



**FACTORS AFFECTING IMPLEMENTATION OF PUBLIC PROCUREMENT AND
DISPOSAL ACT 2015 IN COUNTY GOVERNMENTS: A CASE OF NYAMIRA
COUNTY, KENYA**

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Abstract

Lack of proper implementation of the PPDA act 2015 has become a common fixture in most government institutions with the provisions of the act often remaining only on paper. The study therefore aimed to investigate the effect of procurement lead-time on the implementation of PPDA in Nyamira County. The study employed a case study research design and targeted procurements officers at the County offices in Nyamira and selected staff of firms supplying good and services to the county. It also targeted the Chief procurement officer at the County. Simple random sampling was used to select employees of the county and contractor firms while purposive sampling was used on chief procurement officer. Questionnaires were administered on both employees; interview schedule was given to chief procurement officer and document checklist was also part of the data collection instruments. Data was analyzed using descriptive analysis; Pearson's correlations and regression analysis to test hypotheses were also used. The data was then presented in tables with the aid of SPSS. The results show that: long lead time significantly negatively affected implementation of the PPDA 2015. Based on the findings, this study recommends; Nyamira County management should reduce procurement lead time to conform to the PPDA 2015. Further, Nyamira County management should initiate seminars and workshops between themselves and suppliers to try and work out PPDA implementation problems and possible challenges.

Keywords: Lead Time, Procurement, PPDA Act 2015

INTRODUCTION

Globally, governments are confronted with increasing demands from their users brought about by changes such as devolution, technological change, public-private partnerships and globalization. Consequently, public sector agencies and authorities are required to respond and adapt in a manner that meets these challenges. Such transformations are often associated with building capacity and proper implementation of programmes, which has become a central theme for public policy (Hall, 2013), embracing a wide range of areas such as environmental concerns, healthcare and increasingly, public procurement and particularly the proper implementation of existing public procurement policy and regulations.

According to United Nations Development Program (UNDP) report (2014), public procurement of goods, services and works represent a considerable proportion of a nation's expenditure, accounting for around 15% of the world's GDP and in some developing countries, may be as much as 70%. In recent years, attention has been paid towards the importance of public procurement in stimulating national, regional and local development. A consequence of this interest has been a realization that if public procurement is to fulfill its potential as a driver of social and economic improvements, there is need to focus on effective and proper implementation of Public procurement policy and regulation (OECD, 2009).

Procurement includes all activities required in order to obtain the product from the supplier and get it to the place where it is actually needed. It encompasses the purchasing function, stores, traffic and transportation, incoming inspection and quality control and assurance (Farmer and Weele, 2010). Procurement, according to Wind and Thomas (2011), is as old as organizations but it has evolved over time. It developed from the need of organizations to acquire those goods and services that they could not produce but needed in their operations. Initially, the focus of contracting was typically on minimizing costs to the procurement entity rather than on delivering specific service quality outcomes. With time procurement has evolved to include new aspects like strategic sourcing, e-procurement and performance-based service contracting.

In seeking to outsource for goods and services, good practice and business efficacy demand that the purchaser wants to find a supplier who will be both reliable and will provide products or services that are good value for money (Griffith and Griffith, 2012). Good value for money does not simply mean the cheapest but will include a variety of other factors such as quality, compliance with tendering criteria and after-sale service.

The public procurement system in Kenya has evolved from a crude system with no regulations to an orderly legally regulated procurement system. The Government's procurement system was originally contained in the Supplies Manual of 1978, which was supplemented by circulars that were issued from time to time by the Treasury. The Director of Government Supply Services under the ministry of finance was responsible for ensuring the proper observance of the provisions of the Manual. The Manual created various tender boards for adjudication of tenders and their awards and subsequent follow-up. However, these boards were not so effective (Aketch, 2005 as quoted by Kipchilat, 2014).

