

EFFECT OF STAFF TRAINING ON LEVEL OF COMPLIANCE TO PUBLIC PROCUREMENT SYSTEM IN PARASTATALS IN KENYA

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Abstract

Public procurement is increasingly recognized as a central instrument to ensure efficient and corruption-free management of public resources. The Public Procurement and Disposal Act (PPDA) 2005 was introduced in Kenya to streamline the anomalies in public procurement. It's implementation of the Public Procurement and Disposal Act 2005 has been quiet challenging coupled with a number of inefficiencies. The objective of the study was to evaluate the effect of staff training on compliance to PPDA 2005. Descriptive research design and Correlation research design were used. The target population for this study was all staff members at KenGen's procurement department and other heads of departments who had information on compliance levels within KenGen procurement function where a census was used to collect data. Data for this study was obtained using structured questionnaires. Data was subjected to both descriptive and inferential analysis using Statistical Package for Social Sciences Version 20. The study established a positive significant relationship between staff training and the level of compliance to PPDA. The researcher concluded that staff training influences compliance to PPDA. It was recommended that the staff need to be exposed to further training and be given incentives to carry out procurement projects.

Keywords: Procurement, Procurement and disposal Act, Training, Compliance, Public procurement

INTRODUCTION

In today's world, the economic environment is very turbulent. The need for organizations to be competitive in the global marketplace cannot be overstated. Firms are under intense pressure from consumers for goods and services that meet high service level requirements. The global marketplace is characterized by intense competition and the constant search for new and innovative ways to reduce costs and improve performance. In this research, Kengen supply chain will be examined on for opportunities to create the competitive edge required to make businesses successful. One area that has been greatly emphasized in this regard is the function of procurement Thai, (2001).

Procurement is the process of acquisition of the initial raw materials, finished products, works in progress and services and functions within and outside a company to enhance the value chain to make products and provide services to the customers (Cox et al, 1995). Quinn (1997) defines procurement as 'all of those activities associated with acquisition of goods, from raw materials stage through to the end products. This includes sourcing and purchasing, order processing, inventory management, transportation, warehousing, and customer service'. According to Thai (2001), public procurement refers to the acquisition of goods and services by government or public sector organizations and is one of the key economic activities of government. The earliest public procurement order was found in Syria written on a red clay tablet dates from between 2400 and 2800 B.C. The purchase order was for "50 jars of fragrant smooth oil for 600 small weights in grain" (Coe, 1989). In addition to the history of procurement was the emergence of the silk trade between China and a Greek colony in 800 B.C. (Coe, 1989). The rise of procurement to a key function in the private and manufacturing industry in the long term goal of considerable attention since the 1990s, (Gadde and Hakansson, 2004), unlike in the public sector procurement and supply chain management. While the Public Contract Law Journal dates back to 1981 and Public Procurement Law Review to 1992, both had anchorage in the legal and regulatory disciplines. It was noted that there was differentiation between public procurement and private sector procurement in the last decade (Thai and Grimm, 2001). According to Makori (2011), public procurement systems are inherently complex and dynamic due to the multiplicity of objectives they have to achieve. For instance, the main motive of public procurement is to serve the public through a political purpose and the general well-being of the society unlike privately funded projects whose main objective is the profit motive. Public service agencies aim at making the best use of 'value for money' for the members of the public this involves client satisfaction, public interest, fair play, honesty, justice and equity (Korosec and Bartle, 2003). Recent studies have also pointed out the significance of moral and ethical behavior in addition to technical and professional competencies (Schlosser, 2003).

