IMPACTS OF PUBLIC PROCUREMENT ACT ON THE PROCUREMENT PROCESSES IN THE KENYAN PUBLIC SECTOR (A CASE STUDY OF KENYA POWER).

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A RESEARCH PROJECT SUBMITTED TO THE SCHOOL OF MANAGEMENT AND LEADERSHIP IN PARTIAL FULFILLMENT OF THE REQUIREMENT FOR THE AWARD OF DIPLOMA IN SUPPLY CHAIN MANAGEMENT AT THE MANAGEMENT UNIVERSITY OF AFRICA

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DECLARATION

This research project is my original work and has not been presented to any other University or Institution.

Sign………………………………… Date………………………………..

IBRAHIM HUSSEIN

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Supervisor Declaration:

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

Signature: …………………………. Date: ……………………………..

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DEDICATION

I dedicate this research project to my parents and sibling, who have been supportive timeless and have assisted me financially and emotionally to reach this far. I also dedicate the same to Mr. Fred Maluki, one of my lecturers, and my supervisor Mr. Hillary Kipkorir who have assisted me with academic advices, moral support and guided me in my research project and help me reach this point.

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LIST OF ABREVIATIONS

PPOA	-	Public Procurement Oversight Authority
PPDA	-	Public Procurement and Asset Disposal Act
BSC	-	Balanced Scorecard
KENAO	-	Kenya National Audit Office
ODA	-	Official Development Assistance
KPI	-	Key Performance Indicator
PP	-	Public Procurement
CIPS	-	Chartered Institute of Procurement Supply
KISM	-	Kenya Institute of Supplies Management
GDP	-	Gross Domestic Product
RBV	-	Resource Based View

DEFINITION OF TERMS

Procurement Codes and Ethics	Ethics is a set of values, principles, practices that guide public officials in their service delivery to the public. If not carried with utmost ethical standards, procurement is vulnerable to malpractices.
Service Delivery	An attitudinal or dispositional sense, referring to the internationalization of service values and norms (Heskett, 2016).
Legal Environment	A broad framework that governs all business activities and contract law (Thai, 2017).
Customer Care	Refers to putting systems in place to maximize customers' satisfaction (Athanassopoulos, 2016).
Descriptive Research Design	A study concerned with the what, where and how of a phenomenon (Schindler, 2017).
Procurement Legal Framework	Laws, regulations and policies that are put in place to govern the governments and public entities' procurement activities (Kanyaru, 2019).
Procurement Threshold Regulations	Rules that set the expected value of the procurement at which procurement regulations apply (Elsheman, 2018).

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ABSTRACT

The main objective of the study is to assess the impacts of procurement regulations on procurement process on Kenyan public sector: A case of Kenya Power.The study was led by the following specific objectives to evaluate the effect of Tendering regulations on procurement process in Kenya Power, to establish the effects of Procurement Threshold Regulations on procurement process in Kenya Power and to establish the effects of procurement codes and ethical practices on procurement process in Kenya Power. The study used descriptive research design. Questionnaires were administered to employees who were selected through the stratified random sampling technique. A target population of 207 from the organization management namely, top management level, middle level, and lower management level were drawn from Kenya Power. Both primary and secondary sources were used to obtain data for this study. The organization's evaluation reports on human resource management served as the source of secondary data, while employee questionnaires served as the source of primary data. A sample size of 31 respondents selected from 207 were used in the study. Data was gathered that was both quantitative and qualitative. The qualitative data collected from secondary sources was analysed using content analysis and logical analysis approaches while frequency distribution and percentages were employed for the quantitative data analysis. To enable easy interpretation of the analysis, tables, charts, and graphs were utilized. The researcher's study concluded that the major obstacles to the procurement system are ministerial interference with the tender process. The findings indicated that Public Procurement procedures apply only if the estimated value of the procurement exceeds a certain value. The findings indicated that application of ethical standards will facilitate fair competition as well as inhibiting corruption practices in the Kenya Power. The researcher concluded that Procurement laws and regulations governing procurement affect its effectiveness or ineffectiveness. The researcher concluded that Public Procurement procedures apply only if the estimated value of the procurement exceeds a certain value, the so-called 'threshold'. The researcher concluded that good practices and ethical standard enhances open and effective competition. This study recommended that the Kenya Power should organize effective procurement management processes, identify potential ethical problems, and address them beforehand so that staff members are well aware of the malpractices to avoid.

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Procurement is defined by the Public Procurement and Regulatory Authority (PPRA, 2015) as the acquisition or getting of any form of works, assets, services, or goods, including livestock, by purchase, renting, lease, hire buy, license, tenancy, franchise, or any other contractual method. According to Lindblom (2019), all countries have enacted laws and regulations to defend the public interest in public procurement. It's also worth noting that, unlike private procurement, public procurement is a political system's business, with substantial integrity, accountability, and national interest considerations. Furthermore, a good procurement system in both developed and developing countries must meet two sets of requirements: management requirements and policy requirements (Thai, 2017)

Public procurement has become a topic of public discussion and debate around the world, and it has been exposed to changes, restructuring, and new laws and regulations. Gachoka (2016) defined public procurement as the purchase of products and services from the private sector by governments and public organizations to carry out public functions. Public bodies, according to Roodhooft and Abbeele (2018), have traditionally been large purchasers with large expenditures. Brian (2018) also stated that public procurement accounts for 18.42% of global GDP. Despite the fact that a number of developing countries have taken moves to modernize their public procurement systems, the process remains mired in secrecy, inefficiency, corruption, and undercutting. Huge sums of money are squandered in each of these incidents (Odhiambo & Kamau, 2019). Public procurement is becoming more widely acknowledged as a critical component of procurement process in developing nations (Hunja, 2018), and it accounts for a significant amount of overall expenditure. According to Hunja, (2018). public procurement accounts for 60% of overall public expenditure in Kenya (Akech, 2015), 58 percent in Angola, 40% in Malawi, and 70% of total public expenditure in Uganda

There are five types of public procurement processes, according to Grifith (2019): open tenders, where prospective suppliers are encouraged to compete for a contract announced in the press or gazette, and the supplier with tender with the lowest tender value is normally approved.

Procurement has a vital role to play in the execution of budgets at all levels of government, according to the Ministry of Finance Strategic Plan (2015-2016). The government is the country's largest single buyer of goods, works, and services, with procurement accounting for over 70% of the budget.

Kenya's public procurement system has seen substantial changes over the last three decades. From a system with no laws in the 1960s to one governed by Treasury Circulars in the 1970s, 1980s, and 1990s, Kenya's public procurement system was brought up to date with the adoption of the Procurement Regulations of 2006. Many studies on procurement were conducted prior to the Public Procurement and Disposal Regulations of 2006 to assess the efficiency of the existing procurement process (Grifith, 2018). The research' main findings were that public procurement was inefficient and that the state was losing money as a result of bad transactions. According to reports, the country's public procurement system has to be reformed.

Controls in the form of explicit regulatory norms, which are typically legally enforceable on procuring bodies and procuring officers to whom they are addressed, govern the conduct of public procurement. The PPAD 2015 and the Procurement Regulations of 2016 govern Kenya's public procurement system. There were no laws in the 1960s, during the colonial and post-colonial periods. However, today's public procurement system has grown into one that is well-legalized and meets international standards (Mokaya, 2019). Previously, the Government's procurement method was outlined in the 1978 Supplies Manual, which was updated by Treasury circulars issued from time to time (PPOA, 2016). The Supplies Manual did not integrate procurement in the government, and it did not encompass state businesses and parastatals, therefore it was ineffective. Furthermore, the circulars made it difficult for practitioners to make decisions because they had to consult many circulars to get a conclusion (Mokaya, 2019).

The Exchequer and Audit (Public Procurement) Restrictions of 2001 centralized government procurement, and central government, businesses, and parastatals were all subject to public procurement regulations at the turn of the century (Mokaya, 2019).

