

FACTORS AFFECTING COMPLIANCE OF PUBLIC PROCUREMENT REGULATIONS IN KENYA: A CASE STUDY OF BUTERE DISTRICT

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ABSTRACT

This study proposes a conceptualization of the factors that explain non-compliance in public procurement. It is motivated by the lack of studies on public procurement compliance in Kenya, despite the evidently rampant non-complaint behaviour exhibited and a realization by recent researchers that less research has been conducted on organizational misbehaviors and non-compliance in purchasing and supply management. There are also scanty (if any) studies that have incorporated factors that contribute to compliance/non-compliance in public procurement in a comprehensive single framework such as proposed in this study. Through a review of existing scholarly works, documents, records and reports, a conceptual frame work is developed which identified organizational culture, professionalism; corruption and familiarity

with rules as factors that influence compliance in public procurement. This study adopted case study research design with descriptive approach which has the ability to undertake an investigation into a phenomenon in its context. The population of the study was Butere Procuring Entity in Butere District of Kakamega County with a population of 100 and 120 permanent employees and suppliers respectively. The study purposively selected the District commissioner's office, procurement committees, procurement unit, user departments and suppliers. The selection is determined by the research purpose, questions, propositions and theoretical context. Sample and sampling technique was stratified purposive sampling with the respondents picked randomly from each stratum in a sample size of 70 respondents. Data involved both Primary and secondary sources collected through the administration of a structured Likert scaling method questionnaires, interviews and records analysis respectively. Data presentation was by both qualitative and quantitative approaches. The findings indicated that, there was some level of compliance to the legal requirements at the public procuring entity as officials endeavored to adhere to the legal requirements as revealed by the procurement record and respondents' perception of public procurement compliance / non-compliance. However, it revealed that the public procuring entity highly suffer from professional knowledge of the procurement regulations, ethics and risks to its integrity, accountability, confidentiality and transparency and poor remunerations. It also found out that the stakeholders are unfamiliar with the regulations and less compliant. Further, it indicated that that the procuring entity suffers from chronic corruption and consequently compliance in such situation is difficult, if not impossible. Finally, it revealed the procuring entity lacking specific type of culture, characterized with openness, honesty, fairness, confidentiality, transparency and accountability which are fundamental for corporate image. These public procurement inefficiencies resulting effect is non-compliance of the law. It also offered to policy makers, scholars and professionals an opportunity to view and position compliance of public Procurement regulations as a major business process, something an organization must do to succeed but not as a waste of business resources, something that has costs exceeding the benefits. Therefore, it has provided practical implications that will assist to avert the unbridled squander of colossal amount of money through flouting of public procurement regulations.

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