According to Bukhala (2013), a review of the country's public procurement systems was undertaken in 1999 and established that there was no uniform procurement system for the public sector as a whole. The system had more loopholes as it did not have sanctions or penalties against persons who breached the regulations in the Supplies Manual, other than internal disciplinary action. Consequently, application of the rules was not strict and many of the norms were not followed. Furthermore, the Supplies Manual did not cover procurement of works; the dispute settlement mechanisms relating to the award procedures as set out in the Manual were weak and unreliable for ensuring fairness and transparency. In extreme cases, records of procurement transactions were found to be inaccurate or incomplete or absent.

In view of the above shortcomings it was found necessary to have a law to govern the procurement system in the public sector and to establish the necessary institutions to ensure that all procurement entities observed the provisions of the law for the purpose of attaining the objectives of an open tender system. Consequently, there was establishment the Exchequer and Audit (Public Procurement) Regulations of 2011 which created the Public Procurement Directorate (PPD) and the Public Procurement Regulations of 2011. The scope of public entities was also broadened to include schools, colleges, universities, cooperatives and local authorities under these Regulations (Bukhala, 2013).

Between 2011 and 2014, the Public Procurement and Disposal Bill was drafted and modified several times. After being assented to by the president, it became the Public Procurement and Disposal Act 2015. This Act contains the Regulations that are meant to effectively ensure that the procurement process is fair and just. The Rules and Regulations, herein known as the Public Procurement Regulations of 2014, became operational on 1 January 2007.

Several studies on public procurement, for instance a survey by KACC (2007) reveal that even after the introduction of the Regulations, public procurement still faces challenges of lack of proper implementation to improve efficiency and transparency. The Principal reason for the enactment of the Act was to have a legal regime that weeds out inefficiencies in the procurement process, remove patterns of abuse, and the failure of the public purchaser to obtain adequate value in return for the expenditure of public funds. However, these objectives have never been fully achieved in practice, (Wanyama, 2010). Wanyama further notes that government authorities like Schools and roads authorities have challenges implementing the PPRA due to unnecessary extended lead-time for procuring services, external pressures from politicians and other interest groups, corruption and lack of awareness by service providers about the procuring process among others.

The PPRA envisions a speedy but efficient lead-time for procuring services, Hall (2013) argues that an extended lead-time for procurement, from formulation of procurement plans by the purchaser, delivery of goods by supplier to payment of supplier works for the detriment of the performance of the purchasing organization or authority. Further, PPRA's proper implementation is hampered when politicians and other interest groups get involved in pressurizing the authority

to award tenders to some of their cronies (Wanyama, 2010). This not only devalues the integrity of the authority but lowers its level of performance.

While the efficacy and importance of PPDA has been documented (Kipchilat, 2014; Aketch, 2005), little has been done on the factors affecting implementation of the Public Procurement and Disposal ACT in Nyamira County. This study hoped to fill the gap in examining the lead-time, external pressure, service providers' awareness of procuring process and measures to be taken to fully implement PPDA.

Statement of the Problem

The aim of the Public Procurement and Disposal Act of 2015 is to promote fairness, accountability, transparency and non-discrimination in procurement in public institutions and authorities with the main aim of ensuring efficient use of public funds. However, its proper implementation is not being done, with the provisions of the act remaining only on paper. Wanyama (2010) argues that issues like corruptions, extended lead-time for procurement and external pressures seem to have impacted proper implementation of PPRA. Further evidence is seen from the Nyamira County complaints sheet which is full of service providers' complaints on the slow pace of procuring and a perceived external influence from politicians and other interest groups among others (Complaints sheet, 2015). Thus, this study hopes to investigate the factors affecting implementation of the Public Procurement and Disposal ACT in Nyamira County.

Hypotheses

H₀₁: Procurement lead time has no significant effect on implementation of the Public Procurement and Disposal Act in Nyamira County

H₀₂: External pressure has no significant effect on implementation of the Public Procurement and Disposal Act in Nyamira County

H₀₃: Service Providers awareness of procurement process has no significant effect on implementation of the Public Procurement and Disposal Act in Nyamira County

LITERATURE REVIEW

Theoretical Review and Conceptual Frameworks

Normalization Process Theory

This study was based on Normalization Process Theory (NPT) as argued by May et al (2007). The theory provides a set of sociological tools to understand and explain the processes through which new or modified practices of thinking, enacting, and organizing work are operationalized in institutional settings. In particular, the theory is concerned with three core problems:

Implementation, by which we mean the organization of bringing a practice or practices into action.; Embedding, by which we mean the processes through which a practice or practices become, (or do not become), routinely incorporated in everyday work of individuals and groups;

Integration, by which we mean the processes by which a practice or practices are reproduced and sustained among the matrices of an organization or institution.

