

**FACTORS AFFECTING PROCUREMENT PRACTICES IN PUBLIC SECTOR IN
KENYA: A CASE STUDY OF INDEPENDENT ELECTORAL AND BOUNDARIES
COMMISSION.**

EDWIN OCHIENG' JUMA

**A RESEARCH PROJECT SUBMITTED TO THE SCHOOL OF MANAGEMENT AND
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AWARD OF DEGREE OF MANAGEMENT AND LEADERSHIP OF THE
MANAGEMENT UNIVERSITY OF AFRICA.**

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DECLARATION

This study project is my own work, and it has not been submitted for academic credit at any other college.

Signature.....

Date.....

EDWIN OCHIENG' JUMA

BML/31/01190/1/22

Declaration by the Supervisor

This project has been submitted for examination with my approval as University Supervisor.

Signature.....

Date.....

Dr. Paul Machoka

The Management University of Africa

DEDICATION

This work is dedicated to my family for their support and encouragement while I was studying.

ACKNOWLEDGMENT

I want to express my gratitude to the Management University of Africa for providing a conducive environment that allowed me to conduct and complete my study, as well as to my supervisor, Dr. Paul Machoka, for his guidance. I would especially want to thank the Independent Electoral and Boundaries Commission for enabling me to conduct this study while working with them. I'm very appreciative.

ABSTRACT

The key objective of this study was to study the factors affecting procurement practices in public sectors in Kenya: A case study of Independent Electoral and Boundaries Commission. Specific objectives include; To determine the effect of staff competency on procurement practices in public sectors in Kenya, to establish the impact of information technology on procurement practices in public sectors in Kenya, to determine the effect of ethical conduct on procurement practices in public sectors in Kenya and to establish the effect of legal framework on procurement practices in public sectors in Kenya. The study used descriptive research design methodology. Target population of the study was 44 employees working at Independent Electoral and Boundaries Commission procurement department. Sampling is the process of choosing a subset of a group to represent the whole group or the target population thus the study employed census sampling technique because the population of study is small. Therefore, the sample size of the study was 44 employees. Data was gathered using questionnaires. A pilot study was conducted to improve the questionnaire and to identify any flaws in the questionnaire. The university supervisor and other specialists were involved in the questionnaire's development to improve its validity. Also, the test-retest approach was used to assess the questionnaire's reliability. Descriptive data analysis included both qualitative and quantitative data. Tables, pie charts, and figures were used to present data. According to the study's findings, there was a relationship between Kenyan independent public parastatals' procurement performance and factors impacting public procurement performance. The study concluded that ethical behavior has a significant influence on public sector procurement procedures. the study concluded that employee competency is a crucial consideration in procurement. According to the results, most respondents believed that information technology had a legitimate impact on Kenya's public sector procurement methods. Also, the study concluded that legal environment has a significant impact on public procurement offices. The report recommends that independent governmental bodies and commissions in Kenya support employee evaluations of procurement officials on an annual basis. The study recommended that the public independent sector invest more in information technology since it affects their performance in procurement. To decrease occurrences of corruption, the report advises public independent offices to adopt ethical behavior in the procurement process. The study advised Kenyan independent public offices and commissions' procurement officials, managers, and assistants to think about getting additional training on the country's legal and regulatory framework governing procurement processes. Finally, the study suggests that further study should be done on non-governmental organizations as well as public entities like state parastatals, according to the researcher. This is since these organizations also serve the general public, making procurement performance a major priority for all parties involved.

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ACRONYMS AND ABBREVIATIONS

CBD	: Central Business District
ICT	: Information Communication Technology
IEBC	: Independent Electoral and Boundaries Commission
PPADA	: Public Procurement and Asset Disposal Act
PPE	: Public Procurement Entity
PPOA	: Public Procurement Oversight Authority
SPSS	: Statistical Package for Social Sciences

OPERATIONAL DEFINATION OF TERMS

- Ethical conduct** : This implies that our interactions with people both inside and outside the community are guided by the concepts of justice, good faith, and respect in accordance with the laws, regulations, and university rules.
- ICT** : the mix of production and service sectors that electronically gather, transfer, and display data and information.
- Legal Framework** : It offers resources for guaranteeing the regime's ongoing integrity, including governance frameworks, checkpoints for monitoring, assessing, and supporting compliance, as well as procedures for conflict avoidance and resolution.
- Staff competency** : a grouping of visible and quantifiable knowledge, skills, personal qualities, and aptitudes that improve employee performance and eventually lead to corporate success.

CHAPTER ONE

INTRODUCTION

1.0 Introduction

The context of the study, problem statement, general objectives, specific aims, research questions, significance of the study, and scope of the inquiry are all described in this chapter.

1.1 Background of the Study

The actual work of purchasing products and services for use by the public bodies via government systems is included in the public procurement function. Globally, the Economy of each nation is significantly impacted by the procurement industry. OECD (2016) estimates that governments throughout the world spend \$ 9.5 trillion years on public procurement, amounting to significant sums of money (Georghiou, Edler, Uyarra, & Yeow 2014)

According to Schiele (2017), the accomplishment of the goals specified by the business is how procurement performance is fulfilled. It also demonstrates how much value for money is obtained from the government's perspective. Government infrastructure projects, such as the building of hospitals, roads, trains, bridges, schools, and other public facilities, place a premium on public procurement. Airports, seaports, ICD, and telecommunications infrastructure are among the further developments. According to estimates, developing countries throughout the world spend \$820 billion annually to buy products and services from the private sector for use by governmental organizations and the general population (Stek, & Schiele 2021).

According to Corsen (2015), the term "procurement" refers to the actual act of planning for purchases as well as the selection of supplies following a search, standard determinations and specifications, pricing of the needs, negotiations, store management, value analysis, funding, purchasing, contract administration, and waste disposal, among other tasks. Purchasing all requirements in terms of commodities and services at the proper location, time, quality, objective, price, and quantity for use by the procuring entity or another party is another definition of procurement. More significantly, public procurement comprises the acquisition of products and services for the general public or other governmental organizations via regulated tendering procedures that are fair to all parties and competitive (Corsen 2015).

Globally, Gelderman et al. (2017) conducted research at the Netherlands Ministry of Defense on the interaction between public procurement and EU rules on the bidding procedure. The researcher used a survey study design. The results showed that purchasers' acquaintance with the laws and regulations on tendering procedures had a significant impact on adherence to state instructions on the subject. The research on independent governmental offices and commissions in Kenya employed a distinct approach called a cross-sectional survey as opposed to a census. In addition, the study only took into account one element rather than the many variables that affect procurement success (Gelderman 2017)

Regionally, Ibrahim and Hamid (2016) conducted study on the relationship between Sudanese manufacturing companies' supply chains' performance and supply chain management methods. In this study, a survey research design was used. The results of the study showed that manufacturing companies in Sudan have implemented technological integration, information exchange, and speed of reactions to a greater level. The results also showed a favorable link between the research variables (Ibrahim & Hamid 2016).

In Uganda's service sector, Kikwezi and Nyeko (2016) looked at the relationships between financial and non-financial performance measures and procurement performance. A case study approach was taken for the investigation. The results of the study demonstrated that major indicators of procurement success in Uganda's governmental sectors included both measures of financial and nonfinancial performance. Additional research found that, in comparison to other nonfinancial indicators, the quality of the goods and services given was highly valued. The study found that audit procedures and budgetary controls were significant public service sector indicators in Uganda. There is a contextual gap because the study was conducted in Uganda rather than Kenya (Kikwezi & Nyeko 2016).

The corruption monster in Kenya is forcing the government to waste a third of the country's budget. The county has a substantially higher rate of economic crimes committed through corruption, and most of these instances involve procurement. (World Bank Report, 2015) claims that to win a particular government procurement, vendors will bribe the government procuring body with presents equal to 8–10% of the contract's cost. To pass the ethical conduct standard in the

procurement procedures, the purchasing organizations pay vendors more than 60% of the going market rate for products and services (Yasmin 2021).

