

Implementation of the Public Procurement and Disposal Act in Government Technical Training Institutes: A Case Study of Nkabune Technical Training Institute (TTI), Kenya

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Abstract: *This study sought to evaluate the factors affecting implementation of Public Procurement and Disposal Act 2005 in Public Technical Training Institutes, it specifically sought to find out whether procurement training affects implementation of Public Procurement and Disposal Act 2005 in Technical Training Institutes. The study used survey design. The research population consisted of 40 respondents who were issued with the questionnaires out of which 32 or 80 percent were returned. It employed both primary and secondary methods of data collection. First, questionnaires, interview and document analysis were used. Secondary data was used to supplement primary data. Data collected was analyzed using descriptive statistics. Training ensures compliance, learning innovation and improvement. This was affirmed by the 32 respondents representing 100 percent who indicated that training in procurement affects implementation of PPDA 2005 positively. Though the institute is striving to staff its procurement unit with qualified staff, lack of funds to remunerate them well is the greatest challenge hence its unable to maintain qualified procurement officers for long. It recommends that TTIs should constitute a procuring unit*

Keywords: Effect, procurement training, disposal act, Kenya

1. Introduction

Governments engage in public procurement to support their activities. Public procurement refers to the purchasing by government bodies from external providers of products and services these bodies need in order to carry out their public service mission (Arrowsmith, 2003). Recent years have witnessed increased worldwide concern about critical role of public procurement in development and this has led to growth in procurement regulations at both national and international level (Trepte, 2004).

Procurement training can also be defined as a learning process that involves the acquisition of knowledge, sharpening of skills, concepts, rules, or changing of attitudes and behaviors to enhance the performance of employees (Lathan, 1998). A number of studies such as (Trionfetti, as quoted in Odhiambo & Kamau, 2003; Wittig, W. A., ITC/UNCTAD/WTO) have estimated that the size of Central Government Procurement (CGP) in developing countries ranges between 9-13 percent of GDP. In Kenya public procurement consumes 45% of the budget, excluding local government procurement. It is clear that there is a close relationship between development and public procurement (Waiganjo, 2006). Central Government procurement has been rapidly increasing from 5.8% in 2001/2 to 26.3% of GDP in 2007/8 (PPOA, 2009).

In Kenya, purchasing for the government and its agencies is carried out as per the Public Procurement and Disposal Act, 2005 (legal notice no. 174), and the Public Procurement and Disposal Regulations 2006. This is an improvement of the Exchequer and Audit regulations 2001, which had

weaknesses such as allowing public officials to tender for projects and supply the government with goods or services often at inflated prices.

This limits the procuring entity from achieving some of the Public Procurement and Disposal Act 2005 objectives such as ensuring the lowest possible total cost without compromising quality by carrying out procurement in a manner designed to realize value for money (PPOA, 2009).

A study by Victoria consultants (1995) observed that in the 1992/3 academic year, the government subsidy for Technical Training sector was the lowest. The master plan on Education and Training 1997-2010 (Republic of Kenya, 1997:123) pointed out the difficulties facing middle level colleges.

Another study carried out in October 2007 on assessment of procurement systems in Kenya by Independent Consultancy Ramboll management (DK) and PPOA revealed that though there is a sound legal framework in place on procurement procedures in Kenya, it still suffers from several weaknesses in areas such as procedures for pre-qualification, procedures for using technical capacity as a criterion in the selection, procurement planning, lack of support by existing laws and procedures on timely procurement, contract execution and payment, lack of feedback mechanism, inadequate competence development needs among others which affects effective implementation of Public Procurement and Disposal Act 2005.

This study sought to assess the effect of procurement training in the implementation of the Public Procurement

and Disposal Act (2005) in Nkabune Technical Training Institute (TTI). The study sought to provide a better understanding of the factors affecting implementation of Public Procurement and Disposal Act 2005 at Nkabune TTI in particular and other Government Technical Training Institutes in general. It would shed more light on the problems faced by procuring entities when procuring goods, services or works. The study results and recommendations would serve as a tool to all interested parties on determining ways of modifying existing rules and regulations so as to suit individual procuring entity.

2. Materials and Methods

2.1 Research Design

The study adopted a descriptive survey research design. This kind of survey design attempted to collect data by interviewing and administering questionnaire to a sample of individuals (Orodho, 2003) in order to determine the current status in respect to one or more variables. The researcher inferred information about a population based on responses of a sample drawn from the population.

