

**EFFECT OF PROCUREMENT REGULATIONS ADHERENCE IN
PROCUREMENT PROCESS ADMINISTRATION IN PUBLIC
SECONDARY SCHOOLS IN EMUHAYA SUB-COUNTY, KENYA**

BY

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ABSTRACT

Public Procurement sector in Kenya has evolved from a crude system with no regulations to an orderly legally regulated procurement system by procedures laid out in the Public Procurement and Asset disposal Act, 2015. Most of previous studies have looked at factors influencing compliance and non-compliance of public procurement procedures but does not establish the influence of procurement regulation compliance to procurement administration in public sector especially in public schools. Hence the purpose of this study was to investigate the influence of procurement regulation adherence on procurement process administration in Kenyan public secondary schools. Specifically to: establish the influence of transparency on procurement process administration, to examine the influence of competitive bidding on procurement process administration, to establish the influence of professionalism on procurement process administration and examine the influence of quality sourcing on procurement process administration in public secondary schools in Emuhaya sub-County, Vihiga County, Kenya. The study adopted a descriptive survey research design. The study population was two hundred and seventy two respondents (272). This comprised thirty four (34) deputies, thirty four bursars (34) and two hundred and four teachers (204). In this study a sample size of one hundred and twenty (120) representing 44.12% of total population was used. To ensure validity, the instruments were designed in relation to the objectives of the study. The instruments were developed with the assistance of experts in the school of business and Economics, Maseno University. The questionnaires were tested for reliability. This was done at three levels that is, pre-tryout, tryout and piloting. A coefficient of correlation was calculated at the level of 0.5 using Pearson's Product Moment Correlation Coefficient Formula, for reliability. The reliability coefficient was found to be 0.76 making them reliable enough to be used for data collection. The collected quantitative data from questionnaires was coded and analyzed using descriptive statistics where percentages, frequencies was used to present data while thematic and content analysis will be used to analyzed qualitative data. The study found out that majority of schools 48(54.5%) used the school policy in determining what needed to be procured. However most 46(52.3%) of the goods and services procured were not really needed in school. In addition, to be awarded a tender, the economic standing 64(72.7%) of the supplier was crucial while legal standing 40(45.5%) of the supplier was not a determinant. The findings of the study also show that that majority 52(59.1%) of participants were in agreement that tender committee members lacked training in procurement. Training of all involved in procurements should be mandatory to ensure adherence to procurement regulations. Continuous sensitizing of schools on procurement procedures and auditing of schools on level of compliance will ensure schools do not flout the regulations of procurement. It is hoped that the findings of the study will help policy makers in education sector in streamlining procurement in secondary schools. Also the scholars will benefit from the data from on procurement in learning institution

CHAPTER ONE

INTRODUCTION

This chapter presents background, statement of the problem, purpose of the study, research objectives, research questions, assumptions, limitations and delimitations, the significance of the study, theoretical and conceptual framework and definitions of operational terms.

1.1 Background of the Study

Procurement encompasses the whole process of acquiring property and/or services. It begins when an institution has identified a need and decided on its procurement requirement (Ebrahim,2010).Procurement continues through the processes of risk assessment, seeking and evaluating alternative solutions, contract award, delivery of and payment for the property and/or services and, where relevant, the ongoing management of a contract and consideration of options related to the contract. Procurement also extends to the ultimate disposal of property at the end of its useful life (Leeders, 2006).

Public procurement is concerned with how public sector organizations spend taxpayers' money on goods and services (Hall, 2009). Globally, in many developed nations, government organizations across the world tend to spend between 8 per cent and 25 per cent of GDP on goods and services (Organization for Economic Co-operation and Development, 2006); in the UK, public procurement expenditure is approximately £150 billion (Department of Environment, Food, and Rural Affairs, 2007). In Africa, public procurement procedures are poorly executed and this negatively affects realization of increased economic development in the region. In Nigeria for instance, high level of corruption and bureaucratic procedures in the government are some of the key challenges responsible for lack of development of road network infrastructure in the northern parts of the country.

In developing countries like Kenya, the public procurement sector is often the largest domestic market. The government has the obligation of providing goods, works and services to meet a variety of citizen needs. The necessity for public procurement law and also clearly defined procurement systems arises from the fact that, unlike the private sector, public procurement is a business within a national and political system, whose pillars of strengths are integrity, fairness, accountability, competition, transparency, national interest, promotion of local industry and economic development (PPOA, 2009). The education sector in Kenya receives the highest allocation of the government budget. Out of this allocation; a large percentage is used to fund the subsidised secondary education. Public schools also draw funding from parents, and bursaries from Constituency development funds, County government, the ministry of education, on governmental organization and other well wishers.

While regulating public procurement practices is perceived by many as one way to usher in transparency, accountability, economy, and integrity in the use of public funds, there is limited literature on the other side regarding studies on possible desirable outcomes of public procurement regulation to procurement performance (Dorothy, 2010). Since the aim of the Public Procurement Regulations of 2006 was to promote fairness, transparency and non-discrimination in procurement in public institutions with the main aim of ensuring efficient use of public funds, however studies reveal that even after the enactment of the Regulations, there are losses of public funds that can be attributed to public procurement (Luhmann, 2010).

Further, studies indicate dissatisfaction among stakeholders brought about by loopholes left by the Regulations which may be used by dishonest people to make the process inefficient (Kenyan, 2011). Most of previous studies have always looked at factors influencing compliance and non-compliance of public procurement procedures but does not establish the

effect of procurement regulation compliance to procurement administration in public sector especially in public schools. This study filled this gap through investigating the influence of procurement regulations adherence on procurement process administration in public secondary schools.

1.2 Statement of the Problem

The education sector in Kenya received the largest allocation of government budget every year in Kenya. A lot of this money goes towards payment of fees in order to subsidize the secondary education. The public secondary schools receive funding from parents who pay fees, donations from well wishers and bursaries from Constituency development funds (CDF), County governments, and the ministry of education. This gives public secondary schools millions of shillings at their disposal to spend. All this are public funds. Audit reports from auditor general and PPOA does not focus on public secondary schools yet they have a lot of public money they spent. The principle reason for the enactment of the Public Procurement and Disposal Act, 2005 was to have a legal regime that would weed out ineffectiveness in the procurement process, remove patterns of abuse, corruption, and the failure of the public purchaser to obtain adequate value in return for the expenditure of public funds. However, these objectives have never been fully achieved in practice especially at the procuring entity level due to reported weaknesses among procuring entities in adhering with the provisions and regulations of procurement processes found in the PPDA. Therefore this study sought to fill this gap by assessing the influence of procurement regulations adherence on procurement process administration in public secondary schools in Emuhaya sub-county, Kenya.

1.3 Objectives of the study

The main objective of study was to investigate the effect of procurement regulations adherence in procurement process administration in public secondary schools in Emuhaya sub-county, Kenya.

The specific objective of the study was to:

- i. To establish the effect of transparency in procurement process administration in public secondary schools in Emuhaya sub-county, Vihiga County, Kenya.
- ii. To examine the effect of competitive bidding in procurement process administration in public secondary schools in Emuhaya sub-county, Vihiga County, Kenya.
- iii. To establish the effect of professionalism in procurement process administration in public secondary schools in Emuhaya sub-county, Vihiga County, Kenya.
- iv. To examine the effect of quality sourcing in procurement process administration in public secondary schools in Emuhaya sub-county, Vihiga County, Kenya.

