

# FACTORS AFFECTING IMPLEMENTATION OF PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT 2015 AT KENYA FERRY SERVICES LIMITED

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**Abstract:** The main objective of this study was to determine factors affecting implementation of public procurement and asset disposal act 2015 in Kenya. Regulated public procurement plays a very vital role to the economy of Kenya. However, a report by Rapid Response Initiative established that though most of the public procurement reforms have been achieved and procurement policies and institutions are in place, the level of implementation of such policies by the state corporations is still low. This study therefore sought to determine the effect of procurement funding, procurement staff competence, procurement leadership and enforcement on the implementation of public procurement regulations in Kenya.. The study adopted descriptive research design. The target population is Kenya Ferry services Limited with a workforce of 320 employees. The study adopted stratified random sampling in selecting only participants that were directly involved in the implementation of public procurement regulations in Kenya Ferry services Limited. The population was sub divided into clusters to help in selecting sample size that is representative of the population. A total of (5) employee from procurement department of Kenya Ferry services Limited was therefore incorporated as the sample. The study adopted a descriptive research design in order to provide a framework to examine current conditions, trends and status of events. Data was collected and analysed with the help of a social science statistical package (SPSS 024). The study found out that 18.7% of the variations in the dependent variable (implementation of public procurement regulations) were explained by the independent variable (procurement funding, procurement staff competence, procurement leadership, procurement regulations) as measured by the goodness of fit (R-square). ANOVA test showed that the p value (0.000) is less than  $\alpha$  (0.05) thus indicating that the result is significant. The study found out that there was a significant relationship between procurement funding, procurement leadership, and procurement regulations. However, there was no significant relationship between implementation of public procurement regulations and procurement staff competence.

**Keywords:** Procurement Funding, Procurement Staff Competency, Procurement Leadership and Procurement Regulation.

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## 1. RESEARCH OBJECTIVE

### 1.1 General Objective

The general objective of this research study was to determine factors affecting implementation of Public Procurement and Asset Disposal Act 2015 in Kenya Ferry Service Ltd.

## **1.2 Specific Objectives**

The study was guided by the following specific objectives

1. To determine the effect of procurement funding on implementation of Public Procurement and Asset Disposal Act 2015 in Kenya Ferry Services.
2. To assess the effect of procurement staff competence on implementation of Public Procurement and Asset Disposal Act 2015 in Kenya Ferry Services.
3. To examine the effect of procurement leadership on implementation of Public Procurement and Asset Disposal Act 2015 in Kenya Ferry Services.
4. To ascertain the effect of procurement regulations on implementation of Public Procurement and Asset Disposal Act 2015 in Kenya Ferry Services.

## **2. THEORETICAL FRAMEWORK**

### **2.1 The Knowledge-Based Theory**

The knowledge-based theory of the firm considers knowledge as the most strategically significant resource of the firm. Its proponents argue that because knowledge-based resources are usually difficult to imitate and socially complex, heterogeneous knowledge bases and capabilities among firms are the major determinants of sustained competitive advantage and superior corporate performance (Grant, 2016). This knowledge is embedded and carried through multiple entities including organizational culture and identity, policies, routines, documents, systems, and employees (Zander, 2015). The knowledge-based theory determines the nature organization human recourses capabilities which are mostly influenced by the nature of training given to the employees.

### **2.2 Agency Theory**

Agency theory attempts to describe the agency relationship, this is where the principal gives work to the agent who executes the work (Eisenhardt, 2015). There are challenges in such kind of relationship, this is due to the fact that principal and agent have differing objectives and this can result into conflict, in addition it is also difficult for the principal to know what the agent is doing. Principal-agent researchers cover the theory of the principal-agent relationship, as a theory that can be used to access different relationships such as employer-employee, buyer-supplier and other agency relationships. Agency theory is most relevant in situations in which contracting problems are difficult. This ideally includes situations where there are substantial goal differences between principals and agents and uncertain outcomes that trigger the risk implications of the theory.

### **2.3 Review of Literature on Study Variables**

#### **2.3.1 Procurement Funding**

Increased funding by government for procurement policy implementation and innovation in procurement best practices can also lead to streamlined procurement operations among public procurement in Kenya. In recent forums it has been discussed that increased public procurement funding can enhance innovation policy on both national and county levels of government (Aho, 2016). This theme is consistent with research in the private sector that has shown how value chain activities affect innovation. This is due to, the gain gotten in the procurement process in value chain, activities which are aimed at getting greater product quality and innovation which have greater impact in terms of value for money by tax payers (Prajogo, 2015).