Because public procurement firms were compelled to form a procurement unit, the regulations resulted in favorable developments. Procurement was previously handled by the Personnel Division and the Finance Department. After the Public Procurement and Regulations were gazetted in 2006, the PPAD 2005 went into effect on January 1, 2007. Both the Act (2015) and the most recent version of the regulations govern public procurement (the Public Procurement and Disposal Regulations, 2018). The goal of the act, according to the legislation, is to set procedures for public agencies to purchase and dispose of unserviceable, outdated, or surplus stocks and equipment (Republic of Kenya, 2015). The government published the most recent version of the act, now known as the 'Public Procurement and Asset Disposal Act 2015,' on December 24, 2015, and it went into effect on January 7, 2016. Maximize economy and efficiency, encourage competition and ensure that competitors are treated fairly, raise transparency and accountability in those procedures, and increase public confidence in those procedures are some of the PPAD 2015 objectives (PPOA, 2015)

The decisions taken by state companies in terms of procurement operations should adhere to the PP legal framework and provide value to the services that these organizations provide to their clients. Regardless of their socioeconomic standing, state corporations provide services to all citizens. The population, as clients, are the ones that pay for these firms' services. The government, as the primary shareholder, expects state enterprises to provide high-quality services to citizens (Thai, 2017).

1.1.3 Profile of Kenya power lightning company

Kenya Power and Lighting Company Limited (KPLC) is a limited liability company owned by the Kenyan government and its institutions, with private owners owning the remaining shares. KPLC is in charge of ensuring that there is sufficient line capacity to deliver and maintain the quality of energy throughout the country, including distribution and retailing. Prior to a major restructure of the power industry in 2007, KPLC also oversaw all of the state's generating stations. Power sector reform began in the early 2000s and has progressed steadily. By establishing an autonomous regulatory agency, the Electric Power Act of 2007 and the Energy Act of 2006 hastened the change (KPLC report Q3 2018)

Kenya Power and Lighting Company rebranded to Kenya Power on Tuesday, June 1, 2011, in what many branding experts say is a long overdue move to redefine itself as a modern corporation. The rebranding came at the perfect time to reflect the needs of the new constitution and Vision 2030, which aims to solve the country's power concerns (Ambasa, 2018).

1.2 Statement of the Problem

Procurement reforms incorporating rules and regulations have been implemented in both developed and developing nations. The main stumbling block, however, has been a lack of regulatory compliance. This viewpoint is shared by Gelderman, Ghijsen, and Brugman (2017), who argue that public procurement compliance remains a big concern. In Malaysia, procurement personnel were accused for malpractice and non-compliance with procurement regulations and processes, according to Hui (2017). Noncompliance leads to inefficiency and ineffectiveness, and as a result, low efficacy, which is contradictory to the Procurement Act's goals (Akapumuza et al, 2018).

Kenya Power identified itself as a category of the public procurement entities and provided an appropriate setting for evaluating the effectiveness of the procurement law.

According to Kenya Power Procurement Newsletter (2019), the Kenya Power is scheduled for review that aims to determine the extent to which the organization complies with the Public Procurement and Disposal Act and identify areas that require strengthening in order to fully comply. The PPAD 2015 and the Public Procurement and Disposal Regulations 2018 provide a strong legal framework for public procurement however they do not automatically guarantee effectiveness in public procurement. It is estimated that 25 per cent of public expenditure could be saved through the proper implementation of public procurement regulation (Ambasa, 2018). Procurement in public entities is faced with various challenges that stand in the way of implementing the Act and its Regulations.

Karuhanga & Mukokoma (n.d); Eyaa&Oluka (2017); and Akapumuza et al (2018) did studies on compliance and effectiveness in the context of Uganda. None of the studies have addressed Impacts of Public Procurement Act on the procurement processes, particularly in the Kenyan context. All of these studies have not taken into account the Impacts of Public Procurement Act in Kenya and more specific Kenya Power, as will be done in this study.

1.3 Objectives of the Study

1.3.1 General Objective

The general objective of this study will be to investigate the Impacts of Public Procurement Act on the procurement processes in the Kenyan public sector, a case study of Kenya Power

1.3.2 Specific Objectives

1. To determine the effect of tendering regulations on procurement process in Kenya Power.
2. To assess the effect of procurement threshold regulations on procurement process in Kenya Power.
3. To examine the effect of procurement law enforcement on procurement process in Kenya Power.

1.4 Research questions

1. What is the effect of tendering regulations on procurement process in Kenya Power?
2. How does procurement threshold regulations affect procurement process in Kenya Power?
3. What are the effects of procurement codes and ethical practices on procurement process in Kenya Power?

1.5 Significance of the Study

Because state firms' performance is critical, the findings of this study will aid them in guaranteeing full implementation and compliance with PP laws and regulations.

This research will provide new information as well as more literature on other researchers who are conducting comparable studies to utilize as the foundation for their future research and help to address any gaps that may present.

It would also help the researcher gain a comprehensive understanding of the impact of the Public Procurement Act on state business performance.

1.6 Scope of the study

The dependent variable of the study is procurement processes of State Corporation while the independent variable is the elements of Public Procurement Act. The study involves employees of Kenya Power. The employees are drawn from all departments in the organization. The study also involves top management of the organization. The jurisdiction of this study will be Nairobi County with a major focus of Kenya Power and Lightning Company.

1.7 Summary of the Chapter

This section presents an overview of the background of the study, profile and organizational structure of the case study. The researcher has further presented the statement of the problem that addresses the impacts of public procurement, and outlined the variables that need to be investigated to come up with working solutions. The chapter then presents the significance and limitations of the study, the objectives and finally closes with the scope of the study.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter focuses on a comprehensive review of literature that is related to factors affecting supply chain performance in a quest to position it in a relevant theoretical framework. It therefore, discusses findings of related studies to this research. The literature review provides the researcher a basis for critiquing findings from other studies undertaken in related areas of the study as well as an explanation of the theoretical rationale of the case being studied. This chapter presents Theoretical and Empirical Review, Summary and Research Gaps, Conceptual Framework, Operationalization of variables as well as Chapter Summary.

2.1 Theoretical Literature

Resource Based Theory

Penrose (1959) provided insights of the firm's resource perspective. However, proper view of the Resource based theory (RBV) was postulated by Wernerfelt (1984) and subsequently propagated by Barney's work (1991). Other authors such as Zahra & George (2002); Mahoney & Pandian (1992) and Dierickx & Cool (1989) have greatly contributed to its conceptualization as well.

The Theory places a strong emphasis on the significance of corporate resources as well as their influence and effect on performance in general. The theory assumes that every organization is equipped with its unique resources that enable it to maintain its competitiveness in the dynamic market, by addressing the fast-changing business environment (Helfat, 2007). These resources may include financial, human, physical, technological and information and they must be valuable, scarce and not constitutable (Crook, Ketchen, Combs & Todd, 2008).

On the other hand, Lopez (2005) disputes, arguing that mere possession of resources does not give an organisation competitive advantage, rather, the resources must be planned, organised, coordinated and put into practice in a coherent manner. It is a requirement of the Public Procurement and Disposal Regulations that Public Procuring Entities have the professional staff and corporate leaders necessary to direct staff on how to participate in the procurement functions as outlined in the Public Procurement and Asset Disposal Act. This theory was used in the study to determine if Procuring Entities employ employees who are professionally qualified and trained in procurement, at the corporate and Tender committee levels, and to determine the staff's level of competence and familiarity with the Act.

Principal Agent Theory

The Principal Agent Theory was promoted by Donahue, (1989). The theory explains that procurement managers have a relationship role in the public procurement sector. However, his conclusions are based on the relationship and need between the buyer and the supplier, who is the principal, to reduce the risks brough on by the agent. According to the author, all civil servants involved in public procurement, including procurement managers, must act as agents. Therefore, procurement managers act in the capacity of elected officials. The principal- agency theory also holds that skirting is more likely to take place when policymakers and the bureaucracy are at odds. This democratic perspective emphasizes on the responsiveness to citizens and their representatives (strom2018; Lupia2019).

Soudry (2007) identifies this principal / agent relationship as one of the possible risks that could arise when procurement managers disregard or even override the preferences of the principal, which could lead to non-compliance.

