

PREFERENCES AND RESERVATIONS GROUPS AND PERFORMANCE OF STATE CORPORATIONS IN KENYA

Gatari Catherine Njoki
PhD Candidate
Jomo Kenyatta University of Agriculture and Technology, Nairobi
Email: njokicatahygatari@gmail.com
Contact: 0711146181

Dr. Noor Ismail
Jomo Kenyatta University of Agriculture and Technology, Nairobi

DR. Anthony Osoro
Jomo Kenyatta University of Agriculture and Technology, Nairobi

ABSTRACT

This paper seeks to assess the effect of preferences and reservations groups on performance of state corporations in Kenya. State corporations have been characterized by declined performance which mainly has been tied to inappropriate adherence to the reservations and preferences groups as set in the PPAD Act. However, this is yet to be proved in a local context, hence the subject of the study. The paper also seeks to assess the moderating effect of enforcement of the public procurement act on the relationship between preferences and reservations and performance of state corporations in Kenya. The paper was informed by the theory of public value. A descriptive research design was used which was anchored on positivist philosophy. The target population of this study included all 187 registered state corporations in Kenya. The sampling frame comprised of heads of finance and heads of procurement function in all 187 state Corporations in Kenya. The study used a census where all the 187 state corporations were surveyed. To identify the unit of observation, the study purposively picked the head of finance and the head of procurement function in all 187 state corporations in Kenya. This formed 374 respondents. Primary data was the main data for the study which was collected using questionnaires. The questionnaire involved both semi structured and structured questions. The collected data was prepared and analyzed with the aid of the Statistical Package for Social Sciences (SPSS) Version 26. Descriptive and inferential statistics were used to analyse. The analyzed data was presented in form of tables, graphs, histograms and Pie charts. The study established that preferences and reservations groups through pre-qualification of firms, reporting on contracts awarded and capacity building significantly and positively influenced the performance of the state corporations. The findings further revealed that the enforcement of the public procurement act had a significant positive moderating effect on the relationship between preferences and reservations and the performance of state corporations in Kenya. The study concluded that through well-embraced pre-qualification of firms under the reservations and preferences groups and reporting the awarded tenders to these firms, the state corporations enhance effective operation and save the costs and time thus enhancing performance. It is therefore recommended that the state corporations should adopt effective and well-articulated strategies of ensuring the special groups under the preferences and reservations are catered for during the tendering processes. This serves to enhance performance and effectiveness of the state corporations.

Keywords: Public procurement act, Preferences and Reservations Groups, State corporations, Firm Performance

1.0 INTRODUCTION

1.1 Background of the Study

Procurement is a critical component in the functioning of any state as it is used for acquiring of assets and services in such a way to meet a specific need (Munyao & Moronge, 2017). Public Procurement has certainly become gradually more significant factor in economic and business circles worldwide as it has a key responsibility in triumphant management of public resources and most countries have made an attempt to incorporate it into a more strategic view of government hard work (Grandia & Meehan, 2017). The procurement of supplies, works and services in public entities is valued to account for 15-20% of GDP in developing countries, and up to 50% or more of aggregate state expenditure and it is therefore an area that needs attention in the face of increasing noncompliance (Chekol & Tehulu, 2017). Ensuring effective management of this integral aspect of government mandate is therefore, equally critical to the government. This led to the introduction of the Public Procurement and Assets Disposal Act (PPDA), which was meant to set the required procedures to be followed by government agencies when procuring or disposing off their assets.

Among the major aspects of the PPDA act is the preferences and reservations groups. These are special group that the government recognize as the less-opportune who are likely to be left of participating government projects, if specific measures for the consideration are not put in place. Preferences and reservation activities in public procurement involves ensuring that contracts or portions of a contract are set aside for bidders who satisfy certain prescribed criteria in the public procurement Act (Mwangi et al., 2017). This is done to ensure that special groups are not disadvantaged in the procurement process by giving them an opportunity to develop themselves economically (Gitari, & Kabare, 2017). The focus of this scheme is to ensure small businesses, local bidders, youth, women and persons with disabilities are not discriminated when obtaining works, goods and services in public procurement procedures. This obligation focus on groups in the society alleged to be deprived of, equal access to resources, services and tools which are suitable for their survival (Marendi & Awino, 2016). The Kenyan government has recognized the importance of these groups thus it has put across rules establishing public procurement law for promotion of these special groups (Nyongesa & Osoro, 2019). Further, the government has specified the legal quotas for PP suppliers for small businesses and the proportion is capped at 30% of all the contracts awarded. However, the main challenges in implementing these

regulations include conflict of interest, availability of resources, nature of products and services, resistance of buyers and qualification and ability of the small enterprises to deliver on the requirements (Kimote & Kinoti, 2018).