#### **2.3.2 Procurement Staff Competence**

Having the necessary skills for procurement staff and experience to carry out procurements effectively has been a prime concern for stakeholders in implementing Public Procurement and Asset Disposal Act 2015 (Ondiek, 2016). Staff competencies influence procurement performance and increased output in procurement operations can be enhanced through increased training and capacity building of procurement practitioners in public institutions in Kenya and subsequent improvement in procurement operations. Competencies procurement staff affects performance both on departmental and organizational level as they are carry out duties in a professional manner and reduces wastage of resources (Ogot, 2016).

### 2.3.3 Procurement Leadership

Government leadership in spearheading best practices in public procurement has been slow leading to good and services supplied to the government institutions being more expensive compared to the prevailing market rates leading to overspending (Ondiek 2016). Goods and works of inferior specifications have been delivered and accepted. Indeed, in some cases no goods have been delivered at all but payment has been made all the same. Other challenges associated with compliance with the Act include: deliberate splitting of contracts to fit certain ceilings in order to defeat set thresholds, failure to provide bidding firms with full and accurate tender information, failure to advertise, “safety valve” advertising, failure in complying with advertising rules, inclusion of discriminatory requirements in contract bidding documents, political interference with the tendering process and lack of adherence to set thresholds.

### 2.3.4 Procurement Regulations

Enforcement of public procurement regulations has been boosted by PPRA through development of standard tender documents for goods, works and services. Open tenders accounted for an almost equivalent though slightly higher proportion of the total procurement spend than restricted tenders, followed by quotations. Thus placing open tenders somewhat closer to its intended status as the default procurement method. Despite these findings, assessment confirmed the trend of relying excessively on procurements through request for tenders (Ondiek, 2016).

## 3. RESEARCH METHODOLOGY

### 3.1 Research Design

Research design is the outline, plan or scheme that is used to generate answers to the research problem (Cooper & Schindler, 2013). The study adopted a descriptive research design in order to provide a framework to examine current conditions, trends and status of events. Descriptive research design is more investigative and focused on a particular variable factor. It is analytical, often singles out a variable factor or individual subject and goes into details and describing them.

### 3.2 Target Population

(Peil, 2014) defines a target population as an entire group of people, events, or things of interest to a researcher for analysis. The target population incorporated the Heads of departments, senior officers and staff working in the procurement department at Kenya Ferry Services which totalled to 320 personnel. The company staff is categorized as top level management, middle level management and operational level of management which includes procurement officers.

### 3.3 Sample Size and Sampling Technique

A total of 96 employees were incorporated as sample size of the entire population.

**Table 3.1 Sampling and sampling frame**

CATEGORY	TARGET POPULATION	SAMPLE SIZE 30% OF TARGET POPULATION	PERCENTAGE (%)
Heads of Departments	6	2	2.1
Senior and Junior officers	298	89	92.7
Procurement Department	16	5	5.2
<b>Total</b>	<b>320</b>	<b>96</b>	<b>100</b>

### 3.4 Data Processing, Analysis and Presentation

The use of closed-end and open-end questionnaires contributed towards gathering of both quantitative and qualitative data. Descriptive statistics method was applied to analyse quantitative data where data was scored by calculating the percentages, mean, STD deviation and variance. This was done using Statistical Package for Social Sciences (SPSS) computer software. SPSS is considered appropriate since it allows the researcher to follow clear set of quantitative data analysis procedures that leads to increased data validity and liability and demonstrates the relationship between the

research variables. SPSS also assisted in producing frequency tables for descriptive analysis. Inferential statistics were applied through correlation analysis and the use of multiple regression analysis.

#### 4. RESEARCH FINDINGS AND DISCUSSIONS

##### 4.1 Analysis of Variables.

##### 4.1.1 Effect of Procurement Funding on Implementation of Public Procurement and Asset Disposal Act 2015

Respondents Agreed also that the organisation’s level of creativity on the product development is high (m=4.08 sd = 0.863) and that the level of minimization of procurement expenditure is high at KFS (m= 4.03 sd= 0.744) they also agreed to the statement the level of transparency and accountability of procurement funds is high at KFS (m= 3.97 sd= 0.729).the study is in line with the findings by (Aho, 2016 and Prajogo, 2015) who agree that increased public procurement funding can enhance innovation policy on both national and county levels of government.