The starting point of the theory is that to understand the embedding of a practice we must look at what people actually do and how they work. It is a theory of action. This distinguishes it from theories of the cultural transmission of innovations (such as Diffusion of Innovations Theory that seek to explain how innovations spread; theories of collective and individual learning and expertise that seek to explain how innovations are internalized; and theories of the relationships between individual attitudes and intentions and behavioral outcomes. The theory therefore covers the influence of certain human made aspects like lack of knowledge of a policy or concept, measures taken to offset such a lack and other factors inherent. This is a theory that safely embeds aspects of lead time, external pressure, service provider awareness of procurement guidelines and measures taken when relating with the issue of PPDA implementation.

Bounded Rationality Theory

Bounded Rationality Theory Propagated by Evan (2008) proves that individuals have limited information and imperfect knowledge while making investment, procurement or other business related decision. This implies that suppliers for instance, more often lack the procurement literacy skills to enable them make wise procurement decision so that they can achieve optimal return on their investment. The bound rationality theory posits that investor can make decisions basing on past experience.

Therefore, procurement awareness knowledge impacted to individual suppliers will enable him/her make decisions based on the knowledge acquired. This basically means that once a supplier has acquired the necessary information or awareness, such a person is able to make an informed decision. For our purposes, such information includes the information on procurement process and particularly knowledge on the issues involved in the PPDA and how to place them on aa firm standing. This is assumed to present a perfect means via which a supplier can effectively engage with the PPDA.

Dual- Process Theory

Tied to the Bounded rationality theory is the dual- process theory which suggests that decisions are driven by both intuitive and cognitive processes (Evan, 2008). The fast system suggests a quick intuitive answer but the second system monitors and intervenes. procurement information acquired will make the second system stronger hence the rationally investment decisions will have a positive effect. On the other hand, this theory posits that financial attitudes and values people have about money come from their environment. Therefore, through social interactions many decisions of individuals' investors are affected as they receive and possess information through interacting with others. This lends itself to the external pressure variable.

Basically, the dual process theory presents a picture that factors like external pressure and procurement information need to be taken into consideration before a procurement engagement

can be made. Considering that these factors form the study objectives, this theory is thus relevant.

Effect of Lead-time of procuring goods and services on Organization performance

Lead time reduction has long been considered a fundamental objective for overall business improvement (Forrester 1961) and a cornerstone for lean thinking (Ohno 1988a, Shingo 1988). Lead time can be understood as an anticipated time to complete a process. Lead time is sometimes confused with cycle time. Cycle time is the time it actually takes for a job to go from the start to the end of the process. It is the “real” time it takes for a job to go through a process; thus, it may vary from job to job. In construction for instance, there are two main types of lead time, (1) customer and (2) construction lead time. Customer lead time is the time between order placement and fulfillment. Construction lead time is the longest “allowable” cycle time (Hopp and Spearman 2010).

In construction projects, long lead times of product delivery often dictate the pace of the construction project. The delivery lead times have often considerable “slack time”, because there is a tendency to separate design, procurement, construction, and installation lead times, and then to separately allocate significant “slack time” to each of the “functional” lead times. Design lead time is the time that is reserved for defining and specifying product characteristics. Procurement lead time is the time that is reserved for product acquisition. Construction lead time refers to Hopp and Spearman’s customer lead time, and installation lead time is the time reserved for installing the equipment in the building(Hopp and Spearman 2010).