On the other hand, state corporations play a critical role in dispensing the government mandates and steering the success of the government agenda. These are the state-owned company formed by a government to embark on profit-making activities with a view to build up its economy. In Kenya, the prerequisite of its establishment, management and rules are set out under the State Corporations Act chapter 446 laws of Kenya (RoK, 2013). Public procurement in these corporations is essential in promoting the success of the corporation's mandates by enabling them live up to the service delivery as well as saving on the cost of operations and accountable use of public funds. The State Corporations Act (1987) amended in 2013 provides way through which an organization can be regarded to be a state corporation. A state corporation is a unit which the public has major control over and spends state funds in the acquiring of goods and services for use by the public (RoK, 2013). They are guided by state set of laws and selected bodies such as the State Corporations Advisory Committee (SCAC), and the Efficiency Monitoring Unit. Kenya has one hundred and Sixty (160) state corporations (State Corporations Advisory Committee (2020), grouped into Eight (8) functional categories in regards to their responsibility and purpose. These state corporations are observed to have immense forthcoming to facilitate growth (Mogikoyo *et al.*, 2017). The creation of state corporations was determined by state yearning to speed up socio-economic progress, a call to restore regional economic inequity, citizen's involvement in economy and supporting native entrepreneurship (Kariuki & Aduda, 2017). There is need to oversee and manage state corporations to help them carry out their mandate in a more efficient, effective and sustainable manner. To improve their performance, there is need to ensure that all state corporations comply with Public procurement Act through appropriate enforcement measures (Mugo & Odari, 2018).

1.2 Statement of the Problem

Public procurement stands to be one of the key aspects that enhances economic growth and development through promoting government spending and dispensation of government services to the public. However, despite the merit surrounding public procurement, it has become one of the pathways for loss of public funds at the expense of the taxpayers. As noted by King'oo and Muli (2019) the government of Kenya losses about Kshs.121 billion which is equivalent to 17% of the state budget annually. This is as a result of inappropriate uphold of the PPDA including the adherence of the set preferences and reservations groups (PPRA, 2019). According to

Mutangili, (2019) in 2017/2018 financial year, 32% of states corporations in Kenya experienced material shortages and 46% of these entities were still applying traditional methods of inventory records keeping. This has incapacitated the ability of the state corporations to meet the intended purpose. Empirically, it remains unclear how adherence to the set policies on preferences and reservations groups have affected the performance of the state corporations. This study therefore sought to fill the existing gaps by assessing the influence of preferences and reservations groups on the performance of state corporations in Kenya.

1.3 Objectives of the Study

1. To assess the effect of preferences and reservations groups on performance of state corporations in Kenya
2. To analyze the moderating effect of enforcement on the relationship between preferences and reservations groups and performance of state corporations in Kenya.

1.4 Research Hypothesis

1. H_0 : Preferences and reservations groups do not significantly affect performance of state corporations in Kenya.
2. H_0 : There is no significant moderating effect of enforcement on the relationship between preferences and reservations groups and performance of state corporations in Kenya