The World Bank Study (2015) found that Kenya has several difficulties, including a lack of professionalism, an unfair lack of competition, and a lack of openness in all areas of public procurement. According to the report, Kenya's public procurement system was not operating at its best, which led to a lack of openness and efficiency in the procurement procedures. Implementing all the regulatory frameworks governing public procurements through the PPDA, 2015 is crucial to achieving successful outcomes in public procurement (Olatunji, Olawumi & Odeyinka 2016).

The Agency Theory gives knowledge on how procurement function is crucial to all stakeholders while maintaining other aspects constant because it is related to from a neoclassical basis. Major procurement-related operations including reverse logistics, outsourcing, trash disposal, and material handling have all made use of the agency theory. The institutional theory illustrates how outside variables affect procurement businesses. This study was motivated by the requirement to investigate the variables affecting public procurement performance at Kenya's independent governmental agencies and commissions. All of Kenya's independent commissions, as defined by the constitution, including the Office of the Controller of Budget, the Office of the Auditor General, and others were participating in this (Chimwani, Iravo & Tirimba 2014).

1.1.1 Profile of Independent Electoral and Boundaries Commission

The Kenyan Constitution was created in 2011, and as a result, the Independent Electoral and Boundaries Commission (IEBC) was established as an independent regulatory body. Elections for every elected body or position created under the Constitution, as well as any additional elections as specified by a Parliamentary Act, must be conducted or overseen by the Commission. It was established under a clause in the Independent Electoral and Boundaries Commission Act of 2010 and the 2010 Constitution. Its duties include "the continuous registration of voters and revision of the voter's roll, the delineation of constituencies and wards, the regulation of political parties process, the settlement of electoral disputes, the registration of candidates for elections, voter education, the facilitation of the observation, monitoring, and evaluation of elections, the regulation of money spent by a candidate or party in respect of any election, the development of a

code of conduct for candidates and parties, and the settlement of electoral disputes." The Independent Electoral and Boundaries Commission is situated at Anniversary Tower in Nairobi CBD.

1.2 Statement of the problem

Public procurement refers to the purchasing of products and services by all state-owned and government-run organizations under the PPADA's legal framework in 2015. The end users have presented the act's implementation with several difficulties. There are several elements that affect public procurement, including the use of IT, staff competency, the legal and regulatory framework, ethical behavior in procurement procedures, the absence of free competition, the lack of transparency, and the insufficient supply of procurement specialists (Mburu & Njeru, 2014). A measurement of an organization's procurement performance is how successfully it meets its goals and standards within the allotted time frames, ensuring high-quality services and satisfied clients (Aulia & Isvara 2021).

Research on the assessment of corruption in the procurement function was conducted by EACC (2015). According to the conclusions, greater effort must be made to completely integrate PPADA, 2015 to enshrine all multi-practices in the system. Public procurement is intended to be open and transparent to the public and all stakeholders, as the name implies; yet, the public officers of independent commissions exhibit bureaucratic traits via opacity and a lack of openness in the improvement procedures. Previous researchers have conducted a number of investigations that are relevant to the current study.

Nzau and Njeru (2015) looked at variables that affect Nairobi public universities' success in public procurement. The study determined that effective staff education and training affected the procurement performance at these higher education institutions. In Uasin Gishu County, Musau (2016) looked at environmental variables that affect procurement success. The study found that Uasin Gishu County's procurement performance was significantly influenced by the socioeconomic environment, political factors, and legal considerations. Ayub (2017) conducted research on the procurement procedures and how they relate to the effectiveness of the procurement process at sugar production companies in Western Kenya. The results showed that

employee training and planning of procurement tasks had an impact on the effectiveness of procurement in such organizations.

This research aims to close any gaps left by earlier studies' lack of contextual and conceptual understanding of the subject at hand. This thus, has led the researcher to undertake a study on factors affecting procurement practices in public sectors in Kenya: A case study of Independent Electoral and Boundaries Commission.

1.3 Objectives of study

1.3.1 General objective

The main objective of this study was to study the factors affecting procurement practices in public sectors in Kenya: A case study of Independent Electoral and Boundaries Commission.

1.3.2 Specific objectives

- I. To determine the effect of staff competency on procurement practices in public sectors in Kenya.
- II. To establish the effect of information technology on procurement practices in public sectors in Kenya.
- III. To determine the effect of ethical conduct on procurement practices in public sectors in Kenya.
- IV. To establish the effect of legal framework on procurement practices in public sectors in Kenya.

1.4 Research questions

- I. What is the effect of staff competency on procurement practices in public sectors in Kenya?
- II. How does information technology affect procurement practices in public sectors in Kenya?
- III. To what extent does ethical conduct affect procurement practices in public sectors in Kenya?
- IV. What is the effect of legal framework on procurement practices in public sectors in Kenya?

1.5 Significance of the study

The findings of the study will benefit the following institutions.

Office of Controller of Budget, and Independent Commissions in Kenya will benefit greatly from the study's results since they would provide those organizations with best practices that will ensure improved performance of their procurement procedures.

The study's findings would be extremely valuable to Kenyan independent agencies and commissions that make policy decisions. Their development of more pertinent procurement rules with a strong focus on ICT implementation on procurement practices would be guided by the study's findings, which would provide that direction.

The research's findings would be more valuable in that they would provide fresh data based on the study variables, so enhancing the body of knowledge on public procurement and the effectiveness of public institutions.

1.6 Scope of the study

The purpose of this study was to study the factors affecting procurement practices in public sectors in Kenya, a case study of Independent Electoral and Boundaries Commission which is located at Anniversary Tower in Nairobi CBD. The researcher targeted 44 employees of CBD, working in the procurement department. The study took place between the months of March and April 2023.

1.7 Chapter Summary

This chapter provided a detailed introduction of the study, explaining in detail the background of the study which aims to understand the factors affecting procurement practices in public sectors in Kenya. Also, the section covers the statement of the study, the objective of the study, the scope of the study, the purpose of conducting the research.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

Theoretical review, empirical literature review, summary of literature review, conceptual framework, and variable operationalization are all covered in this chapter.

2.2 Theoretical Review

2.2.1 Institutional Theory

Meyer and Rowan promoted institutional theory. According to the theory, institutional dynamics within organizations have a greater impact on their performance than the current business environment or external environment actors. Organizations must innovate in order to stay relevant and competitive in their own markets, which increases the effectiveness of the services and goods they deliver. This urges businesses to adapt to sociocultural factors that influence organizational structure (Peters, 2022).

According to Scott (2014), an institution's architecture may be significantly shaped and improved by paying attention to its cognitive, regulatory, and normative pillars. To improve systemic compliance, the regulatory pillar employs rules, regulations, and processes. The normative pillar deals with societal duties and standards to ensure compliance. The cultural pillar addresses the organizationally ingrained values, perspectives, and cultural dynamics.

The theory may be used for this study since it emphasizes how important rules and regulations are in determining how well an organization performs. In this regard, the legal and regulatory framework is likely to have an impact on the procurement performance of independent offices and commissions, making it extremely relevant to the research variables. It also makes it possible for the PPADA, 2015 to be implemented on time in independent offices and commissions, maintaining the integrity of the procurement process' accountability and transparency via the actions of these institutions' staff members (Oteki & Sumwa 2022).

2.2.2 Agency Theory

Mecklin and Jensen (1986) proposed the hypothesis. According to the notion, there is a contractual connection between principles and agents in a procurement process, and this relationship must be

reciprocal and work in both parties' best interests. Although the agent refers to vendors who fill procurement demands for products and services, the principle relates to the user departments or institutions. As it recognizes that agents possess soft talents and qualities that are advantageous to the connection, the principle agent relationship is always used (Dagnino, Giachetti, Rocca & Picone 2014).

So, the Principal Agent Theory is more pertinent to the current study because it helps the researcher identify the relationships that already exist between major players in the procurement environment and government entities like independent offices and commissions. The overall operations of one entity are impacted by the behavior of another. Determining the link between ICT, staff competencies, the legal and regulatory environment, as well as moral behavior in the procurement process and procurement performance in Kenya's independent public agencies and commissions, was the aim of this study (Muranda, 2016).