According to Kenya Alliance of Resident Associations (KARA, 2010), the new law and regulations on procurement came into effect following a lot of pressure from development partners and the public. There were very serious concerns about the abuse of the procurement process that had been reduced to a process of enriching individuals at the expense of the public in terms of forgone services. Some of the objectives of the new law are to restore public confidence in public procurement, ensure value for money and transparency, encourage competition, and promote economic development. The public procurement system in Kenya has reformed to an orderly and legally regulated system governed by the PPDA, 2005. Prior to this, in Central Government it was governed by Treasury Circulars from 1969, then the Supplies Manual of 1978, before the promulgation of the Exchequer and Audit (Public Procurement) Regulations - 2001, (Juma, 2009). All the aforesaid reform initiatives were geared towards improving the public procurement system by enhancing accountability and transparency with the aim of achieving value for money, and attracting investments by creating a sound business climate. These reforms have ensured fairness and competition among suppliers of goods, works and services, thereby restoring the confidence of Kenyans in the public procurement process while at the same time ensuring that the Government gets the best value for its money.

The PPDA, effective as of 1st January 2007, applies to all procurement of goods, works and services, as well as the disposal of assets by public entities. Public entities are those that procure goods, services or works utilizing public funds. As such, public entities include the central and local governments, courts, commissions, state corporations, cooperatives, and educational institutions such as colleges, schools and universities. This Act does not directly seek to regulate the private sector, though it does regulate its interaction with public entities, (GoK, 2011). It ensures the following issues maximize economy and efficiency, promote competition and ensure that competitors are treated fairly, promote the integrity and fairness of procurement procedures, increase transparency and accountability in those procedures, increase public confidence in the procedures, enhance the promotion of local industry and economic development (Odhiambo, A.N, 2005).

The PPDA sets-up the Public Procurement Oversight Authority (PPOA), whose primary role is to ensure that procurement procedures established under the Act are adhered to. In doing this, the PPOA has to guide, set-up standards, and train procurement entities and persons, as well as advise government on policy issues. Currently the PPOA role is: Monitoring implementation of procurement policies to ensure that SME are accorded opportunities to participate in public procurement, building capacities of procurement personnel to ensure that procurement is carried out effectively and efficiently, building suppliers 'capacity so that they are better able to transact business within the public sector.

Arranging public forums to solicit feedback from stakeholders on the implementation of procurement policies, improving provision of information about procurement opportunities by putting in place communication channels at the PPOA and within the procuring entities, ensuring e-procurement is practiced in collaboration with the Government Secretariat in the Office of the President, consulting banks to ease SME access to financial resources, benchmarking policies practiced by other countries to enable SMEs to access procurement opportunities. (Mwiriki, 2007). Sound legal framework in place with the enactment of the PPDA and Regulations, Kenya today has in place a sound and comprehensive legal framework for public procurement with a clear hierarchical distinction. The PPDA clearly establishes the procurement methods to be applied, advertising rules and time limits, the content of tender documents and technical specifications, tender evaluation and award criteria, procedures for submission, receipt and opening of tenders, and the complaints system structure and sequence. The PPDA and Regulations cover goods, works and services for all procurement using national funds. Both documents are published and widely distributed within government (GoK, 2001).

Procurement function at KenGen is handled by the Procurement Division and is guided by the Public Procurement Act, 2005, Public Procurement Regulations 2006 and the Supplies Practitioners Management Act 2007. KenGen advertises tenders for its various requirements in newspapers of nationwide circulation and in its website, requesting suppliers who may be interested to supply various categories of goods or services to participate. Suppliers who submit bids or expression of interest are evaluated as per the criteria stated in the tender document. Those who qualify are awarded the tender or in the case of prequalification, they are included in KenGen's list of suppliers over the period stated in the document.

It is from the list of suppliers that request for quotations are sent so that they (suppliers) may bid for goods or services required. The vision of the procurement department is to attain optimum efficiency and transparency in timely procurement of right quality goods, works and services. On the other hand the mission is; to procure competitively priced quality goods and services from the right sources at the right time in accordance to the Company's Procurement guidelines and procedures, continuously improve quality service provision in purchasing and warehousing by reviewing staff strength through training and motivation, to maintain optimum stock levels. The procurement objectives are to enhance efficient and effective QMS within Procurement Division, to obtain quality goods and services from the best source at the most competitive prices, maintain optimum stock levels. To achieve economies of scale by procuring the right quantity of goods and services and, to review staff strength through training and motivation.