Effect of External pressures on procurement for Organization performance

Public procurement has been utilized as an important tool for achieving economic, social and other objectives (Arrowsmith, 2013; Thai, 2007). The World Bank’s Procurement Report (2011) mentioned that external pressure affects proper implementation of procurement practices. The external pressure mentioned by the report includes market conditions and political interventions, two of which directly impact on the Kenyan public sector authorities’ scenario.

Market conditions have a great influence on implementation public procurement policy action and practitioners’ effort to maximize competition. Moreover, the market determines whether or not socio-economic objectives of procurement are accomplished, whether or not a governmental entity can fulfill its needs; the timeliness of fulfillment; and the quality and costs of purchased goods, services and capital assets. As there are different levels of economic growth among countries in the world, market conditions are very favorable in industrialized countries, while they may be unfavorable in developing countries (Arrowsmith, 2013).

World Bank’s Procurement Report (2011) observes that in a democracy many individuals, groups, and organizations in the private sector including trade associations, professional associations, and business firms or companies (commonly known as interest groups) are actively involved in all aspects of the public procurement system. Having various interests, objectives and beliefs, interest groups are involved in the public procurement system in several ways such

as lobbying legislative bodies to pass or alter procurement statutes, influencing implementation of these statutes, and influencing budget authorization and appropriations processes. Normally, a government program that is eventually adopted is a compromise among different views of interest groups, policy makers and management (Thai, 2007). In this democratic environment, there are cases of a strong coalition of policy makers, bureaucrats and interest groups in their effort to get their programs adopted, often at the detriment of proper implementation of such policies. This coalition has led to the concept of the 'iron triangle,' which is very popular in the area of defense procurement (Thai, 2007).

Service providers' awareness of Procurement guidelines

Regardless of the effort by the PPRA and the acknowledgement that the procurement department is capable of adding value to the organisation still a large number of the internal customers act on their own and more frequently bypass the procuring department (Schiele & McCue, 2014).

The main reason for this is ignorance of how the public procurement operates (Telgen, Zomer, & de Boer, 2007). The purpose of the procurement cycle was to encourage competition among suppliers, professionalism, good business ethics and non discrimination among others (PPRA, 2005). In addition, the procurement departments of public entities are faced with the problem of not having enough information about the procurement procedure, its inputs, outputs, resource consumption and results and are therefore unable to determine their efficiency and effectiveness. This problem requires establishment of clear procurement procedures and performance standards. Performance when adopted, will provide the decision-makers in the procurement department with unbiased and objective information regarding the performance of the procurement function (Knudsen, 2009).

A study on service provider's knowledge was done in Uganda by the PPDA final Report panel (2014). They found that it was apparent that the majority of the service providers that were sampled had no knowledge of the procurement process. Only 16.9% of the respondents did have any knowledge of the procurement process. This perhaps indicated the lack of efforts of the procurement unit staff and PPRA in deepening knowledge on public procurement. Discussion with PPRA staff in Kampala also supported this position and indicated that their outreach staff had not endeavored to involve some of the service providers in the training activities. The distribution of print material and utilization of the electronic media had reportedly also not contributed to deepening knowledge on the procurement process in Uganda. Schiele & McCue, (2014) observed that when the service providers are unknowledgeable on procurement process, the implementation of any procurement blueprint is greatly hampered and consequently has no significant positive effect of the performance of any entity, private or public.

METHODOLOGY

The study applied a case study research design; as such it was an intensive descriptive and holistic analysis of Nyamira County. It was an investigation of single entity in order to gain insight into the larger cases.

The population of the study consisted of the 20 employees in the procurement office at the Nyamira County office. It targeted the 200 firms that supply their services to the County and the senior procurement officer (1) of the county bringing the total number of targeted population to 221.

The researcher drew the sample by simple random sampling in selecting 6 procurement employees of Nyamira County and 61 suppliers of goods and services to the county bringing the total to 67 respondents. The sample frame constituted 30% of target population; a percentage that Kothari (2014) says is acceptable.

A structured Likert scale type questionnaire was used. According to Kothari (2014) likert scale questionnaire is best for measuring attitudes. A structured questionnaire is preferred for collecting data. Further, the researcher used document checklist to carry out a critical analysis of recorded information relating to public procurement and Disposal Act.