Institutional Theory

Scott (2004) contends that institutions are made up of cultural-cognitive and regulative components that, when combined with related activities and resources, give life meaning. He further describes the three pillars of institutions as being normative, regulatory, and culturally cognitive. The regulatory pillar places a strong emphasis on using regulations, laws, and sanctions as enforcement tools, with expediency serving as the foundation for compliance. The normative pillar outlines values (what is preferable or desirable) and norms (how things should be done), with social duty serving as the foundation for compliance. The cultural-cognitive pillar serves as the foundation of shared understanding (common beliefs, symbols, shared understanding).

However, Suddaby (2010), argues that the idea is flawed because it places a high value on societal stability and uniformity rather than change and diversity. In order to adopt sustainable procurement policies and practices in businesses that provide public services, it is crucial to understand this theory as organizational culture and the degree to which the prevailing environment in an organization is supportive of sustainability and/or of change in general. Other aspects of this dimension include how well senior levels of an organization support procurement specialists and how well organizational processes and structures promote or impede the advancement of procurement professionals. (Brammer & Walker, 2007).

2.2 Empirical Review

The fundamental goal of procurement process literature has always been the effect of accountability and openness on the procurement process (Mcloughlin, C. & Batley, R., 2019; Joshi, 2018). However, Schooner and Whiteman (2018) claim that both developed and developing nations typically accept the role that procurement policies play in promoting an effective and efficient procurement process in public sector businesses. Therefore, its contribution can make a difference in public sector management at the national and local government levels (Rogers, 2018). Public procurement is portrayed by Arrowsmith (2019), Knight (2019), and Bolton (2019) as a tool, method, instrument, or lever for advancing what they refer to as "policies" including support for historically marginalized groups and industrial and economic development.

In his study on compliance with EU laws, Gelderman et al. (2019) found that many entities do not follow the procurement regulations because they are unaware of them or because their companies are still in their infancy. The researcher for this project concurs that knowledge with procurement legislation can influence compliance but he does not think that an organization's lifespan is a sufficient excuse for an entity to disobey the regulations. Zubcic Sims (2018) explores enforcement strategies to improve adherence to laws governing public procurement. The study finds that tight enforcement measures and higher fines result in higher levels of procurement law compliance. In countries with effective bidding procedures, bidders are permitted to participate in all procurement process and have a right to file for a review complaint if they deem that the methods did not adhere to the regulations.

And although regulating public procurement practices is a good way to promote accountability, openness, and integrity in the use of public funds, there is limited knowledge on the possible desirable outcomes of public procurement regulation to procurement performance (Dorothy, 2019). The main objectives of the Public Procurement and Asset Disposal Act of 2019 was to ensure promote transparency, fairness, and non-discrimination in procurement in public institutions while ensuring efficient use of public funds. However, studies show that even after the enactment of the Act, there are still losses of public funds that can be attributed to public procurement (Ouko, 2016). Furthermore, studies show that there are a few loopholes left by the Regulations, which may be exploited by dishonest individuals to make the process ineffective (Kenyanya*et al*., 2018).

Johan (2018) further came up with some improvement slogans that may change procurement process. He states that if the procurement process is not planned for, the delivery of services to the general public will fail. And it cannot be improved if it cannot be measured. If our plans are limited to following rules, we are machines rather than managers. We must plan, implement and monitor what we implement. We shouldn't be reluctant to ask the client (citizens). They truly are the ones that know what they need and want best.

According to Basheka (2018), one of the key functions of procurement regulation is the ability to improve the procurement process as well as the efficiency of local government operations. It is a role that initiates the complete acquisition/procurement process of services in local governments. Improving the efficacy, efficiency, and openness of public procurement systems is a growing concern of governments in developing nations and the international development community. It is also well known that having a national procurement system that complies with international standards and functions as intended is necessary to maximize the efficacy of the use of public funds, especially those provided via (ODA), official development aid (Mawhood, 2018).

Mullins (2019) asserts that the contribution of procurement regulation in facilitating an efficient and effective procurement process in government organizations is generally undisputed in both developed and developing countries. Both the national and local levels of the public sector management are affected by its involvement. His research showed a strong correlation between Kenyan local government procurement systems' procurement processes and legislation. These conclusions are compared with those of international research findings, and suggestions are made for management, drafting policy, and future study.

2.3 Summary and research gaps

According to the Report of the Auditor General for the year 2016-2017, about Ksh 450 billion were misappropriately spent during that accounting period, a figure amounting to a quarter of the national budget. The report identified that county governments had a massive irregular spending of public funds. Moreover, it showed that over 60% of the works were paid for before they were finished, in violation of public procurement and asset disposal laws, and that more than 80% of the contracts had inflated costs. Mburu (2016) came to the conclusion that some of the problems preventing the execution of the Public Procurement and Asset Disposition Act and Regulations included a lack of sufficient resources, resistance to procurement policy and regulations, and a lack of enforcement agencies. The researcher emphasized that there is need to establish one if the enactment of procurement regulations has actually affected procurement process of county governments.

The public procurement regulations are formed of pillars namely: Accountability, Fairness, Equity, Transparency and cost effective. To promote the mentioned pillars inefficiencies in public procurement has to be eliminated. Thus, there is need to effectively training procurement officials since it has greatly contributed to corruption and procurement malpractices. This gap can be addressed by increasing efficiency through the implementation of training that streamlines the public procurement procedures and eliminate the series of non-value adding process as well as much paperwork.

Most organizations have realized that a lot of administrative documentation only serves to document a chain of events or to provide a logical trail. To comply with these procedures, leading edge purchasing businesses need to transform this administrative task into a value-added process by minimizing, eliminating or combining steps where possible (Lysons, 2019). This can be overcome by implementing the Act whose implementation encounters various problems.

2.4 Conceptual Framework

According to Orodho (2018), conceptual framework is a relational model presentation that shows the relationship between dependent variables and independent graphically or diagrammatically. In this case study, the conceptual framework is a hypothesized model that identifies the concepts or variables being studied and illustrates how they are related. The direction of the arrow shows the course of influence as presented in the figure below.