2.0 LITERATURE REVIEW

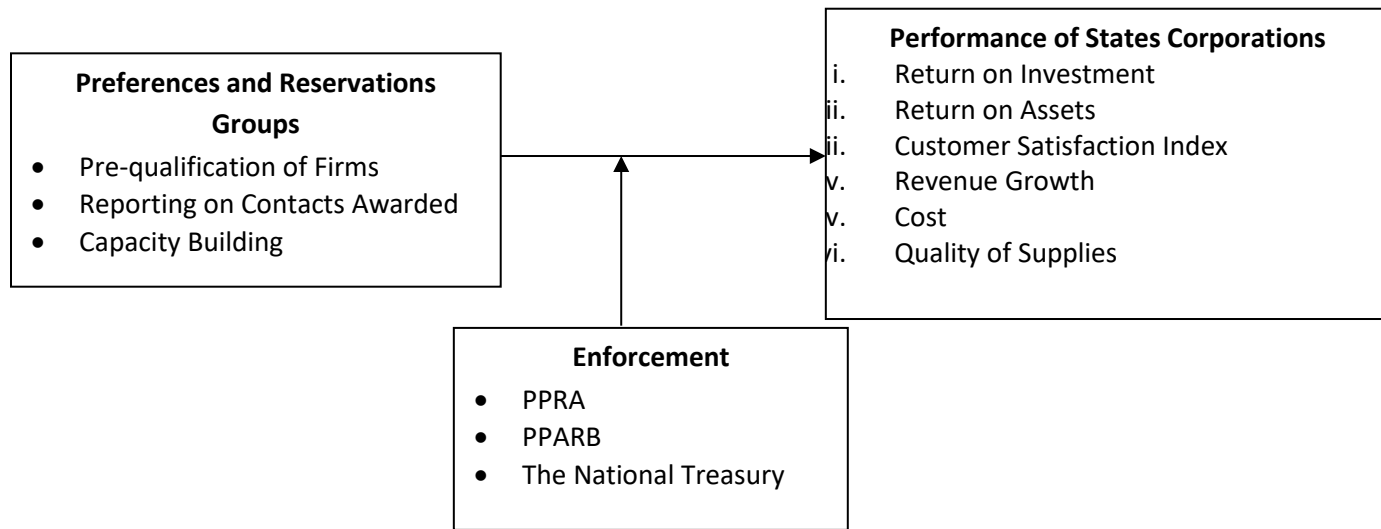
2.1 Theoretical Review

The paper has been anchored on the Public Value Theory. The theory was extensively proposed by Moore (1995), as an effort to expound on the use of public resources through procurement for the better benefit of the members of the public. The theory provides public sector procurement managers with a better understanding of the limitations and opportunities within which they work, and the challenge to create publically valuable outcomes. The theory visualizes a manager's role as going past implementation of law and observance to institutional standards (Bryson, Crosby & Bloomberg, 2014). It includes looking out for opportunities to achieve considerable improvements to living standards of the public. Moore (1995) also notes that public value theory communicate a more proactive and strategic responsibility for public procurement sector managers who seek to find out, classify and produce public value, instead of just coming up with means for realizing mandated purposes. The theory upholds that the need for any government spending is to serve the public. This implies that any government spending should cover every group of persons, including women, youth and people living with disabilities and

those with minimal access to government opportunities. This is the essence of preferences and reservations groups. The PPDA act aimed at ensuring that all the minority groups are considered in government projects and contracts, unlike in scenarios where only large organizations are considered. This justifies the choice of this theory to expound on the preferences and reservations groups in the public procurement.

2.2 Conceptual Framework

Conceptual framework for this paper is as shown in Figure 1 below.



Independent Variables

Moderating Variable

Dependent Variable

Figure 1: Conceptual Framework

2.3 Empirical Literature Review

Etse and Asenso, (2017) carried out a study on the challenges facing public procurement process in public sector in Ghana. A sample size of two hundred (200) participants was carefully chosen from Health and Educational institutions in Ashanti Region. The primary data was collected using questionnaires and interviews. The research indicated that the Public Procurement Act, needed to be amended to improve fiscal transparency, effectiveness, efficiency, and enhance competition between the local industries. The study indicated that there is need to deal with the challenges of non-compliance with public procurement Act by coming up with strict enforcement procedures.

A study by Muraguri, (2017) analyzed the implementation of the Youth Preference and Reservations Policy in Public Procurement in Kenya. The findings of the study indicate that that public procurement preference and reservations policy among the youth, women and people women, youth, persons living with disabilities still not been fully implemented. On average the

public procuring entities have not fully prioritized the special groups in their procurement opportunities. To achieve requirements of preferences and reservations in public procurement there is need for adopting strict measures that include strict procedures and compliance to achieve the goal of preferences and reservations in Public procurement. Compliance with procurement reservation practices can also be enhanced through enforcement by regulatory bodies (Muraguri, 2017).

Gitari and Kabare, (2017) carried out a study on the factors affecting access to procurement opportunities by small and medium enterprises in Kenya. The study found out that on the number of contracts awarded to the preference and reservation groups, indicated that out of all preference and reservations contracts awarded by procuring entities, persons living with disabilities were awarded the least number of contracts across all the categories of procuring entities. The findings also indicated that some entities were awarding nil contracts to this target group. The study further noted that a number of state organizations had failed to reserve at least the 30% required minimum of their procurement expenditures to the disadvantaged groups. The study recommended the need to train employees on preferential procurement directives and ways in which the procuring entities can ensure compliance to these directives. The study also recommended the need to ensure that all special groups are well trained on preferential procurement opportunities and the documentation required to winning a tender.

Rono and Moronge, (2019) analyzed the determinants of implementation of procurement management practices in county governments of Kenya. The research used descriptive as the research design and a sample size was selected using stratified random sampling. The research results found public procurement enforcement had a positive effect on effective implementation of procurement management practices, then regulatory framework, elements related to clients and professionalism of auditors in that order. The research concluded that public procurement laws and regulations effective implementation have had a considerable effect on pricing of goods acquired and the time taken between placing an order and when the delivery is done. The study recommended that there is need to enforce all public procurement activities so as to improve performance of an organization.