##### 4.1.2 Effect of Procurement Staff Competence on Implementation of Public Procurement and Asset Disposal Act 2015

Majority of procurement staff have attained qualified skills in procurement (m= 4.00, sd=0.676) and Service delivery at the procurement department is of good quality (m= 4.15, sd= 0.833).The study concurs with the findings by Ogot, (2016) and Ondiek, (2016) who agree that competencies procurement staff affects performance both on departmental and organizational level as they carry out duties in a professional manner and reduces wastage of resources.

##### 4.1.3 Effect of procurement Leadership on Implementation of Public Procurement and Asset Disposal Act 2015

However respondents had neutral response to the statements that procurement officers’ conduct market research on annual basis (m= 3.01, sd=0.1444) and that politicians influence business award at KFS, (m = 3.06, sd=0.985) the study agrees with the findings by Ondiek, (2016) and Prajogo, (2015) who agree that procurement leadership is key in giving guidance on the implementation of procurement act. They further state that leadership formulates regulations and drives the whole process of implementation.

##### 4.1.4 Effect of procurement regulations on implementation of Public Procurement and Asset Disposal Act 2015

Respondents agreed to the statement KFS is in compliance with Procurement regulations (m= 4.00, sd=0.896), procurement records are properly handled and maintained in accordance to the procurement ACT (m=4.25, sd=0.619), procurement activities within the organization are accurate and reliable (m=3.81, sd=0.863) and the organization always adheres to the budgetary allocation policy (m= 4.50, sd=0.742).they further agreed that the procurement department prepares and shares the procurement report with the rest of the staff on timely basis (m= 3.95, sd=0.911).According to Ondiek (2016).procurement regulations are the key guide towards implementation of public procurement and disposal acts. They further pose that adherence to regulatory framework provides an organization with seamless procurement procedures leading to performance.

##### 4.2 Regression Analysis

The researcher used regression analysis to establish the relationships amongst the variables. The focus was on the relationship between the dependent variable procurement leadership, procurement regulations and implementation of Public Procurement and Asset Disposal Act 2015. A summary of the relationship is shown in Table 4.10

**Table 4.10 Model Summary**

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.432 <sup>(a)</sup>	.187	.150	.42651

a. Predictors: (Constant), procurement funding, procurement staff competence, procurement leadership, procurement regulations

b. Dependent Variable: implementation of public procurement regulations

Multiple regression analysis was carried out to test the research objectives using the model equation  $Y = \beta_1X_1 + \beta_2X_2 + \dots + \beta_nX_n + \epsilon$ . As is shown in table 4.10, 18.7% of the variations in the dependent variable were explained by the independent variable as measured by the goodness of fit (R-square). The model summary table 4.10 presents the R, R<sup>2</sup>, adjusted R<sup>2</sup>, and the standard error of the estimate, which can be used to determine how well a regression model, fits the data. From

the table, R squared is the fraction of the variation in dependent variable which is customer satisfaction that can be accounted for by the four independent variables used in the study.

#### 4.3 Analysis of Variance (ANOVA)

The researcher used the ANOVA test for analysis. The purpose of the test was to determine factors affecting implementation of public procurement Act 2015 in Kenya Ferry Service Ltd. The results of the test are shown in Table 4.11.

**Table 4.11 ANOVA**

ANOVA <sup>a</sup>						
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	3.675	4	.919	5.050	.001 <sup>b</sup>
	Residual	16.008	88	.182		
Total		19.683	92			
a. Dependent Variable: implementation of public procurement regulations						
b. Predictors: (Constant), procurement funding, procurement staff competence, procurement leadership, procurement regulations						

When the test was run at 0.05 significance level to test the fitness of the model in determining the determine factors affecting implementation of public procurement Act 2015 in Kenya Ferry Service Ltd, the p value was 0.000. If p value (0.000) is less than  $\alpha$  (0.05) then the result is significant.