1.4 Research questions

The research questions were:

- i. What is the effect of transparency in procurement process administration in public secondary schools in Emuhaya sub-county, Vihiga County, Kenya?
- ii. What is the effect of competitive bidding in procurement process administration in public secondary schools in Emuhaya sub-county, Vihiga County, Kenya?
- iii. What is the effect of professionalism in procurement process administration in public secondary schools in Emuhaya sub-county, Vihiga County, Kenya?
- iv. What is the effect of quality sourcing in procurement process administration in public secondary schools in Emuhaya sub-county, Vihiga County, Kenya?

1.5 Scope and Limitation of study

1.5.1 Scope of the study

The respondents of the study consisted of principals, Deputy Principals, bursars and head of departments who are members of the tender committees in the sampled schools. The study was limited to Emuhaya school and the findings be generalized to other counties in Kenya.

1.5.2 Limitation of the study

This study confined itself to procurement processes actors in the sampled schools. It was not possible to cover the opinion of parents and other stakeholders in education because this study was done in secondary schools during the school term. Tracing other stakeholders required considerable time, resources, personnel and other logistics.

There was limited literature on the procurement in public schools in Kenya. Literature review was therefore done on available literature within and outside Kenya on other countries for comparisons.

1.6 Assumptions of the Study

This research study had the following assumptions

1. School principals have a good working relation with the deputy principals and members of the tender committee.
2. Procurement of goods and services in secondary schools is guided by the set regulations by the ministry of education.
3. Members of the tender committee have basic training in procurement process in schools.

1.7 Justification of the study

This study is significant since indeed its main purpose is to add to the existing body of knowledge by filling the research gap in the empirical literature as it relates to the effect of procurement regulations adherence in procurement process administration in public secondary schools. Also, the study will be of great relevance to the education sector in the country especially concerning procurements in schools. Findings and recommendations from the study will be used as a guide to help policy makers and procurement professionals make sound procurement decisions in order to achieve value for money. This study is also important because the findings will serve as reference to future researcher in collecting empirical data as it relates to procurement in the education sector. More importantly, the findings will serve as new knowledge that will contribute to the existing body of literature.

1.8 Theoretical and conceptual frame work

1.8.1 Theoretical Framework

Defee *et al.*, (2010) stated that, good research should be grounded in theory (Mentzer *et al.*, 2008). And this study will be guided by institutional theory and socio-economic theory. The institutional theory is the traditional approach that is used to examine elements of public procurement (Obanda, 2010). There is no single and universally agreed definition of “institution” or “institutional theory”.

1.8.1.1 Institutional Theory

According to Scott (2004), institutions are composed of cultural-cognitive and regulative elements that, together with associated activities and resources give meaning to life. He further 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 (preferred or desirable), social obligation being the basis of compliance. The cultural-cognitive pillar rests on shared understanding (common beliefs, symbols, shared understanding). This theory is very important when it comes to the implementation of sustainable procurement policy and practice in organizations that serve the public. This is a matter of organizational culture and the degree to which the prevailing climate in an organization is supportive of sustainability and/or of change in general.

1.8.1.2 Socio-economic Theory

Sutinen and Kuperan (1999) propounded the socio-economic theory of compliance by integrating economic theory with theories from psychology and sociology to account for moral obligation and social influence as determinants of individuals' decisions on compliance. According to Lisa (2010) psychological perspectives provide a basis for the success or failure of organizational compliance. Wilmshurst and Frost (2000) also add that the legitimacy theory postulates that the organization is responsible to disclose its practices to the stakeholders, especially to the public and justify its existence within the boundaries of society. This theory, which focuses on the relationship and interaction between an organization and the society, provides a sufficient and superior lens for understanding government procurement system (Hui *et al.*, 2011). From this theory, we can understand the policy, planning and sustainable procurement practices in public institutions and procurement regulation adherence in procurement process administration in Kenyan public secondary schools.

1.8.2 Conceptual Framework

According to Mugenda and Mugenda (2003), a conceptual framework refers to conceptualization of the relationship between variables in the study and it is shown diagrammatically. Apart from showing the direction of the study, through the conceptual framework, the researcher is able to show the relationships of the different constructs that researcher was to investigate. The study sought to establish the effect of; transparency, competitive bidding, professionalism and quality sourcing in procurement process administration.

Conceptual frame work

Independent variables

Procurement regulations

- Transparency**
 - Fair analysis of tenders
 - Clear tender specification
 - Conflict of interest
- Competitive bidding**
 - Competitive procurement process
 - Equality of treatment in bidding process
 - Standard tender document
- Professionalism**
 - Professional qualification
 - Responsibility and accountability
 - Experience in procurement function
- Quality Sourcing**
 - Quality goods and services
 - Conformance to specification
 - Performance of goods and services

Intervening variables

- Type of school
- Political influence

Dependent variables

Tendering process

- Planning
- Tendering and Bidding
- Contract Award
- contract management

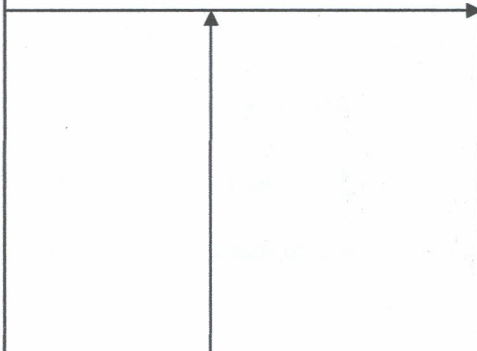


Figure 1. Source: Self conceptualization (2016)

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter comprise of literature review that helped the researcher identify the gap that past scholars have not filled. This chapter covered literature on transparency and procurement process administration, competitive bidding and procurement process administration, professionalism and procurement process administration and quality sourcing and procurement process administration

The literature was reviewed from journals, reference books, internet, thesis documents, working papers, periodicals and reports.

2.2 Transparency and procurement process administration

Transparency is an essential aspect of ensuring accountability and minimizing corruption, and has gained prominence in Organizations for Economic Cooperation and Development (OECD) countries. Government procurement is one area where corruption is rampant in both developing and developed countries. Transparency requires governments to adhere to higher standards conduct by ensuring that conduct will be open to scrutiny (Smith-Deighton, 2004).

One of the more common causal claims regarding transparency is that it will enhance public trust in government. The results of these analyses provide no support for these contentions, however, indicating instead a lack of a relationship between institutional transparency and institutional trust, irrespective of the pervasiveness of corruption in a country. In concurrence with the findings of previous research, however, control of corruption constitutes a positive and substantively important component of institutional confidence (Anderson and

Tverdova 2003; Chang and Chu 2006; Seligson 2002), even under control for the overall economic well-being of the country and availability of educational opportunities.