The researcher analysed data using descriptive analysis. The data collected was systematically organized to facilitate analysis. The response in the questionnaire were assigned numerical value to aid in processing. Numbers were then assigned to the close ended questionnaires. Data from the interview schedule was analysed using narrative analysis with people's quoted words rendered verbatim based on the variables of the study. Data was then described quantitatively using descriptive statistics which include frequencies, and percentages through tables. This was done with the aid of a computer programme-Statistical Package for Social Sciences (SPSS) version 22 for windows. Pearson's correlation analysis and regression analysis were used to test the hypothesis.

Regression Model

$$Y_0 = \beta_0 + \beta_1 (X_1) + \beta_2 (X_2) + \beta_3 (X_3) + e$$

Where the variables are defined as:

Y_0 - Implementation

X_1 - Lead Time

X_2 - Awareness

X_3 - External Pressure

e- Error term

RESULTS AND DISCUSSIONS

To ascertain whether there was significant relationship between the independent variables-factors and the dependent variable-implementation of PPDA at Nyamira County, it was necessary to do both Pearson's Correlations and Linear regression tests. The succeeding tables shows the results.

Table 1 Correlation Results

		Implementation	Supplier Awareness	External Pressure	Lead Time
Implementation	Pearson Correlation	1			
	Sig. (2-tailed)				
	N	66			
Supplier Awareness	Pearson Correlation	.655**	1		
	Sig. (2-tailed)	.000			
	N	66	66		
External Pressure	Pearson Correlation	.635**	.433**	1	
	Sig. (2-tailed)	.000	.000		
	N	66	66	66	
Lead Time	Pearson Correlation	.710**	.205**	.038	1
	Sig. (2-tailed)	.001	.005	.000	
	N	66	66	66	66

Pearson correlation analysis was conducted to examine the relationship between the variables. The measures were constructed using summated scales from both the independent and dependent variables. As cited in Cooper and Schindler (2000) the correlation coefficient value (r) range from 0.10 to 0.29 is considered weak, from 0.30 to 0.49 is considered medium and from 0.50 to 1.0 is considered strong. However, according to Field (2005), correlation coefficient should not go beyond 0.8, to avoid multicollinearity. Since the highest correlation coefficient is 0.710 which is less than 0.8, there is no multicollinearity problem in this research (Table 1).

All the independent variables had a positive correlation with the dependent variable with lead time having the highest correlation of ($r=0.710$, $p < 0.01$) followed by supplier awareness with a correlation of ($r=0.655$ $p < 0.00$) and then external pressure with a correlation of ($r=0.635$ $p < 0.00$). This indicates that all the variables are statistically significant at the 99% confidence interval level 2-tailed. This shows that all the variables under consideration have a positive relationship with the dependent variable.

Regression Analysis

Since the measures that are used to assess the primary constructs in the model are quantitative scales, regression analysis can be used to achieve this end. Regression analyses are a set of techniques that can enable us to assess the ability of an independent variable(s) to predict the dependent variable(s). As part of the analysis, Regression Analysis was done. The results are as seen on Table 2, 3, and 4.

Table 2 Model Summary^b

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.882 ^a	.848	.841	.176

a. Predictors: (Constant), Lead Time, external pressure, and supplier awareness

b. Dependent Variable: Implementation of PPDA

From table 2 it is clear that the R value was .882 showing a positive direction of the results. R is the correlation between the observed and predicted values of the dependent variable. The values of R range from -1 to 1 (Wong and Hiew, 2005). The sign of R indicates the direction of the relationship (positive or negative). The absolute value of R indicates the strength, with larger absolute values indicating stronger relationships. Thus the R value at .882 shows a stronger relationship between observed and predicted values in a positive direction. The coefficient of determination R^2 value was 0.841. This shows that 84.1 per cent of the variance in dependent variable (Implementation of PPDA) was explained and predicted by independent variables (Lead Time, external pressure, and supplier awareness).