#### 4.4 Coefficient of Determination

**Table 4.12 Coefficients (a)**

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	3.272	.884		3.700	.000
	procurement funding	.062	.136	.045	.459	.005
	procurement staff competence	.200	.128	.156	1.562	.122
	procurement leadership	.105	.132	.084	.791	.003
	procurement regulations	.552	.141	.413	3.908	.000
a. implementation of public procurement regulations						

The researcher conducted a multiple regression analysis as shown in Table 4.12 to determine factors affecting implementation of public procurement Act 2015 in Kenya Ferry Service Ltd

The regression equation was:

$$Y = 3.272 + 0.062X_1 + 0.0200X_2 + 0.105X_3 + 0.552X_4 + \epsilon$$

Where:

$\alpha$ : is a constant term,

$\beta_n$ : coefficients to be determined

$\epsilon$ : the error term.

Y: the dependent variable (implementation of public procurement regulations)

X1: procurement funding

X2: procurement staff competence

X3: procurement leadership

X4: procurement regulations

According to the regression equation established in Table 4.12, taking all factors constant at zero, implementation of public procurement regulations will be 3.272. The data findings analyzed also shows that taking all other independent variables at zero; a unit increase in procurement funding will give an increase of 0.062 increase in implementation of public procurement regulations; a unit increase in procurement staff competence will give an increase of 0.0200 increase in implementation of public procurement regulations; a unit increase in procurement leadership will give an increase of 0.105 increase implementation of public procurement regulations while a unit increase in procurement regulations will give an increase of 0.552 Increase of implementation of public procurement regulations. The study found out that there was a significant relationship between procurement funding (0.005), procurement leadership (0.003), and procurement regulations (0.000). There was no significant relationship between implementation of Public Procurement and Asset Disposal Act 2015 and procurement staff competence (0.122)

#### 4.5 Hypothesis Testing Summary

**Table 4.13 Hypothesis testing**

Hypothesis statement	Test Model	Result
procurement funding	$Y=a+\beta_1x_1+\hat{\epsilon}$	P<0.05 Rejected
procurement staff competence	$Y=\beta_2x_2+\hat{\epsilon}$	P>0.05 Fail to reject
procurement leadership	$Y=\beta_3x_3+\hat{\epsilon}$	P<0.05 reject
procurement regulations	$Y=\beta_4x_4+\hat{\epsilon}$	P<0.05 Reject

The table above shows a summary of the hypothesis testing. The results indicate that the following hypothesis is rejected and alternative accepted.

- i.  $H_0$ . procurement funding does not have significant effect on implementation of Public Procurement and Asset Disposal Act 2015 in Kenya Ferry Services.
- ii.  $H_0$ . procurement leadership does not have significant effect on implementation of Public Procurement and Asset Disposal Act 2015 in Kenya Ferry Services.
- iii.  $H_0$ . A procurement regulation does not have significant effect on implementation of Public Procurement and Asset Disposal Act 2015 in Kenya Ferry Services.

The study also suggests that the following hypothesis fails to reject and thus it remains adopted.

- i.  $H_0$ . procurement staff competence does not have significant effect on implementation of Public Procurement and Asset Disposal Act 2015 in Kenya Ferry Services.

#### 4.6 Correlations

Correlation analysis is a statistical technique used to indicate the nature and degree of relationship existing between one variable and the other(s). In this study, the Person’s Coefficient of Correlation was used to study the relationship between variables. Table 4.13 shows the results of the correlation analysis.

**Table 4.13 Pearson Correlations**

		Funding	Staff Competence	Leadership	Regulations	Implementation
<b>funding</b>	Pearson Correlation	1				
	Sig. (2-tailed)					
	N	93				
<b>staff competence</b>	Pearson Correlation	.225*	1			
	Sig. (2-tailed)	.030				
	N	93	93			
<b>leadership</b>	Pearson Correlation	.020	.106	1		
	Sig. (2-tailed)	.847	.313			
	N	93	93	93		
<b>regulations</b>	Pearson Correlation	.034	.045	.401**	1	
	Sig. (2-tailed)	.747	.665	.000		

	N	93	93	93	93	
<b>implementation</b>	Pearson Correlation	.065	.194	.066	.385**	1
	Sig. (2-tailed)	.537	.063	.529	.000	
	N	92	92	92	92	92
*. Correlation is significant at the 0.05 level (2-tailed).						
**. Correlation is significant at the 0.01 level (2-tailed).						