Statement of the Problem

According to Ethics and Anti-Corruption Commission (EACC), 2010, Kenya loses Kshs. 200 Billion annually, as a result of flaws in public procurement processes. Statistics available from Transparency International Report revealed that public procurement in Kenya is marred by high levels of non-compliance and inconsistencies with procurement law, in particular the Public Procurement and Disposal Act (PPDA)-2005 (TI, 2009). Compliance levels were found to be low in public entities in Kenya compared to South Africa despite efforts by the Public Procurement Oversight Authority (PPOA) to put in place measures to improve compliance (PPOA, 2011). Procurement audits carried out in a number of state corporations and other government entities revealed levels of non-compliance with the existing public procurement law. Audits carried out by the PPOA in the financial years 2007/2008 revealed that the levels of non-compliance with the regulations within the public sector were very high and procurement regulations were being flouted (PPOA Audit Reports, 2006/2007; 2007/2008).

A study conducted by World Bank on compliance to public sector procurement and tendering directives also showed that over the years, non-compliance has been considered as a major hindrance to the effectiveness of the tendering directives in Kenya. That extant study concluded that the major problem had been the inadequate implementation of the procurement directives (De Boer & Telgen, 1998). In another study on compliance by public entities in Kenya, it was found that non-compliance ranged from 77 to 83 percent in the tendering activities of the corporation's (ROK, 2009). Statistics from Ministry of Energy (MOE) procurement review report for KenGen, for the period between July 2007 to June 2008, revealed that on the overall performance, the compliance areas in which KenGen scored lowest were record keeping, tender award and contract management (ROK, 2009). The report further revealed mixed performance as follows: there were significant variances between the actual and indicative time frames in the processing of procurements from the stage of approval of procurement to the award and signing of contracts (ROK, 2009).

Local studies had been done on public procurement which includes, an assessment of Existing Policies and Legislation Concerning Public Procurement in Kenya, talks about the extent to which the application of the public procurement laws by public entities is constrained by their knowledge of the various provisions of the PPDA and in some cases, their financial ability. According to Kamau (2007), a research on the causes of poor performance in procurement functions focusing on public entities in the manufacturing industry found out that inadequate skill and professionalism was a major factor affecting efficiency and effectiveness of procurement activities. However, there is limited research carried out on public procurement within the energy sector. This study therefore sought to bridge this knowledge gap by studying

the factors affecting compliance to the public procurement system regulations and their impact on procurement performance with special reference to KenGen.

Objective of the study

To evaluate the effect of staff training on level of compliance to public procurement system regulations at KenGen, Kenya

Hypothesis

H₀₁: Staff training has no significant effect on level of compliance to public procurement system regulations at KenGen, Kenya

THEORETICAL FRAMEWORK

As cited by Defee et al (2010), good research should be grounded in theory (Mentzer et al., 2008). This study bases on the institutional theory.

The Institutional Theory

The institutional theory is the traditional approach that is used to examine elements of public procurement (Obanda, 2010). Scott (2004) identifies three pillars of institutions as regulatory, normative and cultural cognitive. The regulatory pillar emphasizes the use of rules, laws and sanctions as enforcement mechanism, with expedience as basis for compliance.

According to Scott (2004), institutions are composed of cultural-cognitive and regulative elements that, together with associated activities and resources give meaning to life. The author explains the three pillars of institutions as regulatory, normative and cultural cognitive. The regulatory pillar emphasizes the use of rules, laws and sanctions as enforcement mechanism, with expedience as basis for compliance. The normative pillar refers to norms (how things should be done) and values (the preferred or desirable), social obligation being the basis of compliance. The cultural-cognitive pillar rests on shared understanding (common beliefs, symbols, shared understanding). In Kenya, public procurement has is guided by the PPDA Act 2005, regulations and guidelines which are from time to time issued by the Public Procurement Oversight Authority only and which must complied with to the latter by all the public entities and providers. The principal agent theory as advocated by Donahue, (1989) explains that procurement managers in public sector play a relationship role. But his findings are based on the buyer/supplier relationship and the need of the buyer, as the principal, to minimize the risks posed by the agent. The author argued that procurement managers including all civil servants concerned with public procurement must play the agent role. Therefore procurement managers