3.0 METHODOLOGY

This paper used a descriptive research design. The design helped realize the objectives of the study given that it explains the distinctiveness of a particular individual, or of a group and at the same time makes adequate provision for protection against bias and maximizes reliability

(Kothari, 2019). It also describes data and characteristics about the population or phenomenon under study.

The target population for this study included all registered state corporations in Kenya. These are the companies owned by the Kenyan Government. The attention to this population of the analysis was determined by the reality that state organizations are representative of the state in executing the public procurement Act. There are 187 States Corporations in Kenya.

The study used a census which comprised of each head of finance and the head of procurement function in all 187 states corporations in Kenya which formed 374 respondents. The choice of these respondents was because the head of finance of a public entity with the help of the head of procurement function is primarily responsible for ensuring that the public entity complies with the Public procurement and Assets Disposal Act, 2015.

This study used a questionnaire as the main research tool to collect primary data. Quantitative data collected in this research was analyzed using descriptive and inferential statistics. The filled by respondents questionnaires were edited to ensure they are complete for analysis. Descriptive statistics using the mean, median and standard deviation and, inferential statistics that involved correlation and regression analysis were applied to analyze quantitative data.

4.0 FINDINGS

4.1 Response Rate of the Study

The study had a sample of 374 respondents who were surveyed using a structured questionnaire. A response rate of 81.3% (304 respondents) was achieved and the data used for analysis. This therefore makes the study appropriate to make conclusions and recommendations.

4.2 Reliability Test Results

A test for reliability was carried out. Cronbach's coefficient alpha which determines the internal consistency of items in a questionnaire was used. Alpha values range from zero (0) (meaning: no internal consistency) to one (1) (meaning: complete internal consistency). The acceptable value for test variables are those that are above 0.70 (Cooper & Schindler, 2017) and this was the threshold used in this study. Table 1 shows the results of the reliability of the research instrument. The findings revealed that all the variables had Cronbach's coefficient alpha higher than 0.70 hence the instrument was ruled to be reliable.

Table 1: Reliability Results

Variable	Cronbach's Alpha	Number of Items
Preferences and Reservations Groups	0.930	9
Enforcement of the Act	0.956	11
Performance of State Corporations	0.955	18

4.3 Demographic Analysis

The demographic results revealed that most of the state corporations surveyed were under commercial and manufacturing categories while the rest were under the tertiary, educational and training. Other categories of state corporations that took part in the study included that service, regional development authorities, training and research, public universities, and regulatory. Most of the respondents surveyed had a bachelor's degree as their highest educational qualification while majority had served in their respective organizations for a period of less than 10 years. The demographic results implied that the respondents had diverse characteristics hence they would give diverse responses which is essential for a dynamic study.

4.4 Preferences and Reservation Groups

The study sought to assess the influence of preferences and reservations groups on the performance of state corporations in Kenya. The respondents were asked to indicate their levels of agreement or disagreement on specific statement drawn from the sub-constructs of preferences and reservations which were: Firms' pre-qualification, reporting on contracts awarded and capacity building. Table 2 summarizes the findings. The findings revealed that the provisions by the act that special groups should be upheld under the preferences and a reservation were not effectively adhered to in most of the surveyed state agencies. Lack of training as one of the aspects of enhancing adherence to the preferences and reservations is evident in most of the surveyed state corporations as far as special groups and preferences and reservation are concerned. This leads to minimal adherence to the PPDA requirements and guidelines as far as preferences and reservations are concerned. According to Mwangi *et al.*, (2017) it is essential for state corporations to adhere to the PPDA guidelines on preferences and reservations especially as far as youths are concerned if equitable and effective procurement procedures are to be achieved in the state agencies.

Table 2: Descriptive Statistics on Preferences and Reservation Groups

Statement	N	Mean	Std. Dev.
To qualify for a specific preference or reservation, all candidates provide evidence of eligibility	304	3.66	1.22

All procurement opportunities available for special groups such as the youth are advertised in the state's portal and website	3.35	1.23
All submissions from special groups are evaluated as required by Act	3.86	1.02
There is 30% set aside of all procurement value in every financial year that is fully allocated special groups	3.31	1.23
There are measures taken to ensure that money paid out to special groups' enterprises is paid to the appropriate accounts	3.19	1.17
Compliance reports with preferences / reservations in procurement are submitted to PPRA	3.18	1.09
There are regular capacity building programs on preferential procurement opportunities to empower special groups	3.13	1.17
There are regular trainings for staff on the preferences and reservations	3.21	1.19
There are regular trainings on the documentation required for preferential public tendering process	4.33	0.69

The results further revealed that that majority of the respondents indicated that preferences and reservations had no effective influence on the performance of the state corporations. The respondents were asked to comment on their answer and one statement that was recorded by majority of the respondents was that their preference groups were not aware of their reserved tenders and this gave a room for the procurement officials to overturn and give such opportunities to other unqualified groups as far as preferences and reservation were concerned.

