required to undertake a research on "**Determinants of the implementation of Government funded projects in the Judiciary, North Coast region, Kenya**". She wants to collect data and your institution has been selected to participate in this research study as a significant respondent.

This research is purely for academic purposes and all the information your institution will give will be treated with utmost confidentiality.

We will appreciate any assistance given to her.

21/09/2016 

**STEPHEN FANAKA NDURYA**

Centre Administrator.

APPENDIXII: LETTER FROM THE JUDICIARY OF KENYA



THE HON. MR. JUSTICE SAID J. CHITEMBWE

Tel: Malindi 042-2120495  
042-2130188

JUDGES CHAMBERS  
HIGH COURT  
P. O. BOX 2-80200  
MALINDI

23<sup>rd</sup> September, 2016

TO WHOM IT MAY CONCERN

RE: AUTHORITY TO COLLECT RESEARCH DATA

M/s Jeniffer Mbula Nzamu is a student at the University of Nairobi pursuing a Master of Arts degree in Project Planning and Management. She is proceeding to undertake her research on the determinants of implementation of government funded projects in the Judiciary, North Coast Region.

She has been granted permission to collect data for her study. The information collected will be purely for academic purpose. Any assistance given to her will be appreciated.

Thank you.

A handwritten signature in blue ink, appearing to read 'S.J. Chitembwe'.

**S.J. CHITEMBWE**  
**PRESIDING JUDGE**

Copy to: -

1. Resident Judge  
High Court  
**GARSEN**

2. Chief Magistrate  
Law Courts  
**MALINDI**
3. Senior Principal Magistrate  
Law Courts  
**KILIFI**
4. Senior Principal Magistrate  
Law Courts  
**KALOLENI**
5. Principal Magistrate  
Law Courts  
**MPEKETONI**
6. Principal Magistrate  
Law Courts  
**HOLA**

APPENDIX III: LETTER OF TRANSMITTAL OF DATA COLLECTION INSTRUMENTS

Jeniffer Mbula Nzamu,  
P.O.BOX 2- 80200,  
MALINDI  
September 13,2016

Dear respondent

RE: REQUEST FOR RESEARCH INFORMATION

I am a master student at the University of Nairobi, School of Continuing and Distance education, undertaking a research on the determinants of Government funded projects in the Judiciary, North Coast region, Kenya.

This letter is to kindly request you for a few minutes of your time to answer the some few questions which are aimed to collect data for my study. The information obtained will be used purely for academic purpose and will be treated with utmost confidentiality. Your identity will be anonymous and no name will be recorded.

Please respond to the questions honestly and truthfully

Yours Sincerely

Jeniffer Mbula Nzamu

## APPENDIX VI: DATA COLLECTION QUESTIONNAIRE

**Dear respondents,**

I am Jeniffer Mbula Nzamu, master's student of the University of Nairobi carrying out a study on the determinants of implementation of Government funded projects in the Judiciary, North Coast Region.

I humbly request you to spare some few minutes of your time and respond to the questions below.

The study is strictly for academic purposes and will be treated with utmost confidentiality.

Your cooperation is highly appreciated.

### Section A: Demographic Characteristics Data

Please tick in the boxes provided

#### a) Project designation of the respondents

- Head of Station (User)
  
- Tender Evaluation Committee Member
- Project Inspection and Acceptance Committee Member
- Project Manager

#### b) Respondents area of specialization

- Technical
  
- Administrative
  
- Finance

- Supply Chain Management
- Any other

**Section B: The influence of contract variation on the implementation of government funded projects in the Judiciary**

**Please tick in the boxes provided**

1. Does Contract variation have a great impact in the Judiciary projects? Yes   
No
2. Do you know any project that has stalled or delayed because of variations? Yes   
No
3. Can Contract variation be avoided if the key stakeholders are involved in the project planning, monitoring and execution? Yes   
No

**The following rating numbers will be used, please tick where applicable**

Strongly agree (5), Agree (4), Not Sure (3), Disagree (2), and Strongly Disagree (1)

No.	Questions	5	4	3	2	1
4.	Variation has become almost inevitable in most of the construction projects					
5.	Presence of variation clauses in contracts amounts to admitting that project are likely not to be completed without changes					
6.	Most public contracts have contingency and provisional sums in the contracts hence giving a leeway for variation in order to exhaust the funds					
7.	Variation increase project cost					
8.	Variation has led to delays in completion and payment of projects					