A number of previous studies have documented a negative effect of transparency on trust for government institutions (De Fine Licht 2011; Grimmelikhuijsen 2010; Worthy 2010); our results suggest that this finding may, paradoxically, be stronger in settings with more well-functioning institutions. The role of information in strengthening trust in governments, it seems, defies simple theoretical modelling. There have been tests on numerous model specifications and operationalizations of institutional trust, and the resounding conclusion is that transparency tends, if anything, to show a negative relationship with institutional trust.

The level of procurement regulation adherence is the degree in which state enterprises apply and follow the procurement guidelines as stipulated in the public procurement Act. Procurement guidelines govern the choice of suppliers, products and the methods and procedures to be used to communicate with suppliers (George, 2010). Public enterprises in road construction industry procurement systems exhibit low level of adherence to procurement regulations since cases of malpractices are experienced and this negatively affects administration of the tendering process.

According to PPOA (2007), the public procurement system in Kenya has been undergoing reforms consistent with the global trend since the mid 1990s, most notably within the periods covering 1997-2001 and 2005. Before these reforms, the legal framework governing public procurement was very amorphous, providing a conducive environment for the perpetration of various malpractices in public procurement including the endemic corruption that characterized the system. George (2010) contended that the level of adherence to

procurement regulations greatly influences the effectiveness and efficiency of the tendering process in public entities.

According to Patrick (2009), with the official launch of Public Procurement Reforms, the country set on the reform road in the area of public procurement by; putting in place a unified legal and regulatory framework to guide the reforms. This was realized through the gazettelement of the Exchequer and Audit Act (Public Procurement, Regulations, 2001), which harmonized all the Treasury circulars and manuals governing procurement in the public sector. Putting in place an institution to oversee development and implementation of the public procurement policy in Kenya and improve transparency. This was realized through the creation of the Public Procurement Directorate (PPD) to oversee the public tendering process in Kenya and the Public Procurement Complaints, Review and Appeals Board (PPCRAB) to handle tendering disputes Act (The Public Procurement and Asset Disposal Act,2015).

According to Johnson (2010) the landmark in the reforms was in 2005 when the Public Procurement and Disposal Act, 2005 was enacted by Parliament. The Act established an oversight body, the Public Procurement Oversight Authority (PPOA), Public Procurement Oversight Advisory Board and the Public Procurement Administrative Review Board. It amended all other laws relating to procurement in public entities ensuring that all of it is done under the umbrella of the Act thus widening the scope of application of the law and providing a proper basis for enforcement. With the gazettelement of the subsidiary legislation entitled Public Procurement and Disposal Regulations 2006, the law became operational on 1st January 2007 (PPOA, 2007). According to Andrew (2008) the Public Procurement and Disposal Act, 2005 became operational on 1st January 2007 with the gazettelement of the Public Procurement and Disposal Regulations, 2006.

This called for all public enterprises to strictly implement procurement functions in accordance with the act. However, despite all these regulatory machines, the public sector

tendering process is not in tandem with these legislations. According to the study by Price Water House Coopers PWHC (2009), over 50% of public enterprises in Kenya do not comply with procurement regulations and this has created corruption loopholes and other malpractices on tendering processes.

According to PPOA (2009) the current public procurement framework in Kenya has recently been strengthened in a number of respects: 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. The legal framework is complemented with a series of Standard Tender Documents (STDs) covering procurement of goods, works and services, and the responsibility for updating the STDs is clearly assigned to the PPOA (PPOA, 2009).

According to Roodhooft and Abbeele (2006), Public procurement in Kenya has evolved over time. In the 1970s and 80s the government used supplies manuals supplemented by treasury circulars. As echoed by Wanyama (2010) the public procurement lacked transparency and fair competition; procurement staff were not adequately trained and lacked professionalism and that lack of a professional body that would oversee and instill discipline among procurement officers made them vulnerable to corruption.

In 2001 the Government introduced the Exchequer and Audit (Public Procurement) Regulations to address the challenges experienced under the earlier procurement approaches

(Gelderman *et al.*, 2006). The enactment of the 2001 regulations led to the establishment of Public Procurement Directorate and Public Procurement Complaints, Review and Appeals Board. In order to strengthen the PPD and PPCRB operations, the Public Procurement and Disposal Act, 2005 were enacted (Agaba & Shipman, 2007).

The Act became operational in 2007; subsequently under the same Act the Government established the Public Procurement Oversight Authority, Public Procurement Oversight Advisory Board and Public Procurement Administrative Review Board. All these have come a long way to enhance efficiency, economy, transparency and accountability, controls and provide a level ground for government suppliers. According to the PPOA's website 51 cases were decided in 2013 by PPARB, this has also strengthened the appeals mechanism and given suppliers with genuine complaints redress (Wanyama, 2010).

However, a study by Odhiambo & Kamau (2013) reveal that even after the enactment of the Regulations, there are losses of public funds that can be attributed to public procurement. A study by (KPMG, 2008) established that there was a low share of procurements that were done through open tendering and also the public procurement still suffers from fraud and misconduct. A further study by KACC, also noted that public officials distort the Regulations to restrict the participation of interested firms in procurement, or still direct the outcome of others (Odhiambo & Kamau, 2013). This study will therefore seek to establish the effect of public procurement regulations on enhancing procurement performance in public sector organizations in Kenya. The general objective of the study is to establish the effect of Public Procurement Regulation on Procurement administration in public sector in Kenya.

Sometimes the government is at liberty to consider other criteria than the lowest price; for example technical capabilities, qualifications of key personnel, and past performance records in awarding contracts to potential suppliers (Cummings & Qiao, 2003). Some of the barriers

which need to be overcome in order to achieve Value for money (VFM) are weak governing bodies, politics, tradition, and lack of education and training programmes (Palmer & Butt, 1985).

2.3 Competitive bidding and procurement process administration

Competitive bidding is the means by which most goods and services are procured. Procurement rules assist in the creation of competition markets and benchmarks and reform efforts in this area would improve quality and lead to greater competitiveness among suppliers.

At the international level, governments are often involved in trading activities and procure goods and services such as defence equipment, provide or receive aid, and operate diplomatic posts in other nations and the conduct of these activities results in financial risk exposures, and accountability problems. At the national level public sector managers have to deal with a more competitive environment than has been the common practice in the past. The public is also demanding greater accountability and better service (Gunasekaran, 2005). Therefore, managing the risks associated with the complex competitive environment give rise to accountability problems (Barrett, 2000) as the roles and responsibilities of the participants in the process are not clear.

2.4 Professionalism and procurement process administration

Purchasing professionals are held to higher standards of ethical conduct than people in other professions, yet some do not even know what is expected of them (Atkinson, 2003). If the workforce is not adequately educated in such matters, this may lead to serious consequences; including, breaches of codes of conduct.

All tendering processes and procedures are clearly outlined in the Public Procurement Act. All public entities are expected to follow the Act; the PPOA was enacted to ensure that the administration and execution of the Act is followed effectively (The Public Procurement and Asset Disposal Act,2015).

Procurement largely contributes to the spending of the public entities thus the tendering processes must be highly monitored in how they are administered to ensure efficiency and effectiveness. Unless the tendering process is administered effectively and efficiently, its performance will be highly affected thus adequate factors relating to the above should be highly concentrated on.