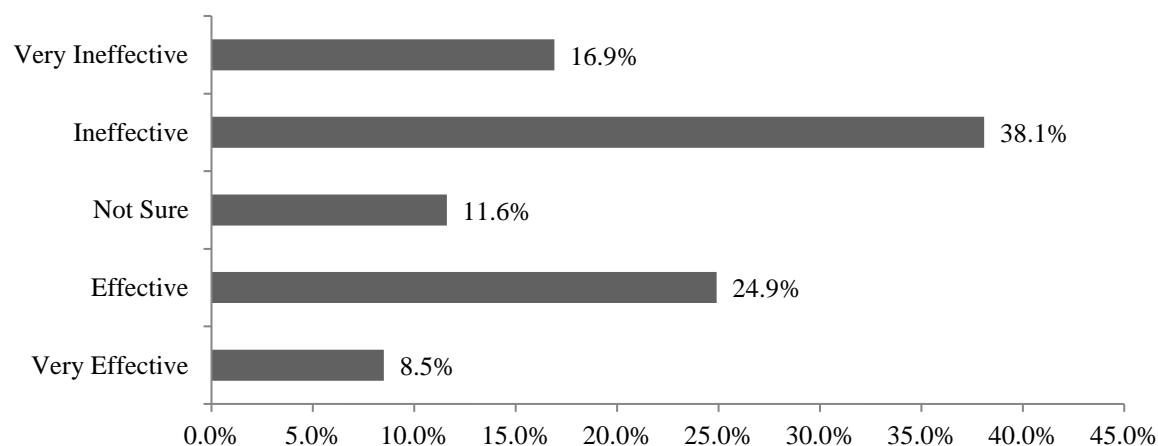


Figure 2: Rating the Effectiveness of Preferences and Reservation Groups

4.5 PPDA Enforcement

The study assessed the moderating effect of the enforcement of the PPDA act on the relationship between procurement methods and the performance of state corporations in Kenya. The main aspects used to assess the enforcement were: the public procurement regulatory author, the public procurement administrative review board and the national treasury. The respondents were asked to indicate the effectiveness to which in their opinion, the enforcement of the PPDA

was instrumental to the compliance with the act and performance of their respective state corporations. The findings revealed that majority of the respondents (57.6%) were of the opinion that the enforcement of the PPDA was effective in enhancing the compliance and performance of the state corporations. While asked to comment on their opinions, the respondents stated that the enforcement by the relevant authorities was needed as a way of ensuring that every state corporation complies with the act. One statement that was frequent among most of the respondents was that the enforcing agencies were not effectively doing their mandate and this lead to reluctance among most of the state corporations.

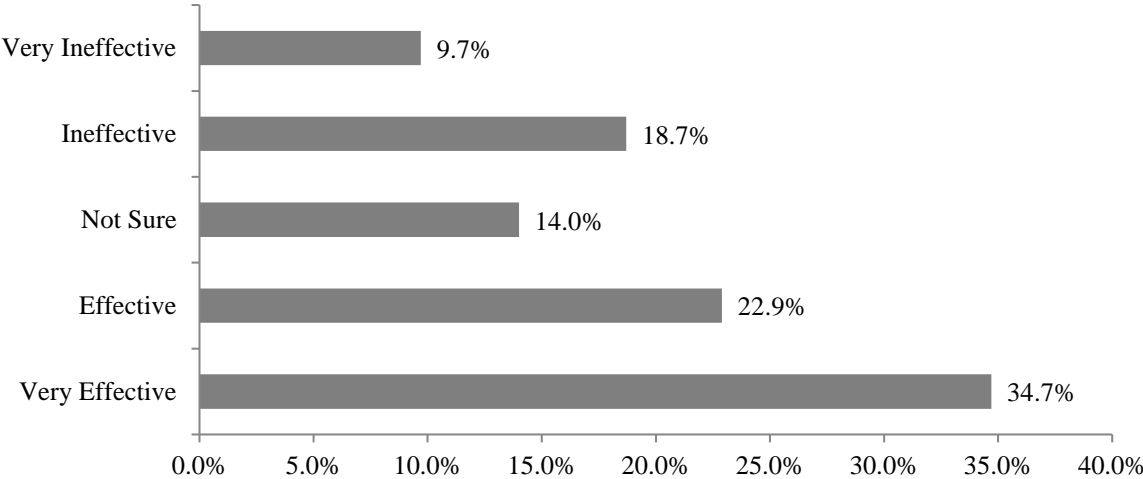


Figure 2: Rating the Effectiveness of PPDA Enforcement

4.6 Performance of State Corporations in Kenya

The study sought to assess the performance of state corporation in relation to the compliance with the public procurement act. The performance in this case was assessed in terms of cost reduction, quality of supplies, Return on Investments and profit margins. The findings were obtained from both secondary sources and the primary data. For the primary data, the respondents were asked to indicate the percentage increase/decrease on specific aspects of performance for the period between 2015 and 2019. These percentages were averaged and the findings are as shown in Figure 3.