take on the role of agent for elected representatives. The principal-agency theory holds that sabotage is likely to occur when there is some disagreement between policy makers and the bureaucracy. The democratic perspective focuses on responsiveness to citizens and their representatives (Strom 2000; Lupia 2003).

The normative pillar refers to norms and values with social obligation as the basis of compliance. The cultural-cognitive pillar rests on shared understanding (common beliefs, symbols, shared understanding). Borrowing from this theory, public institutions in Kenya are guided by rules and regulations with the PPDA Act (2005), Public procurement regulations 2006) and guidelines directing procurement activities. From the three pillars of institutions propounded by Scott 2004, organizational culture, social influence, organizational incentives and enforcement are identified as antecedents of compliance to procurement rules. Hence this theory instigates the research question: How does staff training influence compliance to public procurement and Disposal Act 2005 at KenGen?

EMPIRICAL REVIEW

According to Raymond (2008) professionalism in public procurement relates not only to the levels of education and qualifications of the workforce but also to the professional approach in the conduct of business activities. If the workforce is not adequately educated in procurement matters, serious consequences; including, breaches of codes of conduct occur. According to Atkinson (2003) cited in Raymond(2008), there are approximately 500,000 professional purchasing people in the United States and only 10 per cent of these have been members of a professional body and the rest are not even aware that there are ethical and legal standards involved in procurement.

According to Raymond (2008) also linked lack of a high degree of professionalism in public procurement to corruption, which ultimately impedes compliance. The procurement officers must be trained and aware about all regulations in relation to procurement and related procedures (Hui et al 2011). Rossi, (2010) asserts that ethical code is not only a deterrent of incorrect behaviour but also an enabler for all members of the organisation to safeguard the ethical legacy of the firm. In Uganda, the PPDA Audit Report (2008) revealed that lack of professionalism was high amongst public procurement officers. This position is further confirmed by Basheka and Mugabira (2008) who state that the level of professionalism in public procurement in Uganda is low or non – existent. Consequently, De Boer and Telgen (1998) also attributed non-compliance in public procurement to lack of purchasing professionalism in the public sector. They argue that another cause of non – compliance is lack of proper staff training. The PPOA Audit Report (2008) revealed that inadequate training was high amongst public

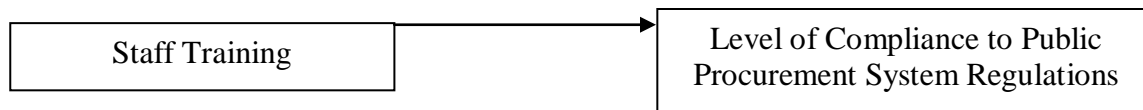
procurement officers in Kenya and this can still be attributed to the fact that the profession is still young in Kenya. This position is confirmed by Basheka and Mugabira (2008) who state that the level of professionalism in public procurement is low or almost non – existent.

The requirements to educate professionals and equip them with new and higher-level skills have consequently become urgent (Sauber et al, 2008). A skill is the ability either to perform some specific behavioral task or the ability to perform some specific cognitive process that is related to some particular task (Peterson and Van Fleet, 2004).

Conceptual Framework

According to Bogdan and Biklen (2003) a conceptual framework is a basic structure that consists of certain abstract blocks which represent the observational, the experiential and the analytical synthetically aspects of a process or system being conceived. The interconnection of these blocks completes the framework for certain expected outcomes. This study conceptualized a framework consisting of an independent and dependent variable. The independent variable for this study was staff training while the dependent variable was level of compliance to public procurement system regulations.