In public entities the factors mentioned above largely affect the tendering process in that they have to be incorporated so as to realize success. Whatever plan is selected its administration is measured on basis of extent of administration or level of administration or as a percentage of administration. In some cases it may be measured using the extent to which it delivers success or achievement, saves on cost and resources and time taken to administer each process. Tendering processes take different time frames and amount of resources example time taken for a tendering process is longer than a request for quotations. Every process should be monitored at every stage to ensure transparency and to avoid lag or delays in the process (Kenya, 2011)

To ensure effective administration of the tendering process, the management should be keen to follow up by following processes as stipulated in the Act and also putting measures in to place that will help in achieving effective administration of the tendering process. Procuring entities should constantly train their employees, update their software, implement good strategies, and comply with regulations at every stage of any tendering process (The Public Procurement and Asset Disposal Act,2015).

CHAPTER THREE

RESEARCH DESIGN AND METHODOLOGY

3.1 Introduction

This chapter describes the procedures and the methods that were used to obtain the data needed for this study. It comprises the description of the study area, research design, the target population, sampling procedures and sample size, data collection procedures, data collection instruments, methods of data analysis and ethical considerations.

3.2 Research Design

The study adopted a descriptive survey research design. The design can be used for explaining or exploring the existing status of two or more variables at a given point in time. Descriptive survey design also enables the researcher to collect original data for the purposes of describing and measurement of characteristics of a population, which is too large to be observed directly. The design was considered appropriate as it enabled the researcher to reach many subjects within limited time (Kothari, 2003). The study was conducted in the various schools to authenticate the extent and influence procurement regulations adherence influences administration of procurement procedures. Emuhaya area is a fairly wide area and hence this design was convenient in soliciting views from respondents. A descriptive survey study helps to gather data at a particular point in time with the intention of describing the nature of existing conditions, identifying standards against which existing conditions can be compared and determining the relations that exist between specific events. (Mugenda, 2003).

3.3 The Study Area

The study was carried out in selected secondary schools in Emuhaya Sub-county, Vihiga County, Western province, Kenya. Emuhaya Sub County is one of the sixteen Sub-Counties in western province. The Sub-County was carved from Vihiga Sub-County in the year 2007.

Table 3.1 Study population

Category of staff	Population	Sample size	Sample size %
Deputy principals	34	15	44.12%
Head of departments	204	90	44.12%
Bursars	34	15	44.12%
Total	272	120	44.12%

3.5 Sampling Procedures and Sample Size

Out of the thirty four (34) secondary schools in Emuhaya Sub-County, fifteen (15) were selected to participate in the study. Out of these, all the three (3) are County school. This was done through purposive sampling. This is in agreement with Mugenda (2003) who asserts that when the study population is small, it is important to include all of it in the study since it will be difficult to select from the same unit a good representative sample with all the population characteristics. The other twelve (12) are public Sub-County schools and therefore were randomly selected. This was done by arranging all the 31 public schools alphabetically, the first school on the list and all the schools in prime number positions were selected to participate in the study. This gave a total of twelve (12) schools. All Head of Departments, Deputies and Bursars who are members of the tender committee in sampled schools will participate in the study. The deputy principals chairs all tender committee meetings hence all the groups of people mentioned above processes crucial information as tendering is concerned in schools. Bursars are believed to participate in all tendering process. According to Kothari, (2003), 20% is sufficient sample for generalisation if the study population under study is large. In this study a sample size of one hundred and twenty (120) representing 44.12% of total population of two hundred and seventy two (272) will be used. This sample to be selected therefore was sufficient for generalization.

3.6 Data Collection Procedures

In data collection procedures, a research permit allowing the researcher to collect data was obtained from the ministry. A covering letter was attached to each questionnaire. The researcher presented the questionnaires to the participants and requested them to fill. The field questionnaires were collected and coded for analysis.

3.7 Research Instruments

3.7.1 Questionnaires

The Head of department's questionnaires covered areas such as professional qualifications, teaching methods, students' experiences in class and outside the institution, availability of teaching and learning resources and leadership style in school. The questionnaires had both open-ended and closed-ended question types. The closed-ended questions adopted the likert scale (strongly agree, agree, undecided, disagree and strongly disagree) to measure the level of the respondents' agreement or disagreement to the questions asked. To find out how often the respondents' engaged in different procurement process, terms such as always, frequently, occasionally, seldom and never was used in the closed-ended questions. Closed-ended questions enabled the researcher to collect adequate data and also save time during data analysis.

3.7.2 Interview schedule

Deputies and bursars of the selected secondary schools were interviewed. The interviews included issues such as their length of stay in the school, school management, availability of teaching and learning resources, management courses attended, and evaluation techniques. Interview questions were developed through reading books and research materials relevant to the study. In this case, only open-ended questions will be developed. The purpose of the

interview questions was to verify the information obtained through the questionnaires as well as getting more information concerning the topic under study.

3.7.3 Document Analysis

Document analysis involves reviewing the content of the target documents with the aim of deducing relevant data (Kerlinger, 1973). The following documents were analyzed: tender regulation documents from the ministry of education, tender adverts and other tender documents in the procession of the school.

3.8 Validity and Reliability of Research Instruments.

3.8.1 Validity

Validity is the extent to which research instruments are able to measure what they are supposed to measure (Kerlinger, 1973). Mugenda and Mugenda (1999) assert that validity is the accuracy and the meaningfulness of inferences which are based on research result that is, the degree to which the results obtained from the analysis of the data actually represent the phenomenon understudy and the variables of the study. In the present study to ensure validity, the instruments were designed in relational to the objectives of the study. It therefore meant that the items in the instruments arose from the objectives of the study. The use of the four types of instruments that is, questionnaires, interviews and document analysis schedule enabled the researcher to verify the collected data. These helped in determining the relevance of the content. According to Arun (1986), experts should help to determine the validity of research instruments. For this reason therefore, instruments were developed with the assistance of scholars in the school of business, Maseno University.

3.8.2 Reliability

Reliability is the extent to which an instrument triggers the same results every time it is used (Kerlinger, 1973, Mugenda.A, and Mugenda.O, 1999 and Bryman, 2000). The questionnaires so developed were tested for reliability. This was done at three levels that is, pre-tryout, tryout and piloting. The aim of the pre-tryout is to determine if the items in the questionnaires are clear. It also helped in checking for double question, relatedness, readability and ambiguity. At this level, the items were more than at the tryout stage which is an improved version of the pre-tryout. The participants in the pre-tryout and tryout levels were different from those who participated in the pilot level but had the same characteristics.

Pilot study was carried out. Items used in the pilot study were less than those of the try-out level. The purpose of the pilot study was to establish if the instruments provided the required data.

In the pilot study, a test-retest technique was used to establish the reliability of the questionnaires. The questionnaires were presented to a group of respondents with similar characteristics as the real research respondent. These were from three (3) schools in Vihiga Sub-county outside the area of study and this avoided the idea of participants influencing each other and therefore interfering with the research findings. The questionnaires were presented in the first instance and participants will be allowed to respond. The completed questionnaires were collected and analyzed. After two weeks, the questionnaires were presented the second time to the same group of respondents. The results were again analyzed. This will then compared with the first results. A coefficient of correlation was calculated at the level of 0.5 using Pearson's Product Moment Correlation Coefficient Formula, for reliability. The reliability coefficient was found to be 0.76 making them reliable enough to be used for data collection.