2.3 Empirical Literature Review

Other researchers have conducted a number of investigations on topics connected to the current study in the past. Shiundu and Rotich (2015) studied how the City County of Nairobi's procurement systems connect to factors impacting efficiency. A descriptive survey approach was used to target Nairobi City County's procurement personnel. The results showed that the effectiveness of the procurement system was significantly impacted by ICT, records management, employee competency, and management style. There is a knowledge vacuum since the study did not concentrate on the key elements determining public procurement success at Kenya's independent agencies and commissions.

Wanyoike (2016) conducted study on how the performance of procurement operations was affected by quality management methods in Kenyan manufacturing firms. The study employed a census design and came to various conclusions. The study's conclusions showed that a number of factors, including the operational environment, customer focus, organizational competency, continuous improvement, and top management engagement, had a substantial impact on the procurement performance of manufacturing enterprises in Kenya. The manufacturing industry was the only area of the research that was given attention, rather than Kenya's autonomous public offices and commissions.

A research on the impact of procurement procedures on the performance of sugar production enterprises in Western Kenya was conducted by Odero and Ayub in 2017. According to the study, there is a strong association between staff training, procurement strategy, and performance. In contrast to the public sector, which is based on autonomous governmental agencies and commissions in Kenya, the research context only took the manufacturing sector into account.

2.3.1 Staff competency and procurement practices

Staff competence refers to personal qualities that are ingrained, innate, and learnable that allow one to function well. The term "staff competence" is employed in the context of the current study to describe an employee's competitive advantage over others, which includes soft skills, knowledge, and expertise on certain professional-related topics. An individual's competence gives them the ability to perform better than others by being effective and timely in their service delivery. Technical and behavioral capabilities are divided into two categories: those that place conflicting demands on a person's performance and those that do not (Piwowar-Sulej, 2021).

It is the job of procurement experts to ensure that they meet these requirements by producing work that is cost-effective, aggressive, and efficient, and by being open and ethical in all of their endeavors. While hiring procurement specialists, organizations consider their talents. Professionals must also be adaptable in order to deal with any changes brought about by the outside world, such as modifications to local government ordinances or advancements in technology, among other things. Thus, having operational and highly developed strategic and tactical abilities gives procurement professionals the competitive edge they need to stand out from the crowd and remain relevant in the marketplace (Hugos, 2018).

In Kisumu County, Kenya, Wanyonyi and Muturi (2015) looked at the factors affecting the success of procurement at public technical training facilities. The study concentrated on the specific goals of analyzing three key public procurement methods, including the impact of information technology on the performance of the procurement function in public technical training institutions, the degree to which staff competency affects the performance of the procurement function, and the identification of ethical concerns that influence decision-making in the performance of the procurement function in public technical training institutions. Surveys were

utilized to collect the main data. The data was quantitatively evaluated using inferential and descriptive statistics. The study's conclusions indicate that information technology, ethics, and employee competency all have a positive influence on the efficiency of the procurement function in technical training institutions (Wanyonyi & Muturi, 2015).

Chimwani et al. (2014) looked at the factors influencing the success of procurement in the Kenyan public sector, with a focus on the state law office (SLO). A descriptive design was employed in the inquiry. The target group consisted of 600 SLO workers from seven departments. To choose 60 respondents, or 10% of the target population, a stratified sample was utilized. We gathered both primary and secondary data via surveys, interviews, and observation. Given that all of the metrics used to measure the SLO's performance in public procurement have subpar mean ratings, the findings demonstrate this. The most significant factor influencing successful procurement is overall records management, which is then followed by procurement procedures, procurement personnel qualifications, and Technology (Chimwani, 2014).

Kavua and Ngugi (2014) based their evaluation of the factors that contributed to the success of REA projects' procurement on the following objectives: stakeholder influence, organizational resources, staff competency, and government policy. 110 participants from the top, middle, and lower echelons of management made up the study's sample. The inquiry was conducted using a descriptive case study methodology. The study's conclusions state that it is crucial to identify, develop, and assess the competencies of procurement officers in public procurement in order to ensure that procurement activity is both compliant with legislation and obtaining value for money, and that the diversity of the work involved in public procurement necessitates that procurement officers be competent in a wide range of generic procurement skills (Kavua & Ngugi, 2014).

2.3.2 Information technology and procurement practices

Information Communication Technology is a wide word that covers a variety of contemporary methods for producing, archiving, disseminating, and utilizing pertinent information in various formats. ICT is used by many professions to help them advance to the next level based on the situation at hand (Bhoi, 2017).

E-Procurement was described as a platform by Davila, Gupta, and Palmer (2003) for enhancing online enterprises. The manual mechanisms, which have been there for a while in Kenya, are to blame for the ineffectiveness of the procurement processes. It is brought on by delays and data and information loss. Technology is useful in addressing these irregularities in the procurement procedures. Online communication, tendering processes, order placing, and delivery have all increased the efficiency of firms' procurement operations today. ICT provides more streamlined procedures, effective supply chains, task decentralization, and improved procurement decision transparency in this area. Suppliers are able to efficiently and rapidly fill all orders. The vendor managed inventory system improves this (Mburu and Njeru, 2015).

Information technology (IT) specifically encourages economy and efficiency, substantial savings of public funds through increasing competition, transparency by making procurement information of all kinds, such as bidding opportunities, bidding documents, notices, and texts of applicable rules readily available and in diminishing the opportunities for discretion (and thus corruption), and public trust. Information technology significantly contributes to the adoption of centralized procurement systems in public sector businesses. A centralized procurement system generates a consolidated procurement database, which provides an ideal setting for a successful automation of the procurement process. The two different categories of procurement systems are electronic procurement and conventional procurement, according to Nandankar & Sachan, (2020).

These approaches are widely available and usually included in accounting or enterprise resource planning (ERP) software. According to Charles, as purchasing departments have expanded and become more sophisticated, the majority of businesses have deployed IT-based systems that have laid the groundwork for the introduction of automated procurement systems. These procurement systems provide effective and extensive cost reductions as well as other business advantages by automating many of the purchasing processes (Ferreira & Amaral, 2016).

In many public training institutions, integrating procurement operations with ICT has increased the level of efficacy in the way that procurement procedures are carried out, according to Handfield's (2009) research. According to Sanjeeve (2009), a lack of e-procurement methodology, automated procurement systems, supportive ICT infrastructure, and a lack of ICT skills among procurement experts hinder the adoption of ICT-based procurement procedures in many African

public institutions. Tanzi (2009) found that the adoption of efficient procurement practices by many businesses in Canada has been significantly influenced by technology innovation. Sobczak (2008) claims that the use of renewable energy sources like solar and wind energy has made it possible for many businesses in China and Japan to implement effective procurement practices (Amann, Roehrich, & Harland, 2014).

According to Shimmon, J. (2019), the lack of efficient waste recycling technology and efficient technology for exploiting renewable energy sources like wind and solar energy causes many public institutions in Kenya to fail to adopt excellent procurement practices. In order to evaluate the effectiveness of the green purchasing initiatives run by government purchasing agencies, a research of 25 EU member states was carried out in 2005. While 67 percent of the 1,099 tender documents evaluated in the study mentioned green purchases, just 37% of respondents had a green buying strategy in place (George, Boxiong, Arowo, Ndolo & Shimmon, 2019).

2.3.3 Ethical conduct and procurement practices

Being morally upright and adhering to appropriate behavior and conduct that is governed by law are examples of ethical conduct in procurement procedures. Trust, respect, likelihood, honesty, diligence, integrity, fairness, and compliance with rules and regulations are some of the traits that make up ethical behavior (Casimir, Izueke & Nzekwe, 2014).