2.2 Target Population

The target population for the study was the employees of Nkabune TTI. The institute has a total of 90 employees. Only permanent employees participated in the study since casual workers are not consistently present in the institute. These constituted; 28 members of teaching staff and 12 members of non-teaching staff.

2.3 Sampling Technique and Sample Size

The method of sampling was purposive sampling. In this method a group of people believed to be reliable for the study is targeted (Kombo & Tromp, 2009). Purposive sampling selects information rich cases for in-depth analysis related to the central issues being studied. The sample consisted of 28 teaching staff selected as follows:- 10 lecturers in management team, 6 Head of Departments, 6 assistant Head of Departments, 6 lecturers involved in procurement functions and 12 non-teaching staff participated in the study. The selection was done using extreme case sampling. The total manageable sample was 40 subjects.

2.4 Research Instruments

Questionnaires, interviews and document analysis of items such as budgets, procurement files, project documents and standard tender forms were used to collect data for the evaluation of factors affecting implementation of Public Procurement and Disposal Act 2005.

2.5 Data Analysis

After data collection, it was coded and thematic analysis was used (Orotho, 2009). Descriptive statistical analysis was also used to show the frequencies and percentages of various responses. Excel computer package were also used to present the analysis in tables.

The study made an assumption that the Public Procurement and Disposal Act, 2005 had been implemented in other TTIs. One of the major limitations of the study was the unwillingness of some of the respondents to give information fearing that it would be used against them. Some became uncooperative and failed to return the questionnaires given to them. This was despite assurance by the researcher that the information would be treated with the highest confidentiality and used only for the purpose of the study.

3. Findings

The researcher administered forty (40) questionnaires to the respondents who comprised the teaching and non-teaching staff of Nkabune TTI. Thirty two (32) or 80 percent were responsive while eight (8) or 20 percent did not return the questionnaires.

The researcher requested the respondents to indicate their designations. This would help the researcher know the approach to use when analyzing the questions. Out of thirty two (32) respondents only twenty (20) indicated their designation which is 63 percent. The outcome was as follows; 6 respondents or 30 percent were heads of departments; 5 respondents or 25 percent were assistant heads of departments; 3 respondents or 15 percent were lecturers; 1 respondent or 5 percent was deputy principal; 1 respondent or 5 percent was the dean of students; 1 respondent or 5 percent was procurement officer; 1 respondent or 5 percent was finance officer; 1 respondent or 5 percent was college nurse; and 1 respondent or 5 percent was a storekeeper as analyzed in table 1.

Table 1: Designations

<i>Designation</i>	<i>frequency</i>	<i>percent</i>	<i>cumulative percent</i>
Heads of Departments	6	30	30
Assistant HoD's	5	25	55
Lecturers	3	15	70
Deputy Principal	1	5	75
Dean of Students	1	5	80
Procurement Officer	1	5	85
Finance Officer	1	5	90
College Nurse	1	5	95
Storekeeper	1	5	100
Total	20	100	

The analysis indicates that from those who responded, the Heads of Departments were more compared to the others who had indicated their designation.

3.1 Effect of Training in Procurement on implementation of PPDA 2005

Training in public procurement ensures compliance, learning, innovation and improvement. It equips those involved in procurement process with the requirements of procurement law and regulations and improves their skills in specialized aspects of procurement. The researcher therefore sought to find out whether training in procurement affects implementation of PPDA 2005.

3.2 Training in Procurement

The researcher sought to find out from the respondents whether they are trained in procurement. Out of 32 respondents, 31 or 97 percent of the respondents responded and the outcome was as follows; 5 of the respondents or 16 percent indicated that they were trained while 26 or 84 percent indicated that they are not trained Table 2.

Table 2: Training in Procurement

	Training in procurement		
	Frequency	percent	cumulative percent
Yes	5	16	16
No	26	84	100
Total		31	100

The analysis indicates that the majority of the respondents are not trained in procurement. This is generally experienced in schools and colleges since procurement process is conducted by teachers and they are not trained in procurement. This partly explains why it may be quite difficult to implement PPDA 2005.

3.3 Level of Training

The researcher further sought to find out from the 5 who are trained the level at which they are trained and the following was the outcome; one (1) of the respondent or 20 percent indicated degree level, one (1) or 20 percent of the respondent indicated diploma level while three (3) or 60 percent indicated having attended management workshop and procurement topic was presented Table 3.