3.9 Methods of Data Analysis and presentation

Data to be collected was both quantitative and qualitative. All the collected data was coded for analysis. Quantitative data was analyzed and presented using descriptive statistical techniques whereby frequencies and percentages were applied. The qualitative data collected was analysed using thematic and content method. The bulk of the qualitative data arose from the interviews while the other data will from the open ended responses in the questioners.

3.10 Ethical Considerations.

A forwarding letter and signed proposal documents was obtained from the School of Business, Maseno University. These documents enabled the researcher to obtain a research permit from the National Council for Science and Technology. She sought permission from the County Commissioner of Vihiga County, and the Sub-County Education Officer of Emuhaya Sub-County, as well as the principals of secondary schools in Emuhaya Sub-County to do research in the school. Research participants were informed of the purpose of the study so that they can make an informed decision to participate in the study. Direct consent was sought from teachers and bursars. Participants were assured of the confidentiality of the information they gave and of the fact that the information will be used for the purpose of the study only. The data collected will be used only for academic purpose.

CHAPTER FOUR
RESULTS AND DISCUSSION

4.1 Introduction

This chapter presents the data, its analysis and interpretation. It dealt with Head of department questionnaires, bursars' and deputies' interviews and document analysis, observation schedule and employers' interviews. Out of the ninety questionnaires given to head of departments, eighty-eight, were returned. Where the five-point scale ranging from "strongly agree" (SA) to "strongly disagree" (SD) was used to show the respondents' response, "strongly agree" (SA) and "agree" (A) in some cases were combined to be "agree" (A) and "strongly disagree" (SD) and "disagree" (D) in some cases were combined to be "disagree" (D). "Undecided" (U) did not change. To indicate how often some activities took place, terms such as always, frequently, occasionally, seldom and never were used.

4.1.1 An analysis of Age of Respondents

The table below presents the age of respondents

Table 4.1 The age of Respondents

Age	Frequency	Percent
Valid		
Below 30 years	31	35.2
31-40 years	31	35.2
41-50 years	19	21.6
51 years and above	7	8.0
Total	88	100.0

Source: Survey data

Table 4.1 shows that among members of various tender committees, 31(35.2%) were below 30 years, 31(35.2%) were in 31-40years age bracket, 19(21.6%) were in 51-50 age bracket while above 51years were 7(8.0%).This implies that teachers above the age of 41 were

26(29.6%) the minority in most of the tender committees. The composition of most of school tender committees had members below 40 years of age

Pie chart of the Age of respondents.

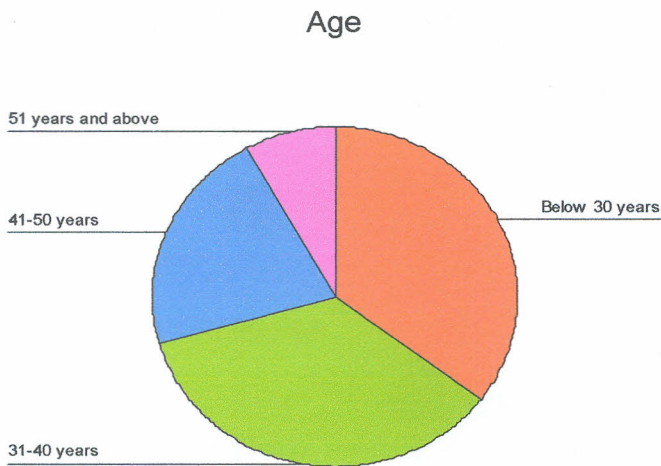


Fig 2.age of respondents

4.1.2 Gender of respondents

The table below presents the gender of the respondents

Table 4.2 Gender

	Frequency	Percent
Valid Male	66	75.0
Female	22	25.0
Total	88	100.0

Source: Survey data

Table 4.2 shows that 66(75.0%) of the respondents were male while 22(25.0 %) of the respondents were female. It seems that most of heads of departments in schools are male.

Below is a pie chart showing how gender is distributed in the tender committees.

A pie chart of the gender of respondents

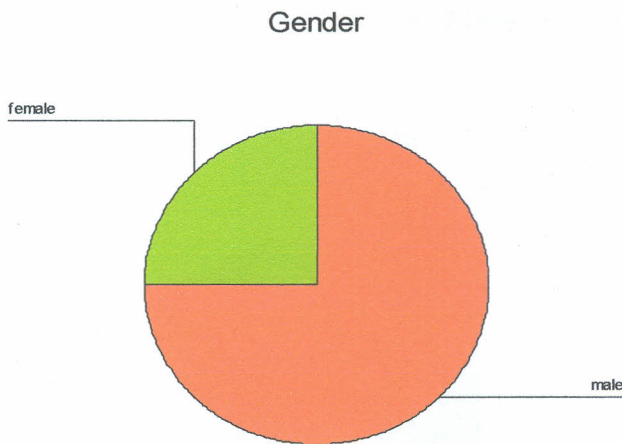


Fig.3 Gender of respondents

4.1.3 Educational level

Below is a table which presents the analysis of the educational level attainment of the respondents

Table 4.3 Educational level

Item	Frequency	Percent
Valid Secondary	10	11.4
College	30	34.1
University	46	52.3
Masters	2	2.3
Total	88	100.0

Source: Survey data

Table 4.3 presents that 10(11.4%) of the respondents had secondary level of education,30(34.1%) had college level of education,46(52.3%) had university level of education while 2(2.3%) had masters level of education. The presence of secondary level of education holders in the tender committee shows some schools are understaffed hence they have to use secondary school leavers to help in teaching.

A pie chart of Educational level

The pie chart presents educational attainment of members of the tender committee.

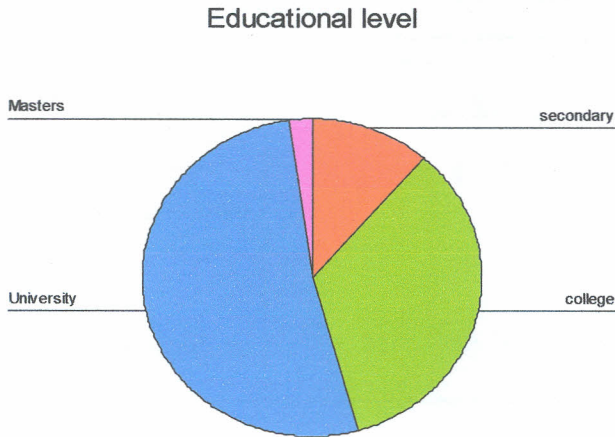


Fig 4. Educational level

4.2 Transparency and procurement process administration

4.2.1 Planning for procurement

The table below presents an analysis on how goods and services are procured in school.

Table 4.4 Planning for procurement

Particular	Teacher request		School policy		Total	
	N	%	N	%	N	%
How goods and services in school are procured	40	45.5%	48	54.5%	88	100.0%

Source: Survey data

Table 4.3 presents that 40(45.5%) of the respondents stated that good and services are procured in schools based on teachers request while 48(54.5%) of the respondents stated it was as a result of the school policy. Policies provide direction in organization and institutions. They are not questioned or debated but executed. This implies that majority of procurement plans are directives which members have to accept the way they come.