9.	Most projects in the Judiciary do not undergo the feasibility study hence encourage variation					
10.	Most projects in the Judiciary do not involve sufficient consultation of key stakeholders hence necessitating variation during implementation					
11.	Many Project Committee Members have knowledge on project Management					
12.	The Court Stations have capacity and the technical skills in Project Management					
13.	Variation has led to stagnation and abandonment of many projects					

**Section C: The influence of stakeholders on implementation of government funded projects in the Judiciary**

1. Does Judiciary undertake thorough stakeholder`s analysis before commencement of its projects?

Yes

No

**The following rating numbers will be used, please tick where applicable**

Strongly agree (5), Agree (4), Not Sure (3), Disagree (2), and Strongly Disagree (1)

No.	Questions	5	4	3	2	1
1.	There are always consultations with key stakeholders throughout the project cycle					
2.	The Court Users Committees have encouraged the reduction of distance to Courts hence calling for establishment of more Court Stations which eventually bring justice closer to people					
3.	There is uncalled for fear by the Project Managers on handling Judiciary projects hence fail to give sufficient guidance on project implementation					
4.	There is delay and confusion on the side of the contractor in completing the projects due to changes brought about by the					

	users that were not part of the contract					
5.	There are always monitoring and evaluation reviews on projects in consultations with key stakeholders at least quarterly to demonstrate tangible progress					
6.	Non-recognition of key stakeholders in the implementation of projects has brought retrogressive effect on the same					
7.	By involving key stakeholders on the implementation of project portrays ownership. This applies to the institution					
8.	Acceptance is a stage in project implementation that must be managed like any other factor in the project life cycle. The institution involves key stakeholders in this stage					

**Section D: The influence of judicial work on the implementation of government funded projects in the Judiciary**

**Please tick where applicable**

1. Does the Judicial work influence the implementation of Judiciary projects? Yes   
 No

**The following rating numbers will be used, please tick where applicable**

Strongly agree (5), Agree (4), Not Sure (3), Disagree (2), and Strongly Disagree (1)

No.	Questions	5	4	3	2	1
2.	A person can be punished for the contempt of court if he/she interfere with Court proceedings					
3.	The Station heads who are also Judicial Officers oversees project implementation and spend most of their times in the Courts hence have no time left for projects.					
4.	Delay of projects due to judicial function has got a cost effect					
5.	Due to Judicial function the contractors have to work during odd hours and at many times not meeting the project schedule					
6.	The Judicial functions delay completion of projects hence payment delay makes it difficult to utilize the funds within					



	allocated financial years as per the budget					
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**Section E: The influence of bureaucracy on implementation of government funded projects**

**Please tick where applicable**

1. Does bureaucracy influence the implementation of government funded projects?
 

Yes

No
  
2. Are the Judiciary projects influenced by bureaucracy?
 

Yes

No

**The following rating numbers will be used, please tick where applicable**

Strongly agree (5), Agree (4), Not Sure (3), Disagree (2), and Strongly Disagree (1)

No.	Questions	5	4	3	2	1
3.	The processes involved in the awarding of public projects are tedious and time consuming					
4.	The financial management regulations delay payment of projects due to hierarchical approvals hence frustrates the contractors and delay project completion					
5.	Government regulations on procurement and financial management are good for accountability and transparency					
6.	Government regulations are prone to corruption and malpractices					
7.	The laid down procedures and policies on project Management makes the project teams lack ownership					

8.	Rules are normally provided for guidelines but often they have become source of inefficiency in projects					
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**Section F: The influence of project Management professionalism on implementation of government funded projects in the Judiciary**

**Please tick where applicable**

1. Does Project Management professionalism influence the implementation of government funded projects in the Judiciary?
 

Yes

No
  
2. Does the Judiciary have a Project Management team division in charge of projects?
 

Yes

No

**The following rating numbers will be used, please tick where applicable**

Strongly agree (5), Agree (4), Not Sure (3), Disagree (2), and Strongly Disagree (1)

No.	Questions	5	4	3	2	1
3.	All Court Stations have got professionals in project Management					
4.	The Headquarters sends qualified professionals to supervise projects in Stations					
5.	The Ministry of Public Works sends professionals to supervise Judiciary projects					
6.	The Public Works professionals are readily available to supervise Judiciary projects					
7.	Project Management roles are filled by staff who are not qualified in the field					
8.	From the past successful and failed projects, the institution is now better placed to run present and future projects successfully					

9.	Project management is a profession' yet is unlikely to ever become recognized as a standalone profession in the institution					
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**THANK YOU VERY MUCH FOR YOUR TIME AND EFFORT.**