The importance of responsibility from all parties involved in the procurement operations, such as procurement professionals, suppliers, consumers, the federal government, county governments, and others, is also covered by ethical behavior (Balon, 2020). When public funds are spent, ethical behavior promotes the procurement industry to be transparent, allowing for examination and audit when necessary and protecting them from potential wrongdoing. The issues facing procurement operations range from corruption to fraud to theft to nepotism, which impacts the working environment for procurement experts and drives up the cost of conducting business. Hence, ethical behavior serves as a remedy for these flaws and difficulties in the procurement ecosystem in order to instill qualities of sincerity and integrity in all of its participants (Okoth, 2019).

2.3.3.1 Conflict of Interest

Conflict of interest, according to Sonubi, (2015)., occurs when two parties have divergent views regarding how to distribute a limited resource. The levels of this contradiction might be interpersonal, intragroup, and intergroup. While having too few conflicts of interest might promote mediocrity, groupthink, and stagnation, having too many conflicts can cause an organization to fall apart. According to Medina, Munduate, and Dorado, the results of conflicts of interest are often unfavorable. For instance, it leads to a lack of moral involvement. Conflict of interest, according to Bornstein, is caused by incompatibility between group objectives and competition for limited resources. It demonstrates how self-centered individuals are and will work to maximize their personal benefits (Ajike, Akinlabi, Magaji & Sonubi, 2015).

Conflict of interest is at the core of procurement process non-compliance, which negatively impacts service delivery. Conflicts of interest may emerge at several phases of the procurement process if public officials' judgments might be affected by their private interests, according to the Kohler & Dimancesco, (2020). Due to the high degree of technical skill required and the unique characteristics of assessment committees, the review and award of bids are sometimes seen as one of the most susceptible processes. Hence, to avoid conflicts of interest in the procurement process, one should put their organization's interests first in all transactions, execute the procurement process efficiently, and adhere to their organization's stated regulations (Philly et al, 2017). A public figure may find themselves in a conflict-of-interest scenario without acting corruptly, according to Reed (2008), who contends that it is important to understand conflict of interest as a condition rather than an action. Yet, such actions amount to the misuse of public authority for personal gain and carry a risk of non-compliance with procurement laws, which have an impact on the provision of high-quality services to the public (Kohler & Dimancesco, 2020).

2.3.3.2 Integrity

Risks of corruption may be considerably reduced by the players' integrity in the procurement process. Integrity is defined as respecting moral principles such as honesty, professionalism, and righteousness. It is essential for assuring compliance, fairness, and non-discrimination in the public procurement process. Protecting integrity is therefore the cornerstone of every effort to reduce corruption in public procurement (Said, 2021). According to Oburu (2019), integrity encourages efficiency in the public procurement process, attracting a wide range of suppliers that are willing

to commit to doing business with the organization in order to accomplish a shared objective. When it comes to public procurement compliance, integrity means that the procedures are transparent and support treating bidders fairly and equally. When poor performance is discovered, especially when it involves conduct that violates minimum standards, it should be addressed as a matter of priority (CIPS, 2013). Government institutions should create integrity pacts with business partners, which are essentially agreements between the government agency offering a contract and the companies bidding on it that they will refrain from bribery, collusion, and other corrupt practices for the duration of the contract, according to the (Said, 2021).

The integrity and transparency pillar are based on the public procurement system, which relies on a number of control mechanisms. These mechanisms include an efficient control and audit system, an effective appeals mechanism, a thorough information-sharing system that enables civil society and interested parties to conduct social audits, and efficient ethics and anti-corruption measures. Without these controls, procurement system issues might not be identified and fixed (Said, 2021).

2.3.4 Legal framework and procurement practices

The legal and regulatory framework is represented by legislative instruments, such as rules, statutes, circulars, and decrees, which outline the procedures to be followed in the procurement professions (Mrope, 2018). The PPADA, 2015 serves as a guide for those involved in procurement. Via laws, rules, and regulations that serve as the cornerstone of the procurement policy framework, this act provides the legal foundation for all procurement procedures in Kenya. In this sense, compliance with this legislation is necessary for procurement experts in order to maintain their relevance in the field. The PPADA, 2015 focuses more on concerns of openness and accountability for procurement operations, and this may be accomplished by procurement experts acting ethically (Okoth 2019).

In both theory and practice, PP laws and regulations have been regarded as one of the cornerstones of a reliable procurement system. Depending on the type of government and atmosphere in which the system is managed, procurement laws and regulations may result in efficient or inefficient procurement. The procurement system cannot be open and essential in a nation when there is no government democracy (Organization for Economic Corporation and Development (Thai, 2017).

The Kenyan government has established regulations to organize and control procurement and disposal in the public sector. Article 227 of Kenya's 2010 Constitution mandates that public entities (PEs) must use a fair, equitable, competitive, transparent, and cost-effective mechanism to acquire goods and services (Nyaoga & Mogere, 2013).

Public Procurement and Disposal is governed by the Public Procurement and Disposal Act (PPDA, 2005), the Public Procurement and Disposal Regulations (PPDR, 2006), the Public Procurement and Disposal (Public Private Partnership Regulations) (PPPR, 2009), and the Public Procurement and Disposal (Preference and Reservations) Regulations (PRR, 2011). To guarantee efficacy, procedural efficiency, transparency, accountability, and enhanced performance of PEs in satisfying customer demands, the acquisition function is regulated primarily (Getuno, Awino, Ngugi & Mwaura, 2015).

The choices made by state companies regarding procurement operations should be in accordance with the PP legislative framework and should result in value in addition to the services that clients of these organizations obtain. All citizens receive services from state corporations, regardless of their socioeconomic standing. Customers who use these firms' services are the citizenry. The primary stakeholder, the government, has high standards for the citizens' services provided by state enterprises (Govindan, 2018).

Using conformance with the PP legal framework, state corporations' services and performance are evaluated. In the context of this research, the state corporations—which are tasked with managing the day-to-day operations of the state corporations—are the agents and the Kenyan government is the principal (Govindan, 2018).

2.4 Summary of Literature Review

Both the theoretical underpinnings and the empirical literature of this study are evaluated in the literature. Both the Agency Theory and the Institutional Theory were used in the investigation. It was abundantly obvious that prior researchers on various relevant studies on procurement performance had mostly focused on the private sector of the economy rather than the public sector, leaving a research vacuum that had to be filled by the current study. The overview presents a

framework of the scholars, their research goals, methods, key discoveries, and knowledge gaps identified.

2.5 Conceptual Framework

The dependent variable's relationship to the independent variables is functionally represented by the model (Cooper & Schindler2014).