As the results portray, the reduction in cost of assets disposal had an average score of 17.5% while the average percent reduction in cost of procurement was 10.5%. The highest score was on the average percentage of goods and services delivered conforming to the specifications which was at 28.6% while the least was the average customer satisfaction index which was at

2.3%. The increase in return on assets had a score of 23.4% while the number of customer complaints was at 21.1%. The findings imply that the performance of most of the state corporations as far as the compliance with the PPDA act is concerned was below the average with customer satisfaction being the least scored aspect.

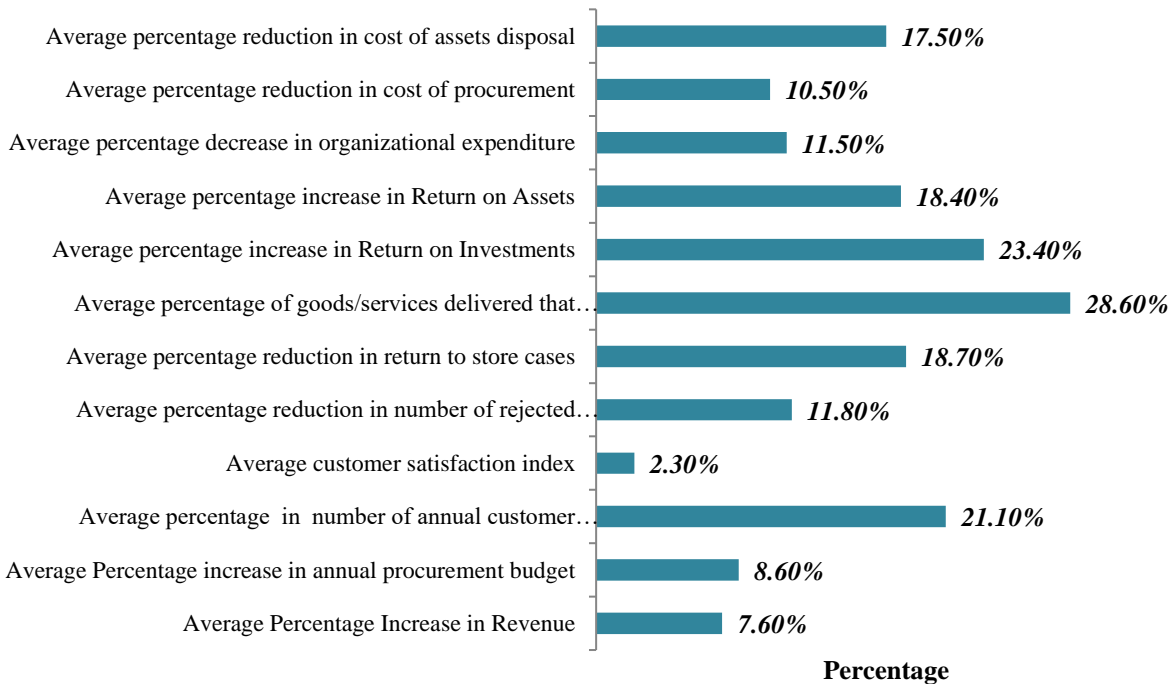


Figure 31: Descriptive Statistics on the Performance of State Corporations

4.7 Inferential Analysis Results

4.7.1 Correlation Results

Pearson correlation was used to establish the correlation between variables. The findings are as shown in Table 4. The results indicated that preferences and reservations had a significant correlation with performance of state corporations as evidenced by the Pearson Correlation Coefficient of 0.687 at significance level of 0.000.

Table 4: Correlation Analysis

	Performance of State Corporations	Preferences and Reservations
Performance of State Corporations	1	0.687
		Sig. (2-tailed)

	N	304	
Preferences and Reservations	Pearson Correlation	.687**	1
	Sig. (2-tailed)	.000	
	N	304	304

** . Correlation is significant at the 0.01 level (2-tailed).

4.7.2 Hypothesis Testing

H₀: Preferences and reservations groups do not significantly affect performance of state corporations in Kenya

The statistical relationship between preferences and reservations (independent) and the performance of state corporations in Kenya (dependent) was sought in the study. This was done through ANOVA, regression coefficients and the Scatter plot diagram. This was an attempt to establish whether to reject the null hypothesis or not.