Figure 1: Conceptual Framework



METHODOLOGY

Research design

Research design refers to the method used to carry out a research. The study used descriptive research design together with correlation research design. Strauss and Corbin (1994) defined a descriptive research as a process of collecting data in order to test hypotheses or to answer questions concerning the current status of the subjects in study. A correlation research design is a measurement of two or more factors to determine or estimate the extent to which the values for the factors are related or change in an identifiable pattern (Nachmias and Nachmias, 2004). The target population for this study comprised all staff members at KenGen who are involved in the procurement process. These were largely drawn from the procurement department and finance departments. These are 70 in number. This study collected data from the entire population through a census of all staff who are involved in the procurement process at KenGen in all the Power Stations.

Research Instruments

The study utilized primary data. This study utilized structured questionnaires to collect primary data as used in various previous research projects (Lumpkin and Dess, 2001). A questionnaire is a research instrument consisting of a series of questions and other prompts for the purpose of gathering information from respondents. The study considered questionnaires for they have advantages over other types of research instruments in that they are cheap, do not require as much effort from the questioner as verbal or telephone surveys, and often have standardized answers that make it simple to compile data. The questionnaires were designed to include closed ended questions to give respondents easy time while filling the questionnaire. In addition, closed ended questions facilitate analysis and presentation of data. A 5 point Likert scale where 1 represents the least important response and 5 represents the most important response will be employed.

Data Collection Procedure

A cover letter from JKUAT was taken along to enable the administering of the questionnaire. The respondents were assured of confidentiality of their names and responses and that the responses will be used purely for academic purposes. An introduction letter will be acquired from the University administration. A permit was also sought from the National Council for Science, Technology and Innovation (NACOSTI). This study collected data using a self-administered questionnaire. Nevertheless, where it proves difficult for the respondents to complete the questionnaires immediately, the questionnaire was left with the respondents and picked later using a drop and pick method. This method has been found efficient by other researchers such as Amolo (2005), Muendo (2006), and Muturi (2007).

Data analysis and Presentation

According to Kothari (2004), data analysis is the computation of certain indices or measures along with searching for patterns of relations that exist among data groups. Before analysis is done, data will be cleaned, sorted and coded. Data collected was quantitative in nature and was analyzed using descriptive statistics where measure of central tendency such as means and measure of dispersion particularly standard deviation was applied as well as correlational statistics. To do this SPSS (Version 21) for Windows were used. Tables were used to present responses and facilitate comparison. Inferential statistics were used to establish the relationship between independent and dependent variables under study. Pearson correlation coefficient was used to establish the relationships between the variables.

ANALYSIS AND FINDINGS

Response Rate

The researcher distributed 70 questionnaires of which 64 of them were properly filled and returned. This represented a 91% response rate which was characterized as being very good. This was achieved through use of well structured questionnaires and giving the respondents ample time to respond to the instrument.

Staff Training Influence

The first objective of the study was to evaluate the effect of staff training on level of compliance to public procurement system regulations at KenGen. This objective was achieved by asking the respondents to rate their level of agreement with certain statements that relate to the effect of staff Training compliance to the public procurement and disposal act 2005 at Kenya Electricity Generating Company. The data on this objective was rated on a five point Likert ranging from 1 = strongly agree to 5 = strongly disagree. The results are summarized in Table 1.

Table 1: Staff training and compliance to public procurement system regulations

Statements	SA freq (%)	A freq (%)	N freq (%)	D freq (%)	SD freq (%)	χ^2	P-Value
If the workforce is not adequately educated in procurement law, serious consequences; including, breaches of the law occur	10(15.6)	32(50.0)	16(25.0)	4(6.3)	2(3.1)	22.687	0.0001
All members of the implementation committee don't have appropriate competences to handle the compliance process	2(3.1)	26(40.6)	4(6.3)	32(50.0)	0	49.25	0.0001
Most of the personnel who are employed in the procurement department are not properly trained and lack skills required to run the compliance processes	24(37.5)	32(50.0)	6(9.4)	2(3.1)	0	15.5	0.0001