Independent Variables

Dependent Variable

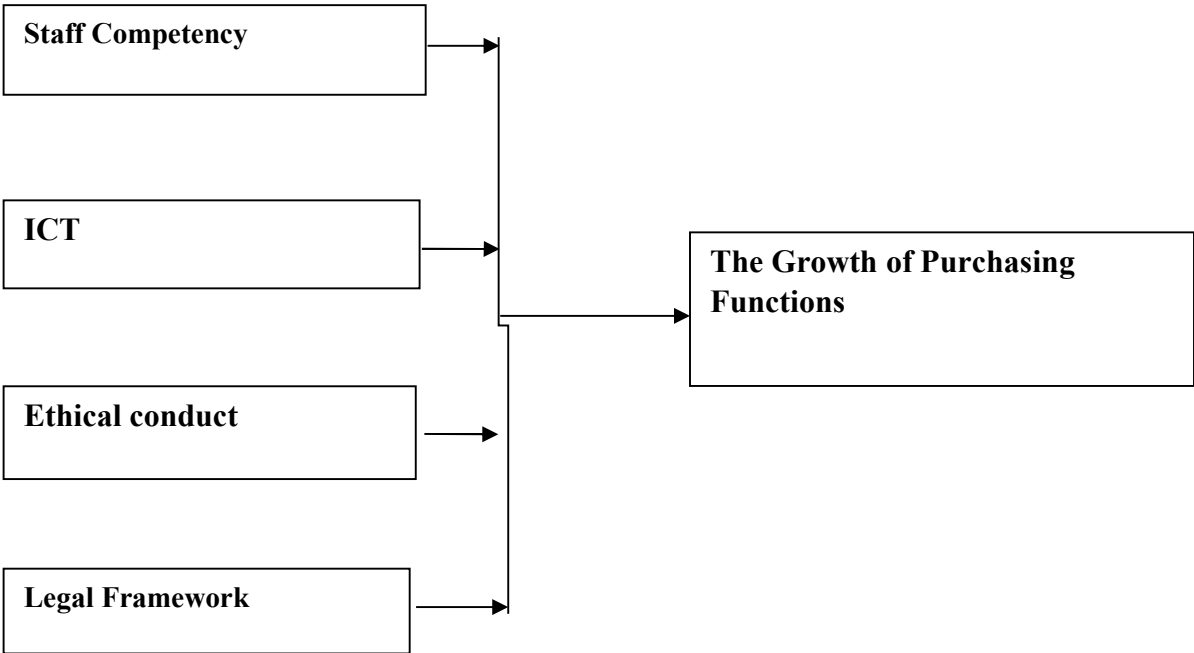


Figure 2. 1 Conceptual Framework

2.6 Operationalization of variables

Table 2. 1 Operationalization of variables

Variable	Indicators	Section	Measurement Scale
Staff competency	<ul style="list-style-type: none">• Staff Training• Training and Development	Section B	1 = Strongly agree to 5 = Strongly disagree
ICT	<ul style="list-style-type: none">• Products Variety• Speed	Section C	1 = Strongly agree to 5 = Strongly disagree
Ethical conduct	<ul style="list-style-type: none">• Conflict of Interest• Integrity	Section D	1 = Strongly agree to 5 = Strongly disagree
Legal Framework	<ul style="list-style-type: none">• PPADA• PP Laws	Section E	1 = Strongly agree to 5 = Strongly disagree

2.7 Chapter summary

The chapter presented theories related to the study, also the chapter reviewed literature related to the independent variables. The chapter conceptualized the independent and dependent variable and operationalized the variables.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

The research design, the target population, the sample and the sampling method, the instruments, the pilot study, the data collecting process, the data analysis and presentation, and ethical issues are all covered in this chapter.

3.1 Research design

In this study, the descriptive research design was used to examine the study's objectives. Descriptive research studies, according to Kothari (2017), feature specific people or groups of study variables that impact one another. Orodho and Kombo (2014) demonstrated how a descriptive survey design may be used to quickly gather pertinent data on respondents' beliefs, routines, and attitudes, among other personality traits.

3.2 Target Population

A population is made up of a collection of unique individuals with varying developmental traits who share certain visible traits (Mugenda and Mugenda 2019). In this study, 44 employees of the IEBC's procurement department were included in the study's population.

Table 3. 1 Target population

Category	Frequency	Percentage
Top management	10	22.7
Supervisory	15	34.1
Support staff	19	43.2
Total	44	100

3.3 Sample and sampling technique

Sampling is the process of choosing a subset of a group to represent the whole group or the target population. Sampling shortens the time it takes to finish a study, lowers expenses, makes management easier, improves accuracy, and almost perfectly replicates the sample population. In

this investigation. The study used census to choose the appropriate sample size because the study population was small. As per Mugenda and Mugenda, (2019), the primary goal of census sampling all population is reached and fairly represented.

3.4 Instruments

To collect primary data, a structured questionnaire was employed as a data gathering tool. Kothari (2017) defines a questionnaire as a tool for eliciting, recording, and gathering data. The researcher utilized the self-administered questionnaire technique for all respondents since it is economical and enables respondents to complete the questionnaire at a time that is suitable for them. Secondary data was from a range of pertinent publications.

3.5 Pilot Study

For the purpose of pre-testing the questionnaire, a pilot study was conducted. In light of the findings of the pilot research, the questionnaire was revised. The pilot research identifies any flaws in the questionnaire (Kothari, 2017).

3.5.1 Validity

Validity describes the extent to which an instrument measures what it is intended to assess (Kothari, 2017). Validity is determined by expert opinion, according to Gay (1992). The university supervisor and other specialists were closely involved in the questionnaire's development in this regard.

3.5.2 Reliability test

A measuring gadget is reliable if it produces repeatable results. Reliability is the constancy with which a research tool generates results or data over the course of multiple trials (Mugenda & Mugenda 2019). The test-retest approach was used to assess the questionnaire's reliability. Here, the same group of people got the same questions twice, but two days apart. The results were analyzed and compared with those from the initial test to ascertain the degree of stability.

3.6 Data Collection Procedure

Before starting the inquiry, the researcher got Management University of Africa's consent. The researcher scheduled a meeting with the Independent Electoral and Boundaries Commission 's top

management to confirm their dedication to implementing the results. The researcher informed the respondents before starting data collection. The purpose and limitations of the study were discussed often during the process. Together with the surveys, a letter outlining the objectives and parameters of the study was sent. This experiment aimed to boost responders' confidence in the researcher. In the third step, respondents were given questionnaires to complete, which was then collected for analysis.

3.7 Data Analysis and Presentation

The field data was coded, cleaned, and modified before being loaded into the SPSS computer program for analysis. Descriptive statistics were used to assess the study questionnaire. Frequency distribution tables were used to display the results of the study, while charts and histograms was used to display additional findings.

3.8 Ethical Considerations

3.8.1 Informed Consent

The researcher made sure that the respondents who participated are free of tensions brought on by a lack of clear expectations of the exam by using the norm of knowing assent (Oliver, 2014). Oliver stresses that some respondents can be intimidated by the expert's predicament or by the terminology used in the research and might still want to participate even if they don't fully understand the topic.

3.8.2 Voluntary Participation

The respondents were picked at random and free from pressure. All participants in the exam were informed of its purpose and justification. This makes sure that everyone involved in this investigation is prepared to take the exam without being pressured.

3.8.3 Confidentiality

Any concerns about secrecy were allayed by this study. Respondents were protected from those whose interests clash with the interviewee's by not disclosing them identify as well as from those whose interests do not conflict with the interviewee's (Crabtree, 2016).

3.8.4 Privacy

The information was handled so that no personal information may be linked to it in order to protect the members' safety.

3.8.5 Anonymity

The researcher made sure an attempt to ensure that research participants stay anonymous because some responders might not want their identities publicized.

3.9 Chapter summary

The methodologies utilized to carry out the study are identified in this chapter, as well as the research design, population, sample design, sampling frame, and sampling methodology.

CHAPTER FOUR

RESEARCH FINDINGS AND DISCUSSION

4.0 Introduction

This chapter covers presentation of research findings and limitations of the study.

4.1 Presentation of Research Findings

4.1.1 Response rate

A total of 44 study questionnaires were distributed by the researcher to the respondents; 40 of those questionnaires were completed and collected by the researcher. This is 90.9% for this investigation and is thus suitable for the study. A research with a response rate of more than 50% is always considered to be successful, as indicated on Table 4.1 and Figure 4.1, according to Mugenda & Mugenda (2019). As a result, the excellent response rate of 90.9% was crucial in evaluating the study's findings and discussions.