4.2.2 Goods and services procured in schools

The table below shows the information on the responses on the goods and services procured in schools

Table 4.5 Goods and services procured in schools

Particular	Yes		No		Total	
	N	%	N	%	N	%
Does the school really need the goods or services they procured	42	47.7%	46	52.3%	88	100.0%
School procurement plan	32	36.4%	56	63.6%	88	100.0%
Do you have a procurement profile in your school	27	30.7%	61	69.3%	88	100.0%

Source: Survey data

When asked if goods or services procured in schools are really needed, 42(47.7%), stated 'Yes' while 46(52.3%) stated 'No'. When asked if they their schools had procurement plans, 32(36.4%) stated 'Yes' while 56(63.6%) stated 'No'. The respondents were asked to state whether their school had a procurement profile,27(30.7%) stated 'Yes' while 61(69.3%) stated 'No'. The implication is that most schools procure what they may not need; they do not have a procurement plan and a procurement profile.

4.2.3 Transparency in tendering

Table 4.6 Transparency in tendering

Particular	SA		A		U		D		SD		TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	%
There is clear tender specification details provided	8	9.1%	17	19.3%	10	11.4%	32	36.4%	21	23.9%	88	100.0%
The tender is advertised to the public and given enough time to apply	12	13.6%	12	13.6%	18	20.5%	25	28.4%	21	23.9%	88	100.0%
During tender award ,the lowest bidder is awarded the contract	3	3.4%	30	34.1%	31	35.2%	21	23.9%	3	3.4%	88	100.0%
There is no conversing during the tendering process	41	46.6%	18	20.5%	12	13.6%	17	19.3%			88	100.0%

Source: Survey data

Table 4.6 shows that 25(28.4%) were in agreement that there is clear tender specification details provided during tendering, 10(11.4) were undecided but 53(60.3%) disagreed. This implies that there were no clear tender specification details provided during tendering.

On the tender being advertised to the public and members of the public given enough time to apply, 24(27.2%) agreed, 18(20.5%) were undecided while 46(52.3%) disagreed with the statement. The implication is that no enough time was given to the public to apply for the tender.

As for tender being awarded to the lowest bidder during tender award, 33(37.5%) agreed, 31(23.9%) were undecided while 24(27.3%) disagreed. Although a small majority agreed that the tender was awarded to the lowest bidder, those disagreeing and not sure who is awarded the tender remained many.

On whether there is no conversing during the tendering process, 59(67.1%) agreed, 12(13.6%) remained undecided while 17(19.3%) disagreed. Majority of the respondents agreed that there was no conversing during the tendering process. However, those unsure and who think there was conversing remained a significant number.

4.2.4 Interview views on Transparency

The planning of procurement in most of the schools studied was done by the board of management with advice of the school head teacher. The tender committee which undertakes the role of procurement in schools is only informed what the school will need towards the end of the year so that they can advertise for the tender. Most of the head teachers admitted that the tender committee in most of the schools meet mostly or only during tender award. Advertising of tenders in most of schools is done by the tender chair who is the school deputy.

The school do not have a procurement plan and a procurement profile. The procurement plan is a requirement as well as the procurement profile as detailed in the school procurement manuals. The procurement plan should be prepared by the user departments in order to avoid or minimize urgent procurements that delay or frustrate efforts put in place to realize set objectives.(PPOA,2009).

There is no transparency in procurement process in many schools. On the tender being advertised to the public and members of the public given enough time to apply, 46(52.3%) stated that no enough time was given to the public to apply for the tender. As for tender being awarded to the lowest bidder during tender award, 33(37.5%) a small majority agreed that the tender was awarded to the lowest bidder, those disagreeing and not sure who is awarded the tender remained many. On whether there is no conversing during the tendering process. Majority of the respondents agreed that there was no conversing during the tendering process. However, those unsure and who think there was conversing remained a significant number. This result agrees with a study by De Boer and Telgen (1998) that during the early days of the inception of public procurement regulations in The Netherlands, many municipalities could not comply to the regulations because they were not familiar with them.

It is without out a doubt that most of procurement in most secondary schools is done in closed door meeting. The principle has the final say on what should be procured. Since the school head is the only member of board of management, nobody can question his or her demands to the board of management on what school is procured in school. The procurement committees in schools are only asked to advertise for tenders whom the board of management has approved. It also is surprising that the only knowledgeable person in procurement on the board of management is the school principal. This leaves the board of management with only the role of approving funding of proposed projects or goods and services to be supplied.

4.3 Competitive bidding and procurement process administration

4.3.1 Procurement methods

The table below presents different methods of procurement in schools

Table 4.7 Procurement methods

Method		Frequency	Percent
Valid	Open tendering	17	19.3
	Restricted tendering	4	4.5
	Direct procurement	37	42.0
	Request for quotations	5	5.7
	Local shopping	25	28.4
	Total	88	100.0

Source: Survey data

Information presented in table 4.7 shows that direct procurement 37(42.0%) was the most preferred method followed by local shopping 25(28.4%) and then open tendering 17(19.3%). Restricted tendering 4(4.5%) and request for proposals 5(5.7%) were rarely used. The fact that there is existence of restricted tendering raises eye brows even though is rarely use. May be the respondent did not understand what restricted tendering is or the school may not be aware of the list of items which qualify for such kind of tendering.

4.3.2 Competitive bidding

Table 4.8 Competitive bidding

	Always		Frequent		Occasionally		seldom		Never		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Supplier's economic standing	19	21.6%	45	51.1%	24	27.3%					88	100.0%
Supplier's legal standing			16	18.2%	17	19.3%	15	17.0%	40	45.5%	88	100.0%
Supplier Delivery period and ability to meet required deadlines	48	54.5%	22	25.0%	18	20.5%					88	100.0%
Credit terms given by the supplier	30	34.1%	34	38.6%	18	20.5%	6	6.8%			88	100.0%

Source: Survey data

Table 4.8 presents that suppliers economic standing was sought for 19(21.6%) always, 45(51.1%) frequent and 24(27.3%) occasionally. This implies that economic standing of the supplier was crucial to being awarded the tender or considered to supply goods and services to the school.

The legal standing of the supplier was frequently considered as 16(18.2%), occasionally at 17 (19.3%), seldom at 15 (17.0%) and never at 40(45.5%). This implies that the legal standing of the supplier was not a determinant on whether the supplier will qualify for the award of the tender.

The delivery period and ability of supplier to meet required deadline was found desirable always at 48(54.5%), frequent at 22(25.0%) and occasionally at 18(20.5%). This shows that the desirable attributes of the supplier either always or frequently by the tendering committee was the ability of the supplier to deliver goods and services and meet the required deadlines.

On credit terms offered by the supplier, 30(34.1%) of the respondents stated that they considered it, 34(38.6%) stated that they considered it frequently it 18(20.5%) seldom considered credit terms offered by the supplier. This shows that the credit terms given by the supplier were valued when tendering.