The findings in Table 1 indicate that majority (50%) of the respondents were of the opinion that if the workforce was not adequately educated in procurement law, serious consequences; including, breaches of the law could occur. The findings also suggest that most (50%) of the

members of the implementation committee did actually have appropriate competences to handle the compliance process. However, there was a feeling that most of the personnel who were employed in the procurement department were not properly trained and lacked skills required to run the compliance processes. This could be attributed to the fact that most public sector organizations did internal transfers and recruitment to staff their departments. As a result most of the staff in the procurement department was not exposed to much training in procurement.

Compliance to Public Procurement system and regulation at KenGen

It was also imperative to assess the compliance to the PPDA 2005 at KenGen. This was the dependent variable and was measured by asking the respondents to respond to certain queries regarding the institution's compliance to the act. The responses on this objective were rated on a 5-point scale ranging from; 1 = Very great extent to 5 = Not at all. The findings on these are summarized in Table 2.

Table 2: Compliance to PPDA 2005 at KenGen

Statements	VGE freq (%)	A freq (%)	N freq (%)	D freq (%)	SD freq (%)	χ^2	P-Value
To what extent does staff Training influence compliance to the public procurement and disposal act 2005 at Kenya Electricity Generating Company?	14(21.9)	40(62.5)	4(6.3)	4(6.3)	4(3.1)	39.562	0.0001
To what extent does ICT and Information Systems influence compliance to the public procurement and disposal act 2005 at Kenya Electricity Generating Company?	42(65.6)	12(18.8)	6(9.4)	4(6.3)	0	29.25	0.0001
What extent does Commitment of top management affect top management support influence the level of compliance to PPDA 2005 at KenGen?	16(25.0)	22(34.4)	14(21.9)	12(18.8)	0	1.75	0.0001

Keys: Very great extent; Great extent; Moderate extent; little extent; Not at all

The results in Table 2 concerning the question about the extent of staff training influence on compliance to the public procurement and disposal act 2005 at Kenya Electricity Generating Company, indicate that it actually influenced it to a great extent (62.5%). Majority (65.6%) of the respondents also indicated that ICT and Information Systems greatly influenced compliance to the public procurement and disposal act 2005 at Kenya Electricity Generating Company. It is also evident that commitment of top management support influenced the level of compliance to PPDA 2005 at KenGen to a great extent (34.4%). Thus, it is quite evident from these findings that the compliance to the PPDA 2005 at KenGen required strong leadership, staff competence and technological support.

Correlation Analysis

The researcher sought to establish the relationship between staff training and the level of compliance to procurement laws. The findings of the analysis are as summarized in table 3 below

Table 3: Correlation Analysis

		Staff training
Level of Compliance to procurement laws	Pearson's Correlation	0.575**

****.** *Correlation significant at the 0.05 level (2-tailed)*

Table 3 shows that a significant relationship exists ($r = 0.575$, $\alpha = 0.05$). The Pearson's product moment coefficient of correlation $r = 0.575$ suggests a moderate positive relationship exists between the variables. This implies that the more staff training on procurement procedures would result in better compliance to procurement laws, therefore, this aspect needed to be emphasized and more training facilities availed to the staff.

CONCLUSION AND RECOMMENDATIONS

Based on the finding of the present study, the researcher concluded that the workforce was not adequately educated in procurement law and serious consequences; including, breaches of the law could occur. This could be attributed to the fact that most public sector organizations did internal transfers and recruitment to staff their departments. As a result most of the staff in the procurement department was not exposed to too much training in procurement.

The researcher recommended that the staff need to be exposed to further training and be given incentives to carry out procurement projects, as it emerged that staff training had a

significant effect on the compliance to procurement laws in the organization. This implies that the more the staffs are trained, the more they would adhere to compliance with procurement laws. The researcher recommended that further study should be carried out to establish the role of budgeting techniques in improving procurement functions of public sector organizations.

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