

INFLUENCE OF CONTRACT MANAGEMENT ON PROCUREMENT PERFORMANCE IN DEVOLVED GOVERNMENTS OF KENYA: A CASE OF KISII COUNTY

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Abstract: *Contract management is important in both public and private sectors. It aims at ensuring that contracts are handled effectively to achieve value for money and to minimize risks. It also aims at achieving set timelines, compliance with new rules and regulations, and globalisation. It helps in the realisation of positive outcomes, identification of risks and how to mitigate them, discovery of critical success factors, alternatives available and adhering to set work plans. Effective contract management must include all stakeholders and should not exclude the final consumers of the product or service. This leads to improvement in financial and procurement performance. Measurement of procurement performance is essential to both public and private entities. Successful contract management improves procurement performance of an organization by providing for timely service delivery, achieving value for money, ensuring supplier responsiveness, cooperation and efficiency. Successful contract management aids in reducing uncertainties by instilling monitoring and evaluation techniques. Generally, the study sought to examine what influence contract management has on procurement performance in devolved governments of Kenya. It Specifically sought to: determine what influence contract automation has on procurement performance in devolved governments of Kenya; establish what influence contract management team has on procurement performance in devolved governments of Kenya; examine what influence strategic contract management has on procurement performance in devolved governments of Kenya; assess what influence contract risk management has on procurement performance in devolved governments of Kenya. A number of theories have been looked into under literature review in relation to contract management and procurement performance, specifically concerning devolved governments. The investigation applied descriptive study design. The investigation employed both qualitative and quantitative skills to gather data from procurement related department staff of Kisii County. The study used stratified random sampling with the aim of having every division represented. Hence, it can be concluded that the contract automation, contract management team, strategic contract management and contract risk management must be effectively implemented to improve procurement performance within devolved governments of Kenya.*

Keywords: *Contract Management, Contract monitoring, Procurement Performance, Devolved Governments*

Contract Management worldwide viewpoint

The US Federal Government has continuously increased amount of communal expenditure for the provision of goods and services. In the centralized command, the Department of Defense (DoD) is the main contracting agency and has the task of buying up to \$ 370 billion in fiscal year 2009 (FPDS, 2010). This led to a major purchase of \$ 133 billion in fiscal year 2000. For the Department of Defense, procurement experts are

professional enough to handle more than 3 million contracts for the acquisition of crucial substances of merchandises works and facilities extending from business materials and managerial services (FPDS, 2010).

Some countries like UK, US and Canada have been adopting contract management in procurement and logistics. According to Gangster *et al.*, (2004), they recognized the Department of Defence (DOD) for minimizing the cost through reducing lead time in the overall management and employing contract management practices. As well the office of the Government of commerce (OGC) in the United Kingdom released year to year updates regarding to accepted practices in the Public service. Public procurement in Kenya has gone through sizeable improvement in many years. Public procurement in Kenya had no regulations since the 1960s and the system was used to circulate under the treasurer's circulars in the 1970s, 1980s and 1990s, where slow growth began and a legal framework was subsequently created with inadequate regulations which could facilitate the operation of the supply chain of partners.

A study conducted on case companies (Andreasen, 2012) in Denmark concluded that, the management of procurement is ever evolving since, the procurement processes have become more complex given the ideology that completion of procurement activities such as prequalifying the competent suppliers among other factors. There has been dynamic explosion which has been brought about by technology both in the developed and in the developing countries which has led to formulation of new market structures, skilled labour and appropriate techniques for contract management.

Contract Management from the EAC viewpoint

The perception of contract management was observed by Oliveira (2015) in a study on the administration of building settlements in South Africa. In this particular study, contract management is considered as the process to provide the interested parties with the objective of fulfilling contractual obligations. In 2013, East African Community articulated public procurement regulations which were observed as “Acts of Parliament”. They were instigated from that time Thai (2011).

In Uganda, a new law was introduced to regulate public procurement in 2002 (Tukamuhabwa, 2012). The new procurement law was introduced not only to achieve consistency and uniformity in public procurement in devolved governments of Kenya, but also to improve efficiency, transparency and accountability and value for money in procurement. It also eliminates corruption and allows fair competition (GOU, 2003). The European Union (2010) agrees with this statement, noting that public sector procurement in the European Union must follow transparent and open procedures that guarantee fair conditions of competition for suppliers through effective contract management.