From Table 4.14 the researcher used Pearson correlation to identify the relationship between increase implementation of Public Procurement and Asset Disposal Act 2015 and procurement funding, procurement staff competence, procurement leadership and procurement regulations. Table 4.14 indicates that there was a strong positive correlation between implementation funding with ( $r=0.225$ , and P value of 0.00). The value suggests that funding positively influences the implementation of procurement act 2015. The study also found out that there was a strong and positive correlation between staff competence and implementation with ( $r=0.020$ , and a P value of 0.000) implying a strong significant relationship between staff competencies and the implementation of procurement act 2015. The study further found out that there was a positive correlation between leadership And implementation of procurement act 2015 with ( $r=0.034$ , and a P value of 0.000) finally the study shows a positive correlation between regulations And implementation of public procurement act 2015 with a ( $r=0.065$  and a P value of 0.000).

## 5. SUMMARY, CONCLUSIONS AND RECOMMENDATION

### 5.1 Summary

#### 5.1.1 Effect of procurement funding on implementation of Public Procurement and Asset Disposal Act 2015.

The study sought to identify Effect of procurement funding on implementation of Public Procurement and Asset Disposal Act 2015. Results indicated that there was a positive relationship between procurement funding and implementation of procurement regulations. The study results concurs with findings by Aho, (2016) who reported that increased funding by government for procurement policy implementation and innovation in procurement leads to streamlined procurement operations among public procurement in Kenya. The study found out that indeed funding aids the realization and implementation of procurement regulations within public firms.

#### 5.1.2 Effect of procurement staff competence on implementation of Public Procurement and Asset Disposal Act 2015.

The study sought to identify the effect of procurement staff competence on implementation of Public Procurement and Asset Disposal Act 2015. From the findings, the study indicates that there is a positive and significant relationship between staff competence and implementation of procurement regulations. The study is in line with findings by Ondiek, (2016), and Ogot, (2016).The agree that with necessary skills for procurement staff and experience to carry out procurements effectively can help public firms in fully and successful implementation of public procurement regulations. They further state that competencies procurement staff affects performance both on departmental and organizational level as they are carry out duties in a professional manner and reduces wastage of resources.

#### 5.1.3 Effect of procurement leadership on implementation of Public Procurement and Asset Disposal Act 2015.

The study also sought to examine the effect of procurement leadership on implementation of Public Procurement and Asset Disposal Act 2015. From the findings it is clear that procurement leadership has a positive significant effect on the implementation of public procurement regulation within public entities. The study is in line with the findings by Ondiek (2016) who states that leadership gives a guided direction that provides sustainable process and systems at the procurement department for efficiency and effective service deliver.

#### 5.1.4 Effect of procurement regulations on implementation of Public Procurement and Asset Disposal Act 2015.

Lastly the study sought to identify the effect of procurement regulations on implementation of Public Procurement and Asset Disposal Act 2015. The findings showed that there was no positive significant relationship between procurement regulations and implementations of the regulations. However studies have showed that enforcement of public procurement regulations has been boosted by PPRA through development of standard tender documents for goods, works and services (Ondiek, 2016).the study found out that procurement regulations does not have significant effect on the

implementation of public procurement regulations. This fact could be due to the fact that procurement regulations are policies on paper and that without action the policies will not be of any important to the organization.

### **5.2 Conclusions.**

1. From the findings, the study found that funding, Staff competence, procurement leadership and Enforcement had a significant impact on the implementation of Public Procurement and Asset Disposal Act 2015 in Kenya. The study established that there was strong relationship between implementation of Public Procurement and Asset Disposal Act 2015 in public institutions.
2. The study concludes that implementation of public procurement policies in public institutions today is tailored around enough funding and effective use of the available financial resources which is seen in the context of adaptive actors' vis-à-vis a dominant environment determining their chances of survival and growth.
3. The study further concludes that in developing countries like Kenya; one of the major obstacles to the procurement system is ministerial interference with the tender process where ministers intervene and influence tender awards.

### **5.3 Recommendations**

1. From the findings, the study recommends that implementation of public procurement policies in public institutions today is tailored around enough funding and effective use of the available financial resources which is seen in the context of adaptive actors' vis-à-vis a dominant environment determining their chances of survival and growth
2. The study further recommends that there should be strong procurement leadership with integrity in public institutions so as to guide management on procurement strategies that add value to the organization and reduce risk of interference with the tender process where ministers intervene and influence tender awards.
3. The study recommends that enforcement action and increased penalties lead to greater levels of compliance with laws. Corruption among government procurement officials in developing countries such as Bangladesh, India, Sri Lanka, Kenya and Venezuela have been linked to a weak enforcement of the rule of law.

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