The model for the variable was $Y = \beta_0 + \beta_1 X_1$ where Y was the dependent variable and X the independent variable while β was the coefficient/constant. The model summary shown on Table 5 revealed that the R value was 0.687 while the R² value was 0.471. This indicated that the variability of the preferences and reservations and the performance of state corporations in Kenya could be explained by up to 47.1% of the model. This implies that the model was fit to establish the relationship between the two variables and make conclusions on the same.

Table 5: Model Summary (Preferences and Reservations)

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.687 ^a	.471	.470	.53168

a. Predictors: (Constant), Preferences and Reservations

b. Dependent Variable: Performance of State Corporations

ANOVA test was also done and the results were as indicated on Table 6. The findings revealed that the F-calculated was 269.287 and the mean for the regression model was 76.122 at a significant level of 0.000. This indicates that the P-value for the variable was $0.000 < 0.05$, an implication that the model was predictive. This also shows the ability of preferences and reservations to significantly influence the performance of state corporations in Kenya.

Table 6: ANOVA Test

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	76.122	1	76.122	269.287	.000 ^b
	Residual	85.369	302	.283		
	Total	161.492	303			

a. Dependent Variable: Performance of State Corporations

b. Predictors: (Constant), Preferences and Reservations

The coefficient of the variable was as shown in Table 7. The results revealed that the β value for variable preferences and reservations was 0.626 and the model equation now becomes $Y = 1.151 + 0.626X_3$. This implies that a unit change in the preferences and reservations, could lead to up to 62.6% increase in the performance of the state corporations in Kenya. The P-value for the variable was $0.000 < 0.05$ again implying that the preferences and reservations significantly influenced the performance of the state corporations in Kenya.

Table 7: Regression Coefficients

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error			
1 (Constant)	1.151	.145		7.963	.000
1 Preferences and Reservations	.626	.038	.687	16.410	.000

a. Dependent Variable: Performance of State Corporations

The scatter plot was used to further bring out the relationship between the preferences and reservations and performance of state corporations in Kenya. The findings as shown in Figure 4 revealed that the plots had a positive gradient. This implied that preferences and reservations had a positive influence on the performance of state corporations in Kenya. This justified the decision to reject the null hypothesis that preferences and reservations has no significant influence on performance of state corporations in Kenya.

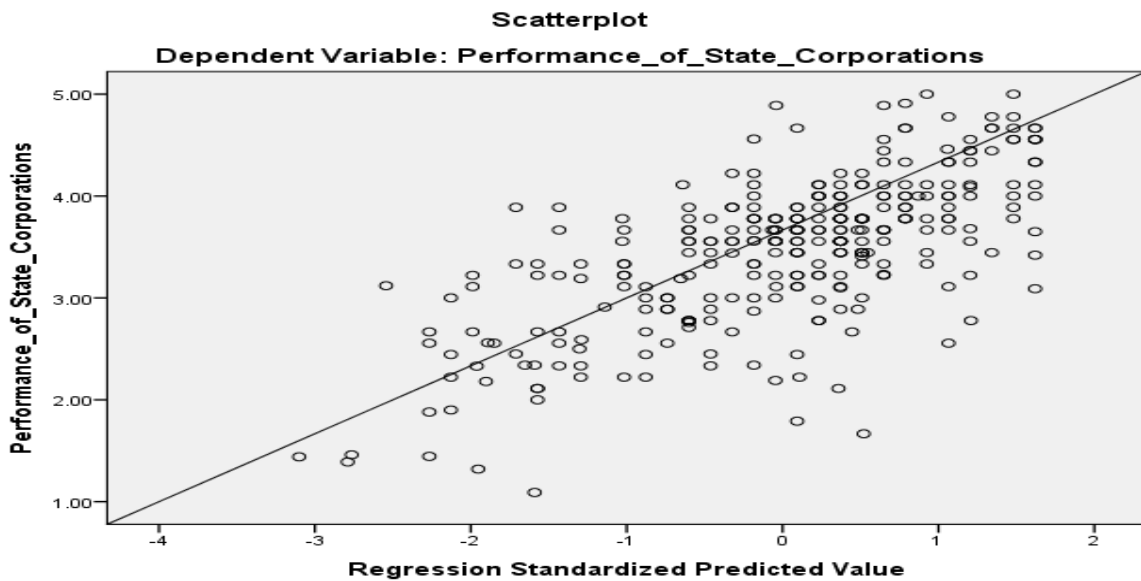


Figure 4: Scatter Plot on Preferences and Reservations

A histogram was used to further explain the viability of preferences and reservations on performance of state corporations in Kenya. The results as shown in Figure 5 revealed that the bell-shape curve was attained which is an indication of normal distribution of the standardized residuals. The bars on the histogram were also symmetric an indication that the data is normally distributed.