4.3.3 Competitive bidding

Most of the schools adopted for advertising by use of posters posted on the school gate and ministry of education offices at the sub-county level. The reasoning behind this mode of advisement was to cut the expenses which may result in the use of other alternative methods

of advertisement. The goods and services were inspected by members of tender committees who were available at the time the deliveries are made in school.

Payment for goods and services was done for delivered goods and services once funds were available. Some payments were to be made in full while others were made in instalments depending on the nature and amount of the debt the schools owes the supplier.

Most of the school heads were coy on the amount of information the tender adverts carried and how they dealt with conflict of interest in tendering.

The way tender advertisement is done in schools, the use of posters, with minimal time given to the suppliers to apply is meant to look out other competitors who cannot travel to schools or who have no eyes in all schools. The admission that suppliers who are able to wait for government funding so as to be able to receive payments is in itself discriminatory. Open tendering is thus a smoke screen; there exist cartels in supplying goods and services in schools. New business people cannot be able to win tenders in schools due their weak financial muscles and frustration that may accompany the contract in having to wait for unspecified time to be paid.

4.4. Professionalism and procurement process administration

The table below presents information on the professionalism of the tender committee members.

Table 4.9 Professionalism in procurement

Particular	SA		A		U		D		SD		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Tender committee members are trained in procurement	6	6.8%			30	34.1%	21	23.9%	31	35.2%	88	100.0%
All members are knowledgeable of PPD Act, 2005	6	6.8%	19	21.6%	3	3.4%	33	37.5%	27	30.7%	88	100.0%
Tender committee members are conversant with procurement guidelines for secondary schools	9	10.2%	6	6.8%	15	17.0%	19	21.6%	39	44.3%	88	100.0%
All members are responsible and accountable	20	22.7%	29	33.0%	12	13.6%	12	13.6%	15	17.0%	88	100.0%

Members of the tender committee were asked to state their agreement and disagreement on certain pieces of information. On tender committee members being trained in procurement, 6(6.8) agreed, 30(34.1%) were undecided while 52(59.1%) disagreed. This means that majority of participants were in agreement that tender committee members lacked training in procurement.

As for all members of tender committee being knowledgeable in Public procurement and disposal Act, 2005, 25(28.4%) agreed, 3(3.4%) undecided while 60(68.2%) disagreed. The implication is that majority of tender committee members in schools had no knowledge of the public procurement and disposal Act, 2005.

On tender committee members being conversant with procurement guidelines for secondary schools, 15(17.0%) agreed, 15(17.0%) undecided while 58(65.9%) disagreed. An implication that the school manual for procurement was non extent in schools or members never bothered to know its contents or was un aware of its existence.

When asked to respond on 'All members are responsible and accountable', 49(55.7%) agreed, 12(13.6%) were undecided while 27(30.7%) disagreed. Although majority agreed, some of members doubted if they were responsible and accountable while a significant number still did not believe members of the tender committee were responsible and accountable.

Most of the schools heads interviewed claimed to be trained in tendering process especially through KEMI programs. Most of the participants stated that they learned about procurement in their seminars and also through trial and error. However, most of the respondents doubted the ability of the tender committee to handle the entire procurement process in schools therefore they could intervene at times to help.

The respondents of the study were not sure if the tender committee members were conversant with the PPD Act of 2006 and the regulation of procurement in schools and colleges.

The findings of the study agree with Onyikwa, 2013 that majority of the tendering committee members have not attended any procurement training workshops/seminars. The training/capacity building programmes attended by committee members do not meet the schools' needs on the procurement procedures. The findings also revealed that inadequate training of tendering committee members on procurement procedures has contributed to non-compliance of procurement regulations in public secondary schools.

Lack of professional qualification amongst members of the tender committee is evident. Most of the members of tender committee in some schools are very young (below 35 years). If training is done through in-service courses attended by teachers conducted by KEMI, it is with no doubt that majority of the young teachers still lack such training. KEMI trains teachers on management courses which attracts mostly senior teachers eyeing headship. Most of the head teachers interviewed admitted that most of the tender committee members lacked knowledge of PPD Act, 2006 and some were unaware of the existence of school procurement manuals.

This implies that they most of tender committee members lacked knowledge and technical experience to handle the procurement process. May be they are only members to satisfy the requirement of PPD Act of 2006 that every school shall have a tender committee.

4.5 Quality sourcing and procurement process administration

The table below presents data on the quality sourcing in procurement.

Table 4.10 Quality sourcing in procurement

Particular	Always		Frequent		Occasionally		seldom		Never		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Supplier's technical capacity to perform the proposed contract	3	3.4%	9	10.2%			29	33.0%	47	53.4%	88	100.0%
Total cost for delivering the services and goods	48	54.5%	22	25.0%	18	20.5%					88	100.0%
Supplier's reliability, integrity and reputation	43	48.9%	24	27.3%	15	17.0%	6	6.8%			88	100.0%
Supplier's relevant experience	12	13.6%	6	6.8%	18	20.5%			52	59.1%	88	100.0%
Quality, production capacity and flexibility	15	17.0%	6	6.8%	4	4.5%	15	17.0%	48	54.5%	88	100.0%

Source: Survey data

The participants were asked how often they considered particular kind of information when sourcing for goods and services. On Supplier's technical capacity to perform the proposed contract, 3(3.4%) stated always, 9(10.2%) stated frequent 29(33.0%) stated seldom while 47(53.4%) stated never. This means that the supplier's technical capacity was never or rarely considered when sourcing for goods and services.

Total cost for delivering the services and goods was considered at 48(54.5%) always, 22 (25.0%) frequently and 18(20.5%) occasionally. The total cost of goods and services was thus always considered or frequently considered when sourcing for goods and services in schools.

About Supplier's reliability, integrity and reputation, 43(48.9%) stated always,24(27.3%) stated frequent,15(17.0%) stated occasional while 6(6.8%) stated seldom. The supplier's reliability, integrity, and reputation to the school were always and frequently considered when sourcing for goods and services in school.

On Supplier's relevant experience, 12(13.6%) stated always,6(6.8%) stated frequent 18(20.5%) state occasionally while 52(59.1%) stated never. The implication is that the relevant experience possessed by the supplier on the delivery of given goods and services was never considered in most cases. This means that the quality of goods and services supplied was looked into.

As for the Quality, production capacity and flexibility,15 (17.0%) stated always,6(6.8%) stated frequent 4(4.5%) stated occasionally , 15(17.0%) stated seldom while 48(54.5%) stated never. Quality, production capacity and flexibility were less desirable when awarding of tenders or tendering processes in schools. The school did not care where the source of goods and services were to originate from and their quality.

During the interview, when asked on the most commonly used method of tendering in schools, majority of the respondents stated that they opted for open tendering but when asked how they selected their suppliers they said they would go for the ones who were capable to supply and understood the funding systems of the school. The suppliers who were to be patient to be paid seem to be most favourite.

Most of the school supplies of goods and services were done when the school had closed. The head teacher argued that it was the appropriate time because there was minimal disruption of the school activities.