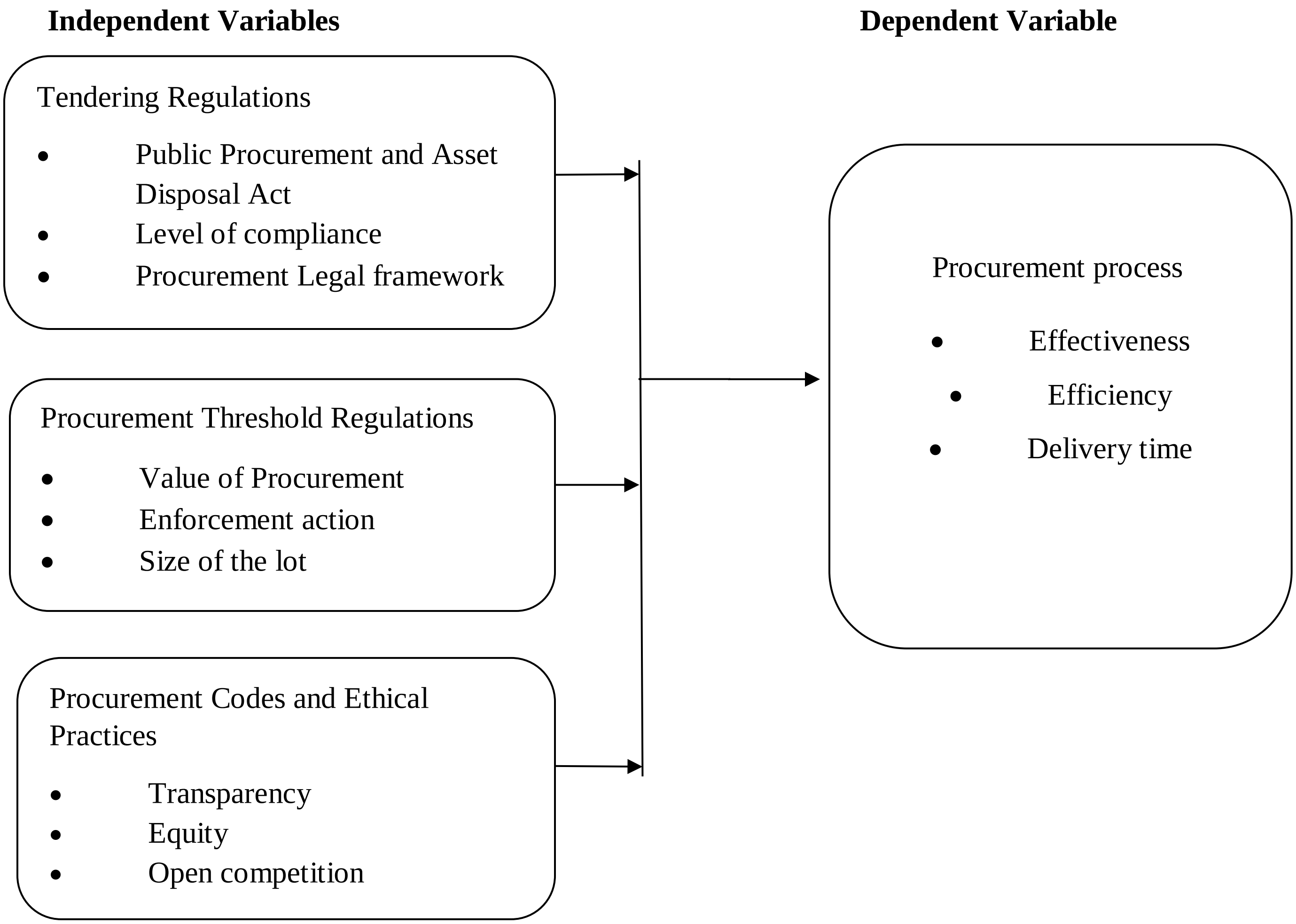

Figure 2.1 Conceptual Framework

Source: Author

Table 2.1 Operationalization of Variables

OBJECTIVE	VARIABLE	INDICATOR	MEASUREMENT STYLE
Tendering Regulations	TR	Public Procurement and Asset Disposal Act Level of compliance Procurement Legal framework	Measured using Question No.8 of part B, in the appended questionnaire
Procurement Threshold Regulations	PT	Value of Procurement Enforcement action Size of the lot	Measured using Question No. 7 of part C, in the appended questionnaire
Procurement Codes and Ethical Practices	PC	Transparency Equity Open competition	Measured using Question No. 7 of part D, in the appended questionnaire

2.5 Operationalization of variables

Tendering Regulations

Tendering regulations is a factor influencing procurement process. Thai (2018) claimed that solid procurement laws and regulations are essential for a successful public procurement system. In practice and theory, public procurement laws and regulations have long been seen as one of the foundational elements of a reliable procurement system. The effectiveness or ineffectiveness of procurement is influenced by rules and regulations put in place. Thus, procurement laws and regulations should be clear, consistent, comprehensive and flexible.

According to Schapper et al., (2018), public procurement is thought to be an inherently politically sensitive activity. However, Pillary (2018) argues that prominent figures and government officials abuse their positions for personal gain, weakening the incentive to maintain integrity. Raymond (2012) also stated that ministers and other state officials receive clandestine payments in government procurement which interferes with the procurement process and constrains compliance. Lodhia and Burritt (2018), also agree that social and political factors have a significant impact on public sector transformation. In developing countries; one of the major barriers to an effective procurement system is state officials' involvement with the tender process, where they intervene and influence tender awards. Public employees have frequently been coerced into following unlawful ministerial directions, with the threat of suspension or termination, which has resulted in noncompliance (Akech, 2019). To support this claim, Hui *et al*., (2011) also asserted that involvement of businesspersons, local politicians, lawmakers, and powerful senior management individuals has corrupted the procurement processes and deterred transparency.

From a contracting perspective, Thai (2018), stated the legal environment of public procurement regulations and rules refers to the legal framework that oversees all business activities, including research and development (regulations dealing with safety and health of new products), manufacturing (regulations dealing with health and safety at workplace), finance (regulations dealing with disclosure of information), personnel (regulations relating with equal opportunity for women and minorities), and marketing (regulations dealing with advertising and disclosure of product characteristics). In countries where legal systems are not comprehensive, government contracts may require detailed clauses to define fundamental principles. As "contract administration includes all relationships between the Government and the contractor," Cibinic, Jr. and Nash, Jr., (2018) define contract administration as the, legal rights and duties of parties, to determine the proper course of action. This is important as some of the operations of the county Government of Mombasa are outsourced and subcontracted. In this regard, procurement regulations have an influence on procurement process due to the nature and complexity in politics and regulations governing all aspects of procurement process from the view of the supplier and end user.

Procurement Threshold Regulations

Prior to the enactment of the PPDA, Public Procurement (PP) was governed by ex-ante laws that restricted actions of contracting authorities. This practice has long concealed the requirement to evaluate ex post performance and gather the necessary data. (Atkinson, 2018).

However, recent study has shown that even in hyper-regulated countries, Public Procurement performance varies widely across sectors and contracting authorities. Procurement rules are evolving, especially in Europe, and ex post performance should be one important factor to consider when assessing these regulations. Some of the rules used to regulate Public Procurement procedures are only applicable if the estimated value of the procurement exceeds a certain value, the so-called 'threshold'. For instance, European procurement regulation enforces standard rules for the whole Internal Market with regard to procurement deals that surpass certain thresholds. Procuring deals with value below these certain thresholds typically have more flexibility in choosing the type of procurement method. However, there is very little empirical review on the effects on procurement these outcomes. Similarly, national regulations employ comparable thresholds to regulate procurement below thresholds (Mariniello, 2018).

The recent empirical debate on where to establish procurement thresholds mainly focussed on the amount of the transaction costs implied by an open competitive procurement, the procedure usually prescribed above thresholds. However, it's important to consider how these thresholds may impact the behaviour in the procurement market. The existence of these thresholds regulates the contracting authorities not to alter the project size and adhere to the said regulations. Even in the highly regulated countries, contracting authorities maintain a considerable discretion in the design of lots and degree of bundling, both between tasks and over time (Palguta & Pertold, 2018).

There numerous ways justify the size of a lot and it is very difficult to prove that its size has been altered to stay below the mandated threshold (Grimm et al. 2019). Therefore, it is very difficult to guarantee that lots are not strategically designed to avoid exceeding a certain threshold.

Several empirical studies of public procurement have focused on the regulatory thresholds to assess the effects of various levels of discretion in the selection of procurement formats, design and outcomes (Spagnolo, 2018).

Coviello & Mariniello (2018); Coviello, Guglielmo & Spagnolo (2018), examined two thresholds in the Italian procurement law to study various aspects of the Italian procurement process. These two studies were the first to utilize thresholds in the legislation governing public procurement to pinpoint its essential economic characteristics and they did so by putting Regression Discontinuity Design techniques to use. The former studied the impact of a greater publicity requirement on procurement outcomes; the latter took advantage of expanded buyer discretion by comparing the results of the conventional open auction – which is above the required threshold - to more flexible award mechanisms below the threshold. Coviello, Guglielmo and Spagnolo (2018) also discover indications of manipulation around the threshold.

Palguta & Pertold (2018) and Jascisens (2018) also study the manipulation of project size to avoid thresholds that result in more strict procurement regulation. Both of these studies borrow their techniques from Chetty*et al*., (2018).

The latter paper's main objective was to investigate the how changes in the marginal tax rate, generated by a transition to different tax brackets, affect the labour supply market. This is done by examining a dataset containing the tax information of Danish citizens from 2012 to 2019. A key step in their research analysis is to determine taxable income elasticity, which was accomplished by computing the bunching close to changes in the tax rates. Bunching is calculated by comparing the actual income distribution with the predicted one that we would observe in absence of the threshold. Palguta and Pertold (2018) try to detect the presence of manipulative and potentially corrupt behaviour of the contracting authorities using this technique.

They use data from more than 46,000 procurement contracts in the Czech Republic from 2018 to 2016. The main object of interest for this paper is the estimated project size; which determines the requirements that must be followed in the standard procedure. A new threshold that loosened the regulations for contracts with an anticipated value below a specific level was implemented in 2019, allowing a less transparent process. This is what raised concerns about contract manipulation. According to Palguta and Pertold (2018) findings, there was statistically significant bunching just below the threshold. Bunching by itself does not establish that there was substantial misconduct. Officials might have been undercutting the threshold only to avoid incurring the higher administrative costs associated with an open procurement process, which is the requirement if the value is above the threshold.