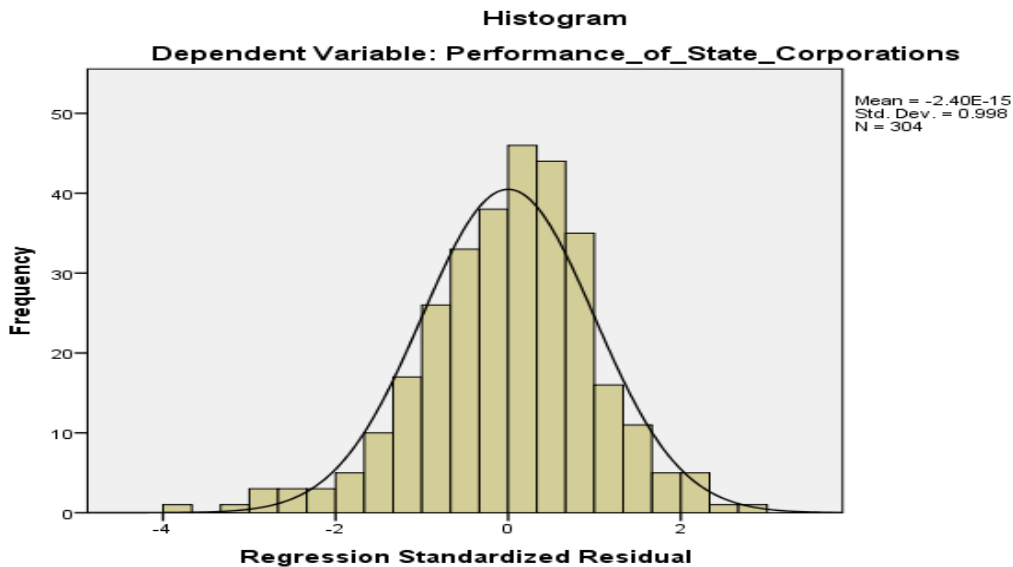


Figure 5: Histogram on Preferences and Reservations

H₀: There is no significant moderating effect of enforcement on the relationship between preferences and reservations groups and performance of state corporations in Kenya.

The study sought to test the hypothesis on the moderating effect of PPDA enforcement on the relationship between preferences and reservations and performance of the state corporations in Kenya. Table 8 shows the findings. As the results portray, only the interaction between preferences and reservations and PPDA enforcement was significant ($P=0.000 < 0.05$). The null hypothesis that PPDA enforcement has no significant moderating effect on the relationship between preferences and reservations and performance of the state corporations in Kenya was therefore rejected

Table 8: Regression Coefficients

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
(Constant)	1.509	.118		12.783	.000

Preferences and Reservations*PPDA Enforcement	.058	.014	.338	4.239	.000
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a. Dependent Variable: Performance of State Corporations

CONCLUSIONS

The inferential analysis of the regression model revealed that preferences and reservations had a significant influence of n the performance of state corporations in Kenya. The results further revealed that the enforcement of the PPDA had a significant moderating effect on the relationship between preferences and reservations and the performance of state corporations in Kenya.

The study concluded that the preferences and reservations under the PPAD act were significant in influencing the performance of the state corporations. Through appropriate pre-qualification of firms during the tendering process in the social groups and making the required reports to the contracts awarded to the special groups, the state corporations could be concluded to be on the right path towards steering performance. While the findings revealed that capacity building programmes were not upheld in most of the state corporations to sensitize the social groups on the preferences and reservations, it can be concluded that the sensitization is crucial for the state corporations to meet the mandates of the special groups.

RECOMMENDATIONS

Preferences and reservations is an essential way of ensuring equality and fairness in government opportunities especially as far as the tendering and procurement process is concerned. The study recommends that the management of the state corporations should be at the forefront of ensuring that the appropriate members of the targets groups are awarded the reserved and preferred tenders as a way of not only implementing the PPAD Act but also putting on board every member of the society for equitable share of resources and opportunities. The enforcement agencies should also be at the forefront of ensuring that the preferences and reservations are upheld among the state corporations. The management needs to ensure that they create awareness of all procurement opportunities available for special groups and organize regular capacity building programs on preferential procurement opportunities to empower special groups. There is also need to organize regular trainings for staff on the preferences and reservations requirements so as to improve compliance.

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