Table 3: Level of Training

Level of training	frequency	percent	cumulative percent
Degree	1	20	20
Diploma	1	20	40
Workshop	3	60	100
Total	5	100	

The analysis indicates that the majority of those trained in procurement attended a workshop.

3.4 Awareness of Procurement Manuals

The researcher sought to find out from the respondent whether they were aware of the existence of various manuals used to guide procurement process. The manuals included; Public Procurement and Disposal Act 2005, Public Procurement and Disposal Regulations 2006, Public Procurement General Manual 2009, Public Procurement Manual for Schools and Colleges 2009, ICT Manual, Project Manual, Work Manual, and Record Management Manual. Out of 32 respondents, 31 or 97 percent responded to the question. The outcome was as follows; 22 or 71 percent of the respondents indicated that they were aware of the existence of Public Procurement and Disposal Act 2005 and Public Procurement Manual for Schools and Colleges 2009, 10 or 32 percent indicated being aware of the existence of Public Procurement and Disposal regulations 2006, 5 or 16 percent indicated being aware of the existence of Public

Procurement General Manual 2009, 6 or 19 percent indicated being aware of the existence of ICT Manual, 3 or 10 percent indicated being aware of the existence of project Manual, 4 or 13 percent indicated being aware of the existence of work Manual and Record Management Manual (Table 4).

Table 4: Awareness of Procurement Manuals

Manual	frequency	percent
PPDA 2005	22	71
PPMSC 2009	22	71
PPDR 2006	10	32
PPGM 2009	5	16
ICT Manual	6	19
Project Manual	3	10
Work Manual	4	13
Record Mgmt Manual	4	13
Total		

N=31

The analysis indicates that most of the respondents were aware of the existence of Public Procurement and Disposal Act 2005 and Public Procurement Manual for Schools and Colleges 2009. The interview which was done on one (1) respondent and document analysis confirmed that only 5 manuals were available. These were Public Procurement and Disposal Act 2005, Public Procurement and Disposal Regulations 2006, Public Procurement for Schools and Colleges 2009, Public Procurement General Manual 2009 and Procedural Manual for schools and colleges. The interview further revealed that they were not kept in an accessible place by all the staff members in the institute but were scattered in different offices. This was due to the fact that the rate of turnover of the procurement officer in the institute is very high and at times the institute is forced to carry out its procurement functions without a procurement officer. The rest of the manuals were not available.

3.5 Level of Conversant

The researcher also sought to find out how well the 31 respondents are conversant with the content of the manuals they indicated to be aware of their existence. The following was the outcome; 4 or 13 percent indicated that they are very conversant with the manuals content, 17 or 55 percent indicated that they are fairly conversant while 10 or 32 percent indicated that they are not conversant with the content in the manuals they indicated (Table 5).

Table 5: Level of Conversant with the Content

	Level of conversant		
	Frequency	percent	cumulative percent
Very conversant	4	13	13
Fairly conversant	17	55	68
Not conversant	10	32	100
Total	31	100	

The analysis shows that most of the respondents are not very conversant with the contents of various manuals which guide procurement process. This reveals that despite the effort of Public Procurement Oversight Authority to publish various manuals to guide procurement process a lot requires to be

done in schools and colleges so as to ensure those dealing with procurement functions are conversant with the procurement laws and regulations so as to enable effective implementation of PPDA 2005.

4. Conclusion

The study established that training the staff in procurement would have a positive effect on the implementation of PPDA 2005 as was indicated by the majority of the respondents. Training would equip those involved in procurement process with the requirements of procurement law and regulations and improve their skills in specialized aspects of procurement. This agrees with the findings of OECD (2005) which asserted that continuous training will ensure compliance, learning, innovation and improvement. Though the institute is striving to staff its procurement unit with qualified staff, lack of funds to remunerate them well is the greatest challenge hence its unable to maintain qualified procurement officers for long. Technical Training Institutes should constitute a procuring unit in accordance with the Act with qualified staff. The Government in conjunction with PPOA and the TTI's should organize sensitization training in PPDA 2005 and related regulations for all members of the staff.

5. Future Scope

Implementation of the public procurement and disposal act in government technical training institutes is a wide topic. This study focused only on Nkabune technical training institute (TTI) in Kenya. The same study can be done in other TTIs in the country for comparison and better results.

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