Procurement Codes and Ethical Practices

Public officials are governed by a set of values, ethical principles, and practices when making decisions about how to spend taxpayer money. If not carried with utmost ethical standards, procurement is extremely susceptible to malpractices. Elsheman (2018) notes that procurement process presents the greatest opportunity for ethical violation or abuses. Therefore, good procurement management methods should identify potential ethical problems and address them beforehand so that staff members are informed of the unethical behaviours to avoid and keep at bay. A code of procurement professional ethics is made available to practitioners of procurement by the Chartered Institute of Procurement and Supply (CIPS, UK), and it is intended for adoption by all of its members. In Kenya, the Kenya Institute of Supplies Management (KISM) also introduced codes of Ethics for Supplies Practitioners in 2018 to guide practitioners to adopt best practices in their daily procurement operations - failure to which they shall be subjected to appropriate disciplinary action. Without such disciplinary measures, it is possible that non-compliance with procurement law will continue to thrive at the expense of personal growth, which will result to declined professionalism. Legislative enactments like the Leadership and Integrity Act of 2018 and the Public Officers Ethics Act of 2019 are put in place to guide and regulate the manner in which public officials should undertake their duties.

Another important principle of government procurement is ethics. Compared to other occupations, purchasing professionals are held to greater standards of ethical behaviour, but some of them are simply unaware of what is required of them (Atkinson, 2018). If these employees are not adequately educated in such matters, this may lead major repercussions; including, breaches of codes of conduct. Atkinson (2018) estimates that there are about 500,000 purchasing professionals in the United States, but only 10% of them have joined a Professional Supply Chain Management Association, which provides its members with ethics training. The remaining 90% aren't even aware that ethical and legal standards apply to procurement.

Recent studies in the United States of America, the United Kingdom, and other developed countries have demonstrated that both developed and developing nations engage in the practice of making financial contributions to party finances or to members of parliament in order to achieve rewards (Rege, 2018). However, compared to developed countries, corruption tends to be a problem in developing countries. According to World Bank studies, bribery costs over $1 million year and accounts for up to 12% of the GDPs of countries like Nigeria, Kenya, Venezuela, and Sri Lanka (Nwabuzor, 2018). The main cause of poverty in these regions is corruption. Government procurement personnel in emerging nations like Nigeria, India, Bangladesh, Sri Lanka, and Venezuela have become corrupt as a result of this. In addition, the rule of law is not effectively enforced in these areas (Nwabuzor, 2019), hence immediate action is required to combat corruption in developing countries.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter lists the different levels and levels of completion of the study. It included a data collection system. This section was a strategy, strategy or general framework designed to assist the researcher in answering research questions. Therefore, this research unit has identified the methods and techniques used in data collection, use and analysis. In particular the following points were added; research design, target audience size, system design, data collection tools, data collection methods and data analysis.

3.2 Research Design

A study design is the way in which the researcher arranges the conditions to enable him or her to amass and analyzes the data in a relevant manner for the economy, (Kothari,2004). In this case, the researcher aimed to seek new ideas from the respondents and gain some general knowledge to the study problems. For him to achieve his objective, he used a descriptive research design.

3.3 Target Population

The people considered in the study were 140 employees of the Kenya Ports Power. This company was selected because of its proximity to the researcher and because it introduced the PPD program in 2015 and faced implementation challenges. Therefore, the research presented in this study provided important information and useful guidelines to help to accelerate the adoption of the Kenya Ports Power's procurement acts and improve the organisation's performance.

Table 3.1 Target population size analysis table

Category of employees	Target population	Percentage of population
Procurement	35	25%
Supplies	30	21%
Finance	25	19%

Human Resource	20	14
Operations	30	21
Total	**140**	**100%**

(Source, HR records of Kenya Ports Power 2022)

3.4 Sampling and Sampling Technique

Sampling technique is a method through which some population elements are picked as representative of the total population through application of probability for a representative degree of reliability in the area under study, (Saleemi,2007).

The researcher used a sample size of 30% because, according to Mugenda & Mugenda (2015), that is thought to be a sufficient sample size. Due the group heterogeneity, stratified random sampling was applied by the researcher to have equal chance of participation in the study. There were 10 employees at the stores, and they were all chosen. Respondents were chosen at random, ensuring that each participant had an equal chance of being chosen and minimizing bias.

Table 3.2 Sample size analysis table

Category of employees	Target population	Sample 30%	Total percentage
Procurement	35	11	25%
Supplies	30	9	21%
Finance	25	8	19%
Human Resource	20	6	14%
Operations	30	9	21%
Total	**140**	**43**	**100%**

3.4 Instruments

Questionnaires as a method of collecting data was used where they were issued out to the selected population. In this case, questionnaire was economical, required the researcher not to reveal the identity of the respondents as well as using standardize questions under uniform procedures. In addition, it was easy to score as it enabled and provide the respondents to ponder about the responses by giving ample time. To avoid rigidity and complexity of the study, the researcher used closed and open-ended questions, where structured items were required. In this way, the researcher was able to collect massive volume of information which would not be possible if other techniques such as interviewing and observation were used. Moreover, the researcher used published material for secondary data collection.

3.5 Pilot Test

A draft questionnaire was administered to my friends and family and provide helpful feedback on the phrasing and meaning of each question as part of an informal questionnaire testing exercise that focused on the research questions. A pilot study was conducted on the 12 respondents, who were later dropped from the main study, to make sure the research instrument is reliable, clear and error-free.

Validity

Validity is the degree to which the study measures what is intended to (Beth and Kahn 2009), in this regard the instrument validity was enhanced in the study by correlating the research questions with questionnaires and seeking expert opinion from my supervisor. In this connection, efficiency was attributed by the validity of research instruments used. The questionnaire was designed in close reference to instruments that were used to carry out studies in the same field for comparison purpose. Moreover, the researcher used existing theories to enable construct validity to provide a good platform during the finding's argument.

Reliability

The reliability check is very important because it shows the length at which the measurement gives the final result if the measurements are taken twice. This validity of the study was confirmed by establishing interactions between components derived from different age groups. Cronbach's alpha was used to determine the internal integrity of the test used in this study. According to Sekran (2014), as stated by Wanyoike (2013), the reliability should be up to 0.70. A Cronbach alpha greater than 0.7 means the instrument being used is reliable and acceptable for lead as the alpha exceeds the maximum value

3.6 Data Collection Procedures

The questionnaires which were developed were distributed to a selected sample of respondents from different cadres of management, which followed the evaluation of the acquired information for reliability assessment. The questionnaires lastly randomly distributed to various respondents of each subcategory.

3.7 Data Analysis and Presentation

These involved qualitative and quantitative analysis. Various instruments were used for data collection which was first edited for relevancy in the study. According to Mugenda & Mugenda (2003), definition of data analysis as a process through which the researcher gathers, model and transform data with the aim of emphasizing important information, for conclusions and enabling decision making. This enabled him to convert raw data into processed simple designs for interpretation. In this case, various statistical techniques comprising tables, charts, bar graphs and percentages. Finally, checking of questionnaires was necessary to ensure the full completeness and accuracy.

3.8 Ethical Considerations

3.8.0 Informed Consent

An introductory letter attached to the questionnaire was used to reveal the informed consent by the respondents, which was done through thorough consultation of the selected respondents before the study participation.

3.8.1 Voluntary Participation

The respondents were given an option to participate or not to participate through voluntary participation. In this case, no one was forced to give his/her opinion in the study. However, respondents were informed about what the study was aimed for consensus.

3.8.2 Confidentiality

Respondents were assured that their names would not be revealed as the researcher would give code names to hide their identity. This ensured that they were being protected from being identified by their fellow participants and the entity they worked for.

3.8.3 Privacy

Privacy is quite crucial in any research as an ethical requirement according to Kothari, (2004), entitlement of privacy is of paramount importance to any respondent participating in a research study. The respondents were assured of privacy by distributing questionnaires to the respondents privately for safety purposes.