Table 3 ANOVA^b

Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	232.743	4	43.096	114.391	.000 ^a
	Residual	12.878	227	.664		
	Total	244.511	231			

a. Predictors: (Constant), Lead Time, external pressure, and supplier awareness

b. Dependent Variable: Implementation of PPDA

The F-statistics produced (F = 114.391.) was significant at 5 per cent level (Sig. F < 0.05), thus confirming the fitness of the model and therefore, there is statistically significant relationship between Lead Time, external pressure, and supplier awareness, and Implementation of PPDA.

Table 4 Coefficients

Model		Unstandardized Coefficients		Standardized Coefficients		
		B	Std. Error	Beta	t	Sig.
1	(Constant)	2.767	.361	.287	7.668	.000
	Lead Time	.385	.078	.393	5.968	.000
	External Pressure	.168	.065	.193	2.593	.004
	Supplier Awareness	.329	.064	.352	5.129	.000

a. Dependent Variable: Implementation of PPDA

The t-value of constant produced ($t = 7.668$) was significant at .000 per cent level (Sig. $F < 0.05$), thus confirming the fitness of the model. Therefore, there is statistically significant relationship between Lead Time, external pressure, and supplier awareness, and Implementation of PPDA.

External pressure with sig of .004, Lead Time with sig of .000, and supplier awareness with sig .000 has a statistically significant relationship with Implementation of PPDA and were thus statistically significant. This results agree with Schiele & McCue, (2006) who noted that variables for the implementation of PPDA are often directly related to certain factors and they mentioned lead-time and supplier awareness.

Hypotheses Testing

Based on both the correlation and regression analyses, the following is a presentation on the hypotheses test as seen in table 5

Table 5 Hypotheses Testing

Hypotheses	Results	Report
H ₀₁ : Procurement lead time has no significant effect on implementation of the Public Procurement and Disposal Act in Nyamira County;	$r=0.710$, $p < 0.01$ B = .393	Rejected
H ₀₂ : External pressure has no significant effect on implementation of the Public Procurement and Disposal Act in Nyamira County;	$r=0.635$ $p < 0.00$ B = .193	Rejected

H₀₃: Service Providers awareness of procurement process has no significant effect on implementation of the Public Procurement and Disposal Act in Nyamira County

$r=0.655$ $p < 0.00$ Rejected

$B = .352$

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Based on the first objective, procurement lead time averagely took 7-1 year and the long lead time in procuring goods and services negatively affected PPDA implementation at County Government of Nyamira. It can therefore be concluded that long lead time at County Government of Nyamira had a negative effect on the implementation of PPDA

Based on the second Objective, one has to have the right ‘connections’ to get a better and quick procurement services from County Government of Nyamira. Local politicians got in the way of effective procurement process at County Government of Nyamira most of the major procurement projects at County Government of Nyamira were done at the behest of community leaders and other self-interest groups. It can therefore be concluded that external interferences at County Government of Nyamira had a negative effect on the implementation of PPDA.

Based on the third objective, suppliers were unaware of the full requirements and goings on of the procurement process. Most service providers went round in circles because of lack of procurement knowledge and there had been unnecessary court cases filed due to lack of service providers’ awareness about procuring process. It can therefore be concluded that Service providers’ unawareness of the procurement process negatively affected PPDA implementation and thus County Government of Nyamira performance.

Recommendations

County Government of Nyamira management should reduce procurement lead time to conform to the PPDA 2005. The management should do this by computerizing the process to speed up the procurement process. County Government of Nyamira management should ensure through in-house laws that there are no unwarranted external interference from political leaders, community leaders and other self-interest group. Further, County Government of Nyamira management should introduce a self-assessment mechanism that will improve on its procurement transparency and integrity. Also, County Government of Nyamira management should formulate a training program to create awareness of the procurement process among its suppliers. Suppliers should seek to get relevant and full information about the procurement process to arm them with knowledge relevant for wise procurement planning. Further, Suppliers should maintain eternal

vigilance and check mechanisms on County Government of Nyamira to ensure the authority is transparent and follows to the letter the provision of PPDA.

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