Table 4. 1 Response rate

Category	Frequency	Percentage
Respondents	40	90.1
Non-respondents	4	9.9
Total	44	100

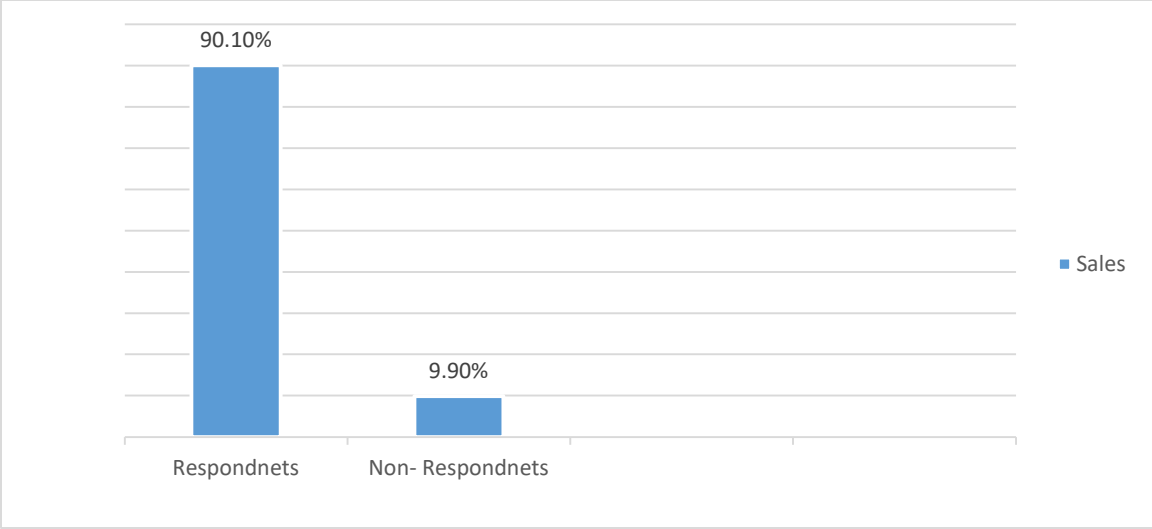


Figure 4. 1 Response rate

4.1.2 Gender

According to the study's findings (Figure 4.2), 16 (40%) of the respondents were women, whereas 24 (60%) of the respondents were men. This demonstrates that the study's gender distribution was balanced, which is important since it reflects the population's interest in both genders.

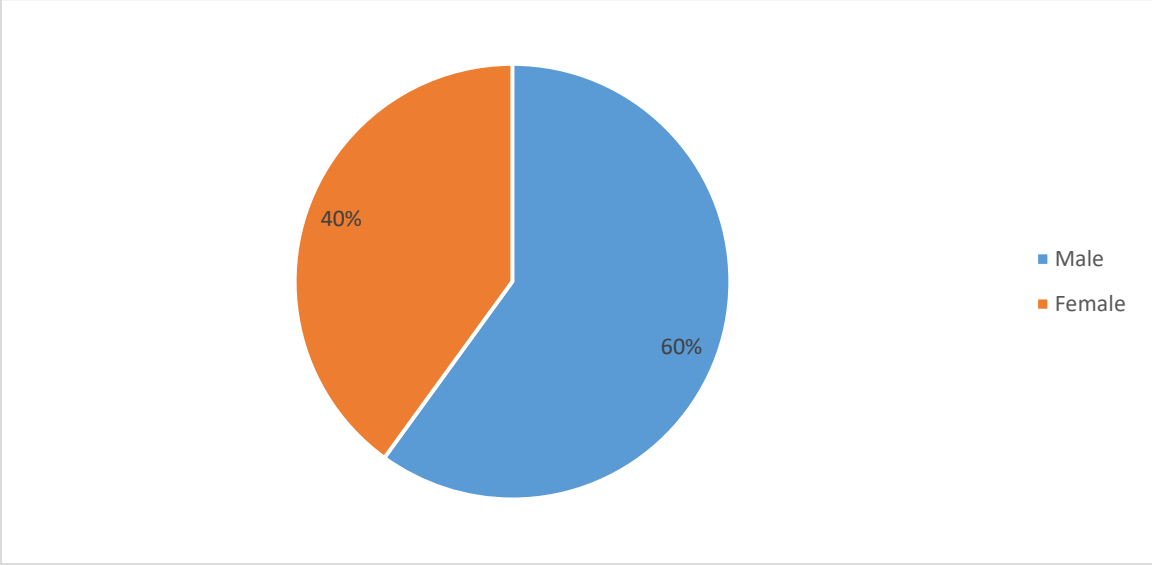


Figure 4. 2 Gender

4.1.3 Age bracket

According to Table 4.2 and Figure 4.3, 22.5% of respondents were beyond the age of 51, while 15% were between the ages of 20 and 30. Ages ranged from 31 to 40 years for 32.5% of respondents and 41 to 50 years for 30%. Most of the respondents were older than 30 and able to offer information that was beneficial to our inquiry.

Table 4. 2 Age bracket

Category	Frequency	Percentage
20 to 30 Years	6	15
31 to 40 Years	13	32.5
41 to 50 Years	12	30
Above 51 years	9	22.5
Total	40	100

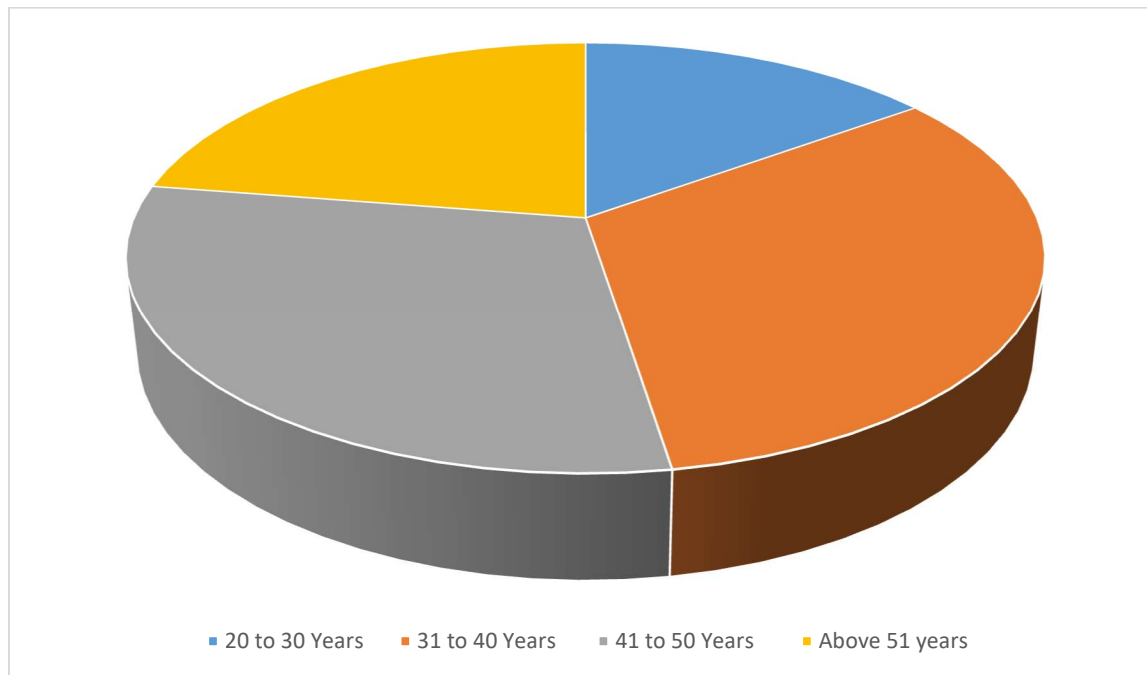


Figure 4. 3 Age bracket

4.1.4 Years of Experience

According to the study's findings, as shown on table 4.3 and figure 4.4, 15 (37.5%) of the employees had spent between 5 and 10 years working in their respective procurement departments. Also, 9 (22.5%) of the respondents said they had less than five years of experience in their respective procurement departments. 16 respondents, or 40%, said they had been employed in their procurement department for at least 11 years. This demonstrates that the majority of respondents had sufficient expertise with procurement-related issues in their particular departments, providing reliable data for the research.