3.8.4 Anonymity

The respondents were advised not to write their names in the question or include anything that would reveal their anonymity. This is an ethical requirement the researcher adhered to while getting and presenting the research findings in the study. In this case, it is always good for the researcher to use code names in the course of the research.

3.9 Chapter Summary

This chapter aimed on pinpointing appropriate research design for the study, the target population, sampling design and technique to be applied; construct and explanation of the research instrument to be employed and elucidation institution of the pilot study. Finally, an elaboration of data analysis techniques the researcher used and the ethical consideration used.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.0 Introduction

This chapter describes an analysis and discussion of the data collected from the respondents in relation to the research, objectives and research questions. This chapter also narrows down into the presentation of the respondent's background information, the relationship between independent variables versus their counterpart dependent variables. In this case, application of frequency tables and percentage in graphs, charts and interpretation found. There is also respective analysis of quantitatively and qualitatively data to identify, describe and explore the effect of materials specification on business productivity.

4.1 Response Rate

From the findings on figure 4.1 out of 31 questionnaires that were administered to the respondents, 29 were returned for analysis. This translated to 94 percent of response rate which was considered representative and adequate (Mugenda, 2009) for analysis. Only 2 of the questionnaire's issues issued were not returned because the respondents were not present when the researcher collected the questionnaires which accounted for 6 percent of the total number issued.

4.2 Demographic Information

This section outlines Gender, age, level of education, job level and number of years worked by the respondents. The following were the analysis of the questionnaires.

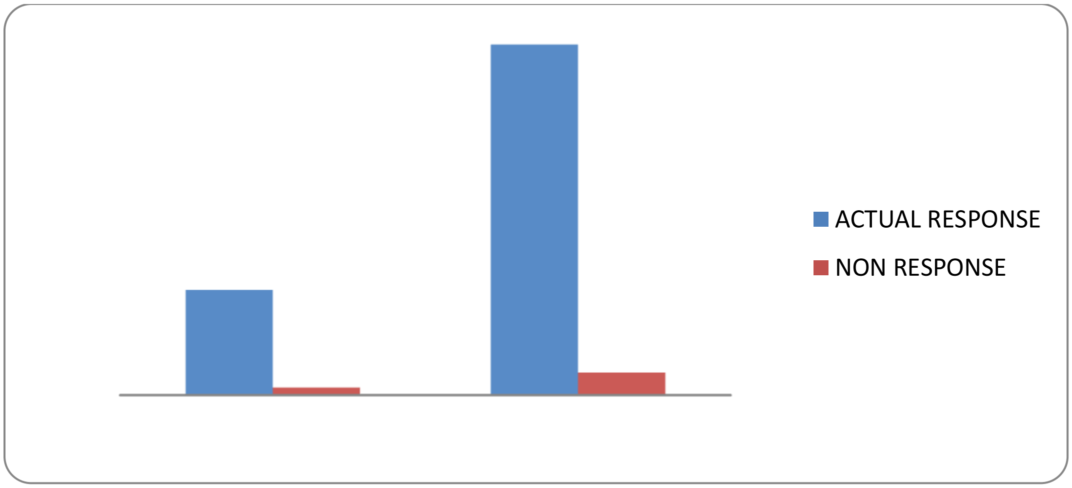

Figure 4.1 Response rate

4.2.2 Gender of the Respondents

According to figure 4.2 below, 65 percent of the respondents were male and 35 percent were female. The findings show that there are more male employees as compared to female. Majority of the respondents were male due to nature of work.

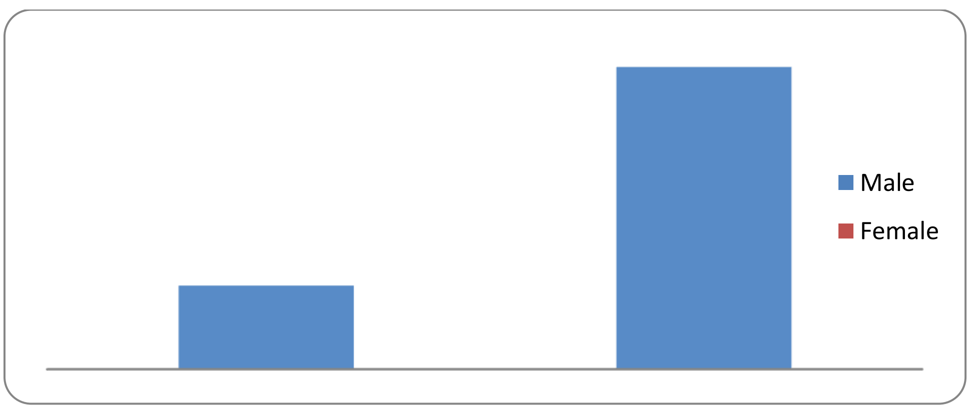

Figure 4.2 Gender the Respondents

4.2.3 Age of the Respondents

Figure 4.3 shows that 61 percent of the respondents were above 35 years of age, 35 percent between 26-35 years and 1 percent in the age between 18 and 25years. The findings indicate that the majority of the respondents were aged 35 and above.

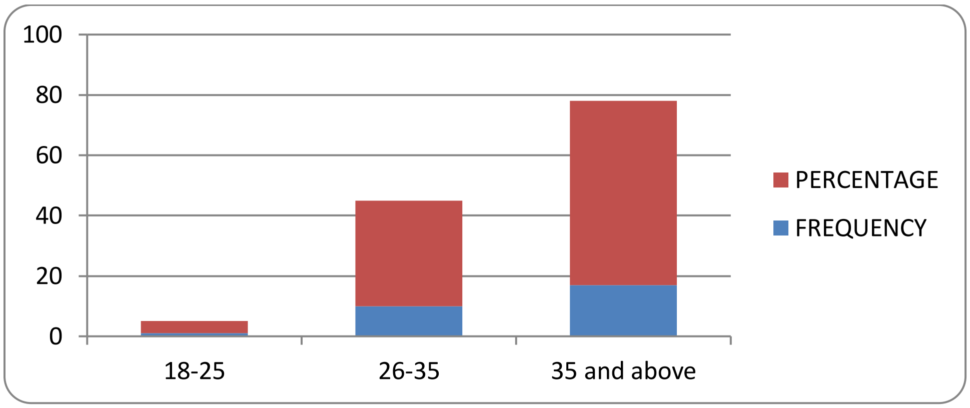

Figure 4.3 Age of the respondents

4.2.4 Level of Education

Figure 4.5 illustrates the level of education of the respondents. From the analysis, it is apparently clear that majority (44%) of the respondents had attained higher a bachelor's degree while (42%) and (11%) had college diploma and secondary education respectively. This suggests that literate respondents majorly contributed to the study, which made the researcher to reach a conclusion that the study met the result validity.

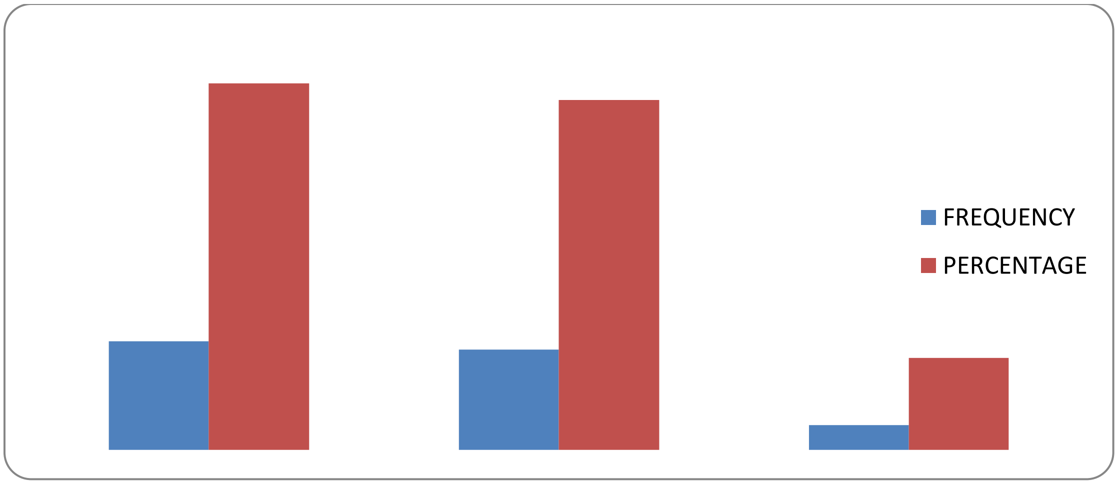

Figure 4.4 Level of education

4.2.5 Job Level of the Respondents

Figure 4.4 shows that 71 percent of the respondents were in middle level category,18 percent were in the general workers category,2 in subordinate, while 1 percent was in the top-level management. This suggested that most of the respondent were in the supervisory category hence well averse to the field of study.