Most of the goods and services are delivered in schools when schools are closed. The available tender committee members inspect the goods and services when delivered in school. When schools are closed, no teacher will be willing to remain behind the school apart

from the principal unless there was some motivation. The choice of the time when most goods and services should be delivered in school is suspect. The implication is that most of the goods and services delivered in schools are never inspected. If they are inspected, the inspection will be done by requested members of the tender committee who will have their hands greased to be sufficiently motivated to clear them. Lack of qualification of members leave members with no technical expertise to inspect the goods and services. Quality is therefore not guaranteed as well as the quantity. There will be no guarantee for the value of money.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSIONS, RECOMMENDATIONS AND SUGGESTIONS FOR FURTHER STUDY.

5.1 Introduction

This chapter presents a discussion of the findings of the study together with the conclusions which were drawn from the findings. Recommendations which arise from the conclusions are also provided. Suggestions for further research are also included in this chapter.

5.2 Summary of Findings

The purpose of the study will be to investigate the influence of procurement regulations adherence on procurement process administration in public secondary schools in Emuhaya sub-county, Kenya. In order to capture the objectives of the study, summary of findings were made in consonance with the research questions.

5.2.1. Objective one

Respondents when asked on the method used to arrive at the type of goods and services to be procured in school, 48(54.5%) of the respondents believed it was as a result of the school policy. Policies provide direction in organization and institutions. They are not questioned or debated but executed. On the other hand, When asked if goods or services procured in schools are really needed, 46(52.3%) stated 'No' the implication is that most schools procure what they may not need. The school do not have a procurement plan and a procurement profile. The procurement plan is a requirement as well as the procurement profile as detailed in the school procurement manuals.

There is no transparency in procurement process in many schools. On the tender being advertised to the public and members of the public given enough time to apply, 46(52.3%) stated that no enough time was given to the public to apply for the tender. As for tender being awarded to the lowest bidder during tender award, 33(37.5%) a small majority agreed that the tender was awarded to the lowest bidder, those disagreeing and not sure who is awarded the tender remained many. On whether there is no conversing during the tendering process, Majority of the respondents agreed that there was no conversing during the tendering process. However, those unsure and who think there was conversing remained a significant number.

5.2.2 Objective two

Suppliers economic standing was sought for 19(21.6%) always, 45(51.1%) frequent and 24(27.3%) occasionally. This implies that economic standing of the supplier was crucial to being awarded the tender or considered to supply goods and services to the school. The legal standing of the supplier was not a determinant 40(45.5%) on whether the supplier will qualify for the award of the tender. The delivery period and ability of supplier to meet required deadline was found desirable always at 48 (54.5%), frequent at 22(25.0%).On credit terms offered by the supplier, 30(34.1%) of the respondents stated that they considered it, 34(38.6%). This shows that the credit terms given by the supplier were valued when tendering.

5.2.3 Objective three

The findings of the study show that that majority 52(59.1%) of participants were in agreement that tender committee members lacked training in procurement. Also, majority 60(68.2%) of tender committee members in schools had no knowledge of the public procurement and disposal Act, 2005.School manual for procurement was non extent in schools or members never bothered to know its contents or were unaware of its existence.

When asked to respond on 'All members are responsible and accountable', Although majority agreed, some of members doubted if they were responsible and accountable while a significant number still did not believe members of the tender committee were responsible and accountable.

Lack of professional qualification amongst members of the tender committee is evident. Most of the members of tender committee in some schools are very young(below 35years).If training is done through in-service courses attended by teachers conducted by KEMI,it is with no doubt that majority of the young teachers still lack such traing.KEMI trains teachers on management courses which attracts mostly senior teachers eyeing headship. Most of the head teachers interviewed admitted that most of the tender committee members lacked knowledge of PPD Act, 2006 and some were unaware of the existence of school procurement manuals.

5.2.4 Objective four

Most of the goods and services are delivered in schools when schools are closed. The available tender committee members inspect the goods and services when delivered in school. When schools are closed, no teacher will be willing to remain behind the school apart from the principal unless there was some motivation. The choice of the time when most goods and services should be delivered in school is suspect.

5.3 CONCLUSION

Transparency in procurement is important in restoring public confidence in government institutions. Most of the money spend in school are drawn from taxpayers and parents school levies payment. Prudent use of resources is required. Procurement process in most secondary schools lacks transparency. From the planning level, tendering and bidding, tender evaluation and award and administration there is no transparency. The school principal controls the whole process. He or she decides what should be procured, who to supply and when to make payments for goods and services supplied. Lack of transparency breeds corruption in the process of procurement administration.

Competitive bidding remain a mirage in most secondary schools. Direct procurement is favoured to open tendering. Suppliers with financial muscles irrespective of their legal standing continue to supply to schools. Small or new supplier cannot make it on top of the list of suppliers unless he or she knows the head of the school. Supplier's relevant experience, integrity, reliability and reputation are values rarely sought for. The credit terms given by the supplier and their economic standing are the most sought values. This has made procurement in most of secondary schools a sham. It is a business of the school head and a cartel of suppliers. Who doesn't want to head a school? It is a star business.

Almost all schools have tendering committees in place as per the requirement by the law. The presence of tender committees can be a smoke screen that all the regulation of procurement are followed and met in schools. Tender committee members lack of knowledge in procurement as a result of no training they also lack of knowledge of PPOA Act of 2006 and school procurement manual. Tender committee members in most schools are ill equipped. They lack technical skills and experience on procurement process administration. They do not know the rules; therefore, they can't tell if there is a violation.

The schools goods and services are mostly supplied in schools when the student and teachers are on holiday. Bulk supplies needs verification by technical members of the tender committee. The timing of when to supply remains convenient of school principals and suppliers who want to event the evaluation and scrutiny of the tender committee. The result of such timing in supply is loose of quality and quantity of goods and services. Goods and services on delivery notes will be paid for with no evidence of having been supplied.

5.4 RECOMMENDATION

The study recommends that the deputy of the school who is the chairperson of the tendering committee be a member of the board to advise on the procurement process administration.

The school principal school only supervise the tendering process but not control it. To empower the chair of the tender committee, the deputy head teacher should be a signatory to all payments made to the suppliers. This will help minimise corruption as it will be expected that only goods and services supplied are paid for.

To bring sanity in procurement process and regulation adherence in schools, the government must begin auditing schools on their level of compliance with the set rules and guidelines as well as compliance with PPOA Act of 2006. Principals found to violate the procurement Act and rules should be prosecuted. This will help in ensuring there is competitive bidding in procurement process in schools.

The study recommends immediate training of tender committee members in public procurement. The special emphasis being the requirements of the law and its applicability in school procurement. The ministry of education to revise the training curriculum of teachers so that teacher training colleges and Universities train all teachers on public procurement so that when they are employed, they are ready to participate in tendering process in schools as tender committee members when called upon.

To minimise loss of quality and quantity of goods and services supplied, the study recommends that all goods be supplied during the term when all members of the committee are available for inspection. The ministry of education should issue a circular that all the services be supplied during the term and those that have to be undertaken when schools are closed should be inspected by the technical tender committee members on completion.

5.5 SUGGESTION FOR FURTHER STUDY

Research should be conducted on the influence of Training on Compliance to Procurement regulations and procedures in public secondary schools

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