Table 4. 3 Years of Experience

Category	Frequency	Percentage
Less than 5 Years	9	22.5
5 – 10 Years	15	37.5
11 Years and Above	16	40
Total	40	100

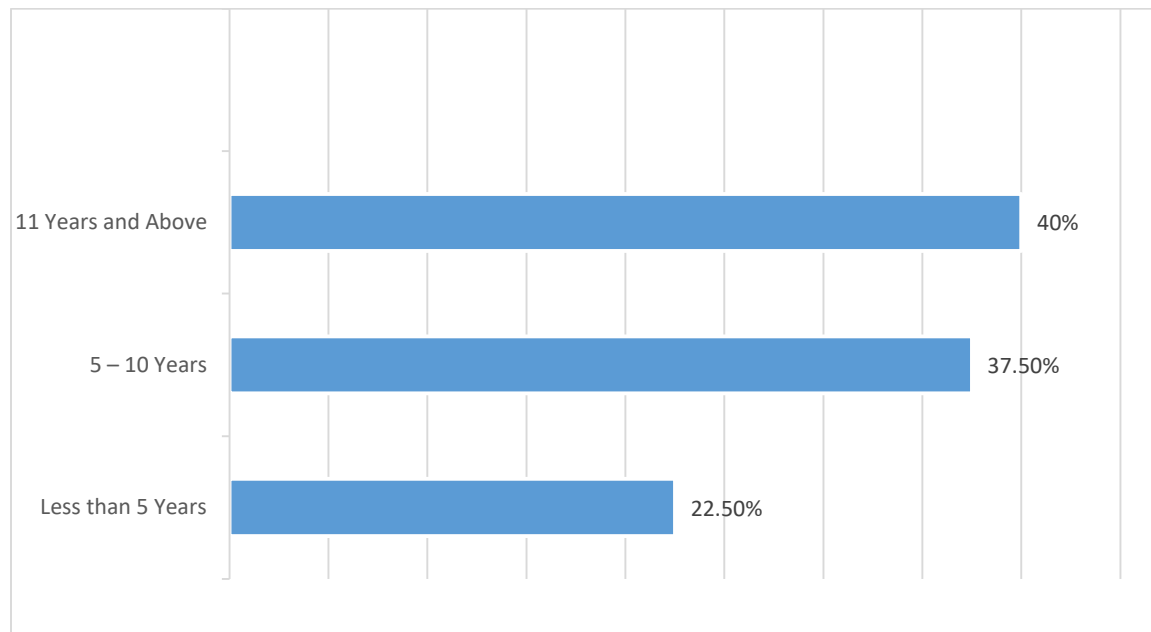


Figure 4. 4 Years of Experience

4.1.5 Level of educational

According to the study's input on Figure 4.5 and Table 4.4, the majority of participants—15 of them, or 37.5%—had earned bachelor's degrees. Among the remaining participants, 13 (32.5%) had earned postgraduate degrees, 4 (10%) had earned certificates, and 8 (20%) had earned diplomas. This demonstrated that the majority of participants had the education needed to provide the researcher with reliable information.

Table 4. 4 Level of educational

Category	Frequency	Percentage
Certificate	4	10
Diploma	8	20
Undergraduate	15	37.5
Postgraduate	13	32.5
Total	40	100

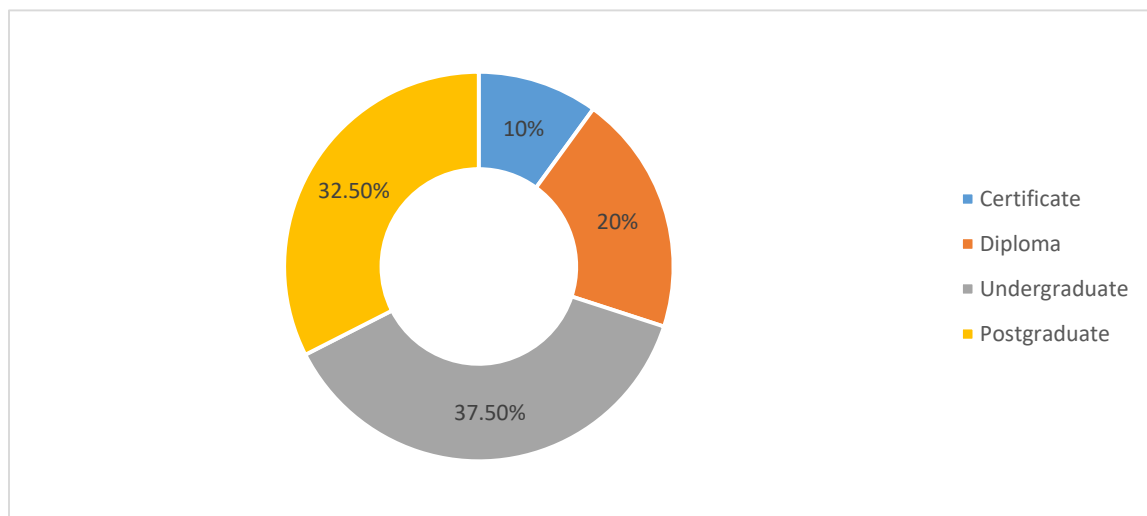


Figure 4. 5 Level of educational

4.2 Staff Competency

Table 4. 5 Staff competency

	Strongly Agree	Agree	Undecided	Disagree	Strongly disagree
Workers possess the necessary skills to verify that purchased items and services meet quality requirements.	43%	33%	10%	10%	4%
The required safety training for the workforce has been provided.	44%	39%	12%	5%	0%
Workers are competent to render conventional decisions.	44%	46%	8%	2%	0%

As indicated on Table 4.5, majority of the respondents 43% strongly agreed that workers possess the necessary skills to verify that purchased items and services meet quality requirements. Also, most respondents, 44%, strongly agreed that the required safety training for the workforce has been provided. Also, 46% of the workers are competent to render conventional decisions.

4.3 Information Communication Technology

Table 4. 6 Information Communication Technology

	Strongly Agree	Agree	Undecided	Disagree	Strongly disagree
ICT help in Reducing overall Cost in the procurement operations	35%	50%	5%	10%	5%
ICT improves timeliness in procurement operations	53%	32%	8%	5%	3%
ICT plays important role in increasing procurement flexibility	40%	38%	15%	7%	0%
System integration made possible by IT has allowed the procurement department to change requirements and delivery schedules.	33%	45%	14%	8%	0%

According to Table 4.6, majority of the respondents 50% agreed that ICT help in Reducing Overall Cost in the procurement operations and 50% strongly agreed that ICT improves timeliness in procurement operations. Also, 40 of the respondents strongly agreed that ICT plays an important role in increasing procurement flexibility. As agreed by the majority of the respondents (45%), system integration made possible by IT has allowed the procurement department to change requirements and delivery schedules.

The study's findings agree with what is already known in the field. E-Procurement was described as a platform by Davila, Gupta, and Palmer (2003) for enhancing online enterprises. The manual mechanisms, which have been there for a while in Kenya, are to blame for the ineffectiveness of the procurement processes. It is brought on by delays and information loss. Technology is useful in addressing these irregularities in the procurement procedures. Today's internet communication, tendering processes, order placing, and delivery methods have enhanced firms' procurement performance operations. In this sense, ICT delivers quicker workflows, effective supply chains,

task decentralization, and improved purchase decision transparency. Suppliers are able to efficiently and rapidly fill all orders (Mburu and Njeru 2015,).

4.4 Ethical Conduct

Table 4. 7 Ethical Conduct

	Strongly Agree	Agree	Undecided	Disagree	Strongly disagree
The procurement process's irregularities' method of choice has an impact on public procurement regulatory compliance.	32%	40%	14%	7%	7%
The tender materials are thorough, straightforward, and devoid of any restrictions or requirements that might unfairly disadvantage particular vendors.	42%	38%	12%	8%	0%
The procurement procedure demonstrates fairness and equal treatment, ensuring compliance with public procurement regulations.	40%	42%	10%	6%	2%
Regulations governing public procurement are impacted by inadequate needs assessment	34%	45%	11%	10%	0%

According to table 4.7, majority of the respondents (40%) agreed that the procurement process's irregularities' method of choice has an impact on public procurement regulatory compliance. The tender materials are thorough, straightforward, and devoid of any restrictions or requirements that might unfairly disadvantage particular vendors, as agreed by 42% of the respondents. Also, 42%

of the respondents agreed that the procurement procedure demonstrates fairness and equal treatment, ensuring compliance with public procurement regulations. Finally, 45% of the respondents agreed that regulations governing public procurement are impacted by inadequate needs assessment.