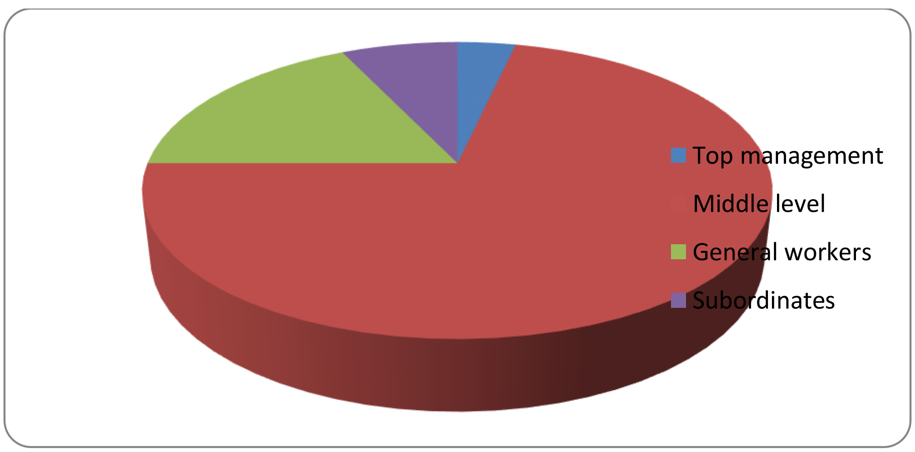

Figure 4.5 job level

4.2.6 Respondents Year of Service

According to figure 4.5 below, majority of the respondents (47%) had worked for 6 years and above, 31% for 2 to 5 years while 22% for less than 2 years. This indicates that the majority of the respondents had experienced because they had been employed long enough to be familiar with Kenya Power's operations.

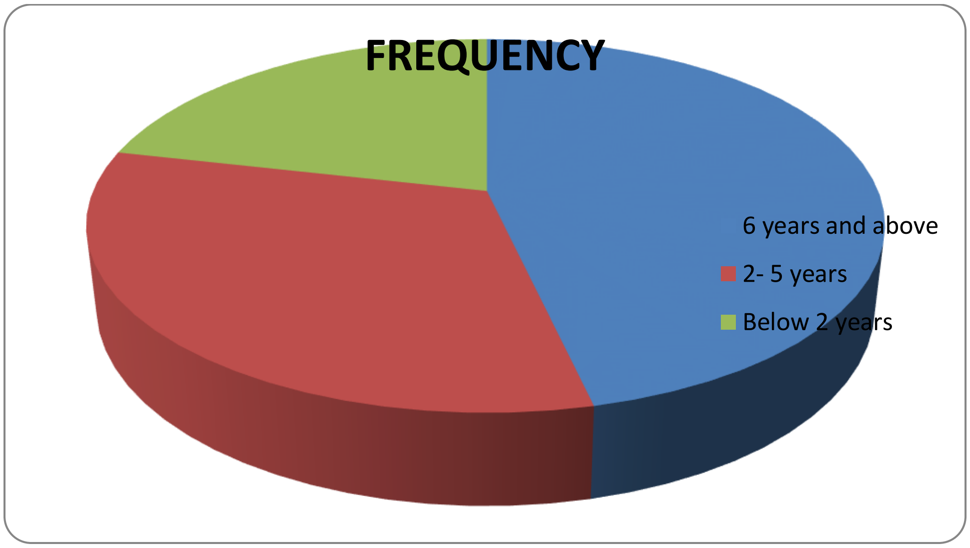

Figure 4.6: Years of service

4.3 Effects of Tendering Regulations on Procurement process

Statements about the effects of tendering regulations on procurement process were presented at Kenya Power. They were asked to respond to a five-point scale point of view, and indicate strongly they agreed or disagreed with the statement. The results are shown in table 4.5 below, along with an analysis and interpretations.

Table 4.5 Effects of Tender Regulations on Procurement Process

Statement	Strongly disagree	Disagree	Not sure	Agree	Strongly agree
Procurement laws lead to effective or ineffective procurement methods.	0%	11%	0	11%	78%
Procurement laws should be transparent, uniform, comprehensive, and adaptable.	78%	0	11%	11%	0
Ministerial intervention with the tendering process is one of the biggest barriers to the procurement system.	0	56%	11%	0	33%

Table 4.5 above indicates how respondents felt on the effects tender regulations on procurement process. Three proportions of respondents were compared and included, who opposed, not sure and those who concurred with the statements. The same procedure was adopted in analysing the results in table 4.6 and 4.7 respectively.

From the first statement in the table, it can be clearly drawn that most respondents (78%) were of the opinion that Procurement laws lead to effective or ineffective procurement methods. (11%) vaguely agreed with the statement while the other (11%) felt that procurement laws did not lead to efficiency or inefficiency. From the above analysis, there is clear evidence that employees realised that efficiency in the procurement function is not dependant on laws and regulation alone but there are other aspects which ensure procurement performance in the Kenya Power.

The second statement indicated how procurement laws should be transparent, comprehensive and adaptable. Majority of the respondents (78%) opposed the statement that procurement laws and regulations should be clear, consistent, comprehensive, and adaptable, compared to those who agreed (11%) while 11% were not sure. From the above analysis, it can be argued that adherence to the procurement laws and regulations would enhance procurement process in the Kenya Power.

The third statement in the table above indicated how ministerial intervention with the tendering process is one of the biggest barriers to the procurement system. From the analysis, it can be drawn that majority of the respondents (56%), opposed the statement that the major obstacles to the procurement system is ministerial interference with the tender process while (33%) agreed and (11%) were not sure. This analysis clearly indicated that the adoption and implementation of procurement system in the Kenya Power has not been smooth and the benefit for the move is yet to be realised.

4.4 Effects of Procurement Threshold Regulations on Procurement process

Table 4.6 Effects of procurement threshold regulations on procurement process

Statement	Strongly Disagree	Disagree	Not Sure	Agree	Strongly Agree
Public Procurement regulations apply only if the estimated value of the procurement exceeds a certain value, the so-called ‘threshold’	0	22%	0	78%	0
Thresholds limits should consider how the thresholds may affect behaviour in the procurement market.	0	56%	11%	33%	0
Procurement officers may alter threshold set to avoid the additional administrative costs associated with open procurement process	0	67%	11%	22%	0

The first statement in table 4.6 indicates how respondents felt on the statement Public Procurement regulations apply only if the estimated value of the procurement exceeds a certain value, the so-called 'threshold.' From the analysis, it can be drawn that (78%) of the respondent agreed with the statement while (22%) felt that the public procurement regulations did not apply only if the estimated value of the procurement is above certain value. From this analysis, it appears the county threshold regulation policy is in place to ensure that key resources are maximized, improving the procurement process.

The second statement illustrated how the thresholds may affect stakeholders' behaviour in the procurement market. From the analysis, it can be drawn that most respondents 56% did not agree with the statement threshold set should consider how the thresholds affect behaviour in the procurement market. However, 33% agreed with the statement while 11% of the respondents were not sure. From this statement, it can be argued that thresholds regulations should be objective and applicable to diverse markets in order to promote overall tendering practices.

The third statement in the table sought to find out if procurement officers may alter threshold set to avoid the additional administrative costs associated with open procurement process. From the findings, 67% of the respondents disagreed with the statement while 22% agree and 11% were not sure. From this analysis, it can be argued that a small number of threshold regulations are not adhered to by the concerned departments in the Kenya Power.

4.5 Effects of Codes and Ethical Practices on Procurement process

Statements about effects of codes and ethical practices on procurement process were presented to respondents at Kenya Power. They were asked to respond to a five-point scale point of view, and indicate strongly they agreed or disagreed with the statement. The results are shown in table 4.7 below, along with an analysis and interpretations.

Table 4.7 Effects of Codes and Ethical Practices on Procurement process

Statement	Strongly disagree	Disagree	Not sure	Agree	Strongly agree
Adoption of good practices and ethical standard help achieve value for money	0	11%	22%	11%	56%
Good practices and ethical standard enhance open and effective competition	0	11%	0	11%	78%
Adoption of good practices and ethical standard enhances equal treatment of all partners	0	33%	11%	0	56%

The first statement in the table above indicates how the respondents felt on the adoption of good practices and ethical standard help achieve value for money findings. From the analysis, it can be drawn that the majority 56% agreed with the statement while 11% disagrees and 22% were not sure of the statement. This can be argued that Kenya Power is aware that ethical standards are involved in procurement and thus key in achieving procurement process.

The second statement in the table addressed how the respondents felt on the statement good practices and ethical standard enhance open and effective competition. From the analysis, the majority 78% were of the opinion good practices and ethical standard enhance open and effective competition while 11% disagreed and the remaining 11% vaguely agreed. This can be argued that the application of ethical standards will facilitate fair competition as well as inhibiting corruption practices in the Kenya Power.

The third statement illustrated how the adoption of good practices and ethical standard enhances equal treatment of all partners. From the analysis, majority of the respondents 56% were of the opinion the adoption of good practices and ethical standard enhances equal treatment of all partners while 33% disagreed and 11% were not sure of the statement. This stands out clearly that the Kenya Power permits equal participation in the tendering process.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

This chapter encompasses answers to the research questions as per the study objectives. This chapter reveals information gotten from the analysis of the data in the course of the study of public procurement processes in relation to the Kenyan public sector. It summarizes the findings, answer the research questions, conclusions, recommendations and give suggestions for further studies. The research also aims to give suggestions on applicable strategies to use in procurement processes.

5.1 Summary of Findings

5.2.1 Effects of Tendering Regulations on Procurement process

The researcher established that the major barrier to an effective procurement system is ministerial involvement with the tender process as indicated by the respondents. This is clearly evident from the analysis that majority of the respondents were concurred with the statement that the adoption and implementation of procurement system in the Kenya Power has not been smooth and the benefit for the move is yet to be realised.

5.2.2 Effects of Procurement Threshold Regulations on Procurement process

The findings indicated that public officers may alter the threshold set to avoid the additional administrative costs associated with open procurement process. Also, Public Procurement regulations apply only if the estimated value of the procurement exceeds a certain value. This implies that threshold regulations are not adhered to by the concerned departments in the Kenya Power.

5.2.3 Effects of Codes and Ethical Practices on Procurement process

From the view of this discussion, majority of the respondents were of the opinion that good practices and ethical standard enhances open and effective competition. They interpreted that the application of ethical standards will facilitate fair competition as well as inhibiting corruption practices in the Kenya Power.

5.3 Conclusions

On tendering regulations, the researcher concluded that Procurement laws lead to effective or ineffective procurement methods. Moreover, the public sector reforms are greatly influenced by social and political factors. In developing nations; one of the major barriers to an effective procurement system is government officials' intrusion with the tender process. They intimidate public officers involved in procurement process and influence the award of tenders, leading to non-compliance of procurement regulations.

On procurement threshold regulations the researcher concluded that Public Procurement regulations apply only if the estimated value of the procurement exceeds a certain value, the so-called 'threshold'. Procurement contracts with value below these thresholds have more flexibility in choosing methods of procurement. However, there is very little empirical review on the effects of these procurement outcomes as national regulations use analogous thresholds to regulate procurement below thresholds.

On Procurement Codes and Ethical Practices, it was concluded that good practices and ethical standard enhances open and effective competition. Suppliers also play a very big role in procurement performance at Kenya Power.

Finally, the research objectives were met and the study of public procurement processes in relation with the Kenyan public sector was determined and tested.

5.4 Recommendations

This study recommends that the Kenya Power should organize effective procurement management processes, identify potential ethical problems, and address them beforehand so that staff members are well aware of the malpractices to avoid. Additionally, the Kenya Power should take the appropriate measure to curb unethical behaviours which can be costly to the country and its tax payers.

Early disbursement of funds is another useful recommendation that ensures completion of projects in a timely manner. This ensures accountability and maintain a consistent procurement process.

The submission of project progress reports is also encouraged since it helps in monitoring project development throughout the country. Moreover, Kenya Power needs to establish proper oversight procurement contract management system and provide its staff with training and resources needed to fulfil the contract management responsibilities.

5.5. Suggestion for future research

Both public and private sector are have shown deficiencies in full implementation of procurement ethics and regulations. And although procurement challenges and malpractices are not as common in private sector as public sector, the study could further have been developed by including more independent variables to the model and increasing the sample size.

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APPENDIX

Questionnaire

Section A: Personal Information (Tick where Appropriate)

I would like to commence by asking you a few questions about yourself and your work. This helps me to understand the sample.

Please answer question by question by putting a tick in the appropriate box or by writing in the space provided.

1. Name in full (optional) ………………………………………………..

2. Gender:

   a. Male ( ) b. Female ( )

3. Occupational Position:

   a. Management Staff ( ) Non-Management Staff ( )

4. Age in Years

   20 – 29 ( ) 30 – 39 ( )

   40 – 49 ( ) Above 50 ( )

4. Highest Level of Education?

   Primary ( ) Secondary ( ) College ( )

   University ( )

   Others (specify)……………………………

5. How long have you served in your position stated in question 3

   1 – 5 year ( ) 5 – 10 years ( )

   10 – 15 years ( ) 15 years and above ( )

Section B: Tendering Regulations

2. Please tick on the provided spaces in the table below to show your level of agreement on issues pertaining procurement planning in your organization. Where 5 = Strongly Agree (SA), 4 = Agree (A), 3 = Undecided (UD), 2 = Disagree (D) and 1 = Strongly Disagree.

S/N	Statement	Response				
		1	2	3	4	5
1.	Procurement laws lead to effective or ineffective procurement methods.					
2.	Procurement laws and regulations should be clear, consistent, comprehensive, and flexible					
3.	One of the major barriers to the procurement system is ministerial interference with the tender process					
4.	Government contracts should have detailed clauses defining basic principles					

Section C: Procurement Threshold Regulations

3. Please tick on the provided spaces in the table below to show your level of agreement on issues pertaining governing practices in your organization. Where 5 = Strongly Agree (SA), 4 = Agree (A), 3 = Undecided (UD), 2 = Disagree (D) and 1 = Strongly Disagree.

S/N	Statement	Response				
		1	2	3	4	5
1.	Public Procurement regulations apply only if the estimated value of the procurement exceeds a certain value, the so-called 'threshold'					
2	Thresholds should be set and should also take into account how the thresholds affect behaviour in the procurement market.					

3	It is very difficult to ensure that lots are not strategically designed to avoid exceeding a threshold					
4	Officials may alter the threshold only to avoid the additional administrative costs associated with an open procurement process.					

4. What do you think need to be improved as concerns of procurement planning on procurement process?

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Section C: Codes and Ethical Practices

5. Please tick on the provided spaces in the table below to show your level of agreement on issues pertaining codes and ethical practices in your organization. Where 5 = Strongly Agree (SA), 4 = Agree (A), 3 = Undecided (UD), 2 = Disagree (D) and 1 = Strongly Disagree.

S/N	Statement	Response				
		1	2	3	4	5
1.	Adoption of good procurement practices and ethical standards help achieve value for money					
2.	Ethical standards help in resource utilization					
3.	Good practices and ethical standard enhance open and effective competition					
4.	Adoption of good practices and ethical standard enhances equal treatment of all partners					

6. In your opinion, how do codes and ethical practises enhance procurement process?

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7. Do you have any further comments that you would like to add regarding the new procurement regulations. Please use the space provided below.

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Thank you very much for your contribution to this research and taking time to complete this questionnaire.