When public funds are spent, ethical behavior promotes the procurement industry to be transparent, allowing for examination and audit when necessary and protecting them from potential wrongdoing. The issues faced by procurement operations, such as corruption, fraud, theft, and nepotism, have an impact on the working environment for procurement experts and drive up the cost of doing business. Hence, ethical behavior serves as a remedy for these flaws and difficulties in the procurement ecosystem in order to instill qualities of sincerity and integrity in all of its participants (Karanja and Mugo, 2010).

4.5 Legal Framework

Table 4. 8 Legal Framework

	Strongly Agree	Agree	Undecided	Disagree	Strongly disagree
The organization is compliant to PPDA 2015 act when carrying procurement operations.	40%	36%	20%	4%	0%
Cases involving procurement are resolved quickly.	20%	45%	10%	20%	5%
PPOA conducts required compliance audits within your organization.	44%	42%	14%	0%	0%

As indicated by Table 4.8, 44% of the respondents said the organization is compliant to PPDA 2015 act when carrying out procurement operations. According to 45% of the respondents, cases involving procurement are resolved quickly. PPOA conducts required compliance audits within the organization as agreed by 44% of the respondents.

4.6 Limitations of the Study

The study's respondents were highly hesitant to take part, citing hectic workdays at their desks as their excuse. This presented difficulties for the researcher, delaying the completion of the surveys as a result. Other delays in the analytical process were caused by the researcher's repeated visits to Kenya's independent public agencies and commissions to remind them to assist complete out the questionnaires.

Some personnel worked in a division that included the operations, accounts, and procurement departments rather than having a separate procurement department. To clearly identify the procurement workers in such departments also created some difficulty.

Also, some of the respondents acquired a fear of the unknown because they were afraid of being recognized for taking part in the survey. Some of them claimed that the information was investigative in nature and might implicate them in the future, which prevented them from completing the questionnaires. In this situation, the researcher consulted with many people and persuaded them that the study was only intended for academic use, which extended the time it took to collect data and delayed the data analysis.

CHAPTER FIVE

SUMMARY, RECOMMENDATIONS AND CONCLUSIONS

5.0 Introduction

Summary of findings, conclusion and recommendations of the study are discussed in this chapter.

5.1 Summary of Findings

5.1.1 Staff competency

The majority of respondents, 43%, strongly agreed that workers have the abilities needed to ensure that goods and services purchased adhere to quality standards. The majority of respondents, 44%, also strongly agreed that the staff has received the necessary safety training. Moreover, 46% of the workforce is capable of making traditional selections.

5.1.2 Information Communication Technology

The majority of respondents—50% acknowledged the role that IT plays in lowering overall procurement costs and in enhancing procurement operations' timeliness. Moreover, ICT has a significant role in boosting procurement flexibility, according to 40 of the respondents.

5.1.3 Ethical conduct

The majority of respondents (40%) concurred that the technique used by the procurement process' anomalies has an effect on the compliance of public procurement regulations. According to 42% of the respondents, the tender documents are comprehensive, clear, and free of any restrictions or criteria that can unjustly penalize certain suppliers. Also, 42% of respondents said that the procurement process exemplifies justice and equitable treatment, assuring compliance with public procurement laws.

5.1.4 Legal Framework

Forty-four percent of the participants concurred that when conducting procurement activities, the firm complies with the PPDA 2015 legislation. 45% of the respondents said that cases regarding procurement are easily addressed. According to 44% of the respondents, PPOA conducts mandatory compliance audits within the organization.

5.2 Conclusion

According to the study's findings, there was a relationship between Kenyan independent public parastatals' procurement performance and factors impacting public procurement performance. The study came to the conclusion that ethical behavior has a significant influence on public sector procurement procedures.

According to the survey, employee competency is a crucial consideration in procurement. The employees must be sufficiently competent in order for the procurement process to be successful. Also, continual growth is vital to provide the personnel with the abilities they need.

According to the results, the majority of respondents believed that information technology had a legitimate impact on Kenya's public sector procurement methods. So, the study came to the reasonable conclusion that information technology has an impact on public sector procurement methods.

According to the study's findings, the legal environment has a significant impact on public procurement offices, so independent public offices should think about including all stakeholders in their procurement processes when implementing legal and regulatory mechanisms. This will help them achieve higher levels of procurement performance that increase flexibility, transparency, and accountability.

5.3 Recommendations

The report recommends that independent governmental bodies and commissions in Kenya support employee evaluations of procurement officials on an annual basis. Employees will be encouraged to receive training in their areas of weakness to improve their level of competency with regard to procurement-related concerns.

Based on ICT, objective of the study, the findings show that information technologies had a sufficient influence on public sector procurement procedures. Thus, the study recommended that the public independent sector invest more in information technology since it affects their performance in procurement.

In order to decrease occurrences of corruption, the report advises public independent offices to adopt ethical behavior in the procurement process. Also, organizations should instill a sense of

morality in their workers and establish guidelines for proper buying practices. The report concludes by advising the public sector to abide by the rules outlined in the PPDA, PPOA, and PPRA.

The study advised Kenyan independent public offices and commissions' procurement officials, managers, and assistants to think about getting additional training on the country's legal and regulatory framework governing procurement processes. Most significantly, regular refresher training on PPADA 2015 is necessary. The new procurement statute provides instructions on how to address procurement-related concerns. Hence, in order to increase their degree of accountability and relevance in their jobs, procurement officials must abide by such regulatory criteria.

5.3.1 Suggestions for Further Study

Further study should be done on non-governmental organizations as well as public entities like state parastatals, according to the researcher. This is due to the fact that these organizations also serve the general public, making procurement performance a major priority for all parties involved.

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APPENDIX I: LETTER OF INTRODUCTION



Date: 29TH March 2023

TO WHOM IT MAY CONCERN

EDWIN OCHIENG' JUMA- BML/31/01190/1/22

This letter serves to introduce the above named who is a **Bachelors of Management and Leadership (BML)** student and is interested in carrying out research on Factors affecting procurement practices in public sectors in Kenya. A case study of IEBC.

Any assistance accorded to him in pursuit of this study will be greatly appreciated.

Yours Sincerely,



Dr. Juster Nyaga

Dean School of Management and Leadership

APPENDIX II: QUESTIONNAIRE

Kindly Tick where appropriate

SECTION A: BASIC DATA

1. Indicate your gender

Male Female

2. Indicate your age bracket

20 to 30 Years 31 to 40 Years 41 to 50 Years Above 51 years

3. Indicate for how long have you worked in this Organization

Less than 5 Years 5 – 10 Years

11 Years and Above

4. Indicate your Level of educational

Certificate diploma

Undergraduate postgraduate

SECTION B: STAFF COMPETENCY

Indicate your level of agreement on the following statements.

	Strongly Agree	Agree	Undecided	Disagree	Strongly disagree
Workers possess the necessary skills to verify that purchased items and services meet quality requirements.					
The required safety training for the workforce has been provided.					
Workers are competent to render conventional decisions.					

SECTION C: ICT

Indicate your level of agreement on the following statements

	Strongly Agree	Agree	Undecided	Disagree	Strongly disagree
ICT help in Reducing overall Cost in the procurement operations					
ICT improves timeliness in procurement operations					
ICT plays important role in increasing procurement flexibility					
System integration made possible by IT has allowed the procurement department to change requirements and delivery schedules.					

SECTION D: ETHICAL CONDUCT

Indicate your level of agreement on the following statements.

	Strongly Agree	Agree	Undecided	Disagree	Strongly disagree
The procurement process's irregularities' method of choice has an impact on public procurement regulatory compliance.					
The tender materials are thorough, straightforward, and devoid of any restrictions or requirements that might unfairly disadvantage particular vendors.					
The procurement procedure demonstrates fairness and equal treatment, ensuring compliance with public procurement regulations.					
Regulations governing public procurement are impacted by inadequate needs assessment					

SECTION E: LEGAL FRAMEWORK

Indicate your level of agreement on the following statements.

	Strongly Agree	Agree	Undecided	Disagr ee	Strongly disagree
The organization is compliant to PPDA 2015 act when carrying procurement operations.					
Cases involving procurement are resolved quickly.					
PPOA conducts required compliance audits within your organization.					