In order for efficient contract management to be necessary in the public procurement system, especially in many African countries, since contract management will be considered as a concrete expression of the respective governments' efforts to ensure that public resources are adequately maximized. Kakwezi and Nyeko (2010) argue that the procurement functions of public bodies, especially in Uganda, have not faced challenges with measurements of acquisition and consumption of resources, but are unable to measure their effectiveness and efficiency. These challenges require the establishment of clear procurement procedures and standards. Supply performance standards facilitate the decision-making process in the purchasing department, which includes objective information on the performance of the procurement function.

Procurement Performance from the local viewpoint

The expansion of acquisitions has been greatly expanded after the implementation of the devolved governments of Kenya. Chapter 11 (Cap 11) of the Kenya Constitution that was promulgated on August 27, 2010 paved way for the realization of the current devolved system of governance (Obanda, 2010). Juma (2010) noted that public procurement is a critical process in the economy owing to the fact that it controls a sizeable proportion (10%) of Kenya's GDP. The Kenya constitution of 2010 devolved procurement powers such that at County levels, citizens are responsible for their own purchases (Constitution of Kenya, 2010). Juma (2010) pointed out that public procurement is a critical process in the economy due to the fact that it controls a considerable percentage (10%) of Kenya's GDP. The Kenya Constitution of 2010 transferred the acquisition powers so that at the county level citizens are responsible for their own purchases (Kenya Constitution, 2010). As such, each of the 47 counties has an established procurement function bestowed with the responsibility of purchasing goods and services for their departments. Procurement performance of such complex institution is founded on adoption of effective supplier management. According to Orioki (2013), the idea of procurement system focuses on effectiveness through conforming with the available legal framework and socio-economic goals of a given state government.

The Public Procurement and Disposal Act was ratified in 2005. It was later reviewed in 2009. The intention was to institute strategies for acquisition and removal of out of date and excess stores by government agencies (Mwangi, 2009). The general Public Procurement and Disposal guidelines were published within the year 2006 and it became law early 2007 (Kirugu, 2010). This caused the formation of the following agencies; the Public Procurement Oversight Authority, the Public Procurement Oversight Administrative Board and the Public Procurement Administrative Review Board.

Statement of the Problem

The whole concept of Contract management encompasses steps that lead to proficient and logical management of the creation, enactment and exploration of contracts to be able to take full advantage of financial and performances of procurement so that dangers are limited. The dimension of procurement overall performance is very critical to make sure that an employer's ordinary strategic objectives are often efficiently and in maximum instances effectively done. In contract management, there is the development of overall performance of an agency's attainments as directed by the diverse methods with pointers like timely service delivery, achieving value for money, ensuring supplier responsiveness, cooperation and efficiency (Cho & Pucick, 2005). The Public Procurement Oversight Authority publication of 2015 states that there is a mark up of up to sixty percent profit on majority of products and services provided for in devolved governments. It also explains that contract automation leads to better ways of administration, better handling and reporting of public funds expenditure, better methods of monitoring and evaluating contracts, faster ways of transacting business, sustainability and promotion of electronic tendering in the devolved economies. Over four billion shillings have been misplaced in the financial years 2010 and 2011 summing to grand loss of over thirty three million meant for procurement activities (Daniel 2010). So many weaknesses filled with wastefulness and lack of proper skills has led to poor implementation of contracts leading to losses above fifty million in one financial year (Tom 2009). All procurement expenditure can be decreased if correct contract management utilization procedures are put into action regardless of the earlier weaknesses realized (Victor, 2012).

In Kenya, a massive sum of money is lost due to poor management of contracts in devolved governments. This is orchestrated by cases of fraud, incompetence, non-adherence to set timelines, pilferage, lack of coordination,

delegation and compliance issues. There is an urgent need to resolve the hassle via adopting proper rules and regulations to change the state of affairs CMKN (2012). Every devolved government must understand its value for money during procurement so that the stakeholders can read and understand the county's expenditure reports. When this is done, contract management becomes part and parcel of public procurement that will guarantee the proper application of all the requirements of the contract. This research will assist in deducing the influence of contract management on procurement performance in devolved governments of Kenya

Objective of the study

To examine what impact contract management has on procurement performance in devolved governments of Kenya.

Literature Review

The study was informed by several theories, which outline the relationship between study variables.

The Will Theory; The theory of will is also known as the theory of choice. Theorists who have studied this theory often highlight that the holder of some rights must be given some leeway to exercise the powers bestowed on him without any restrictions. The most important aspect of the powers is for inspiration of every existing economy. Will's theory tends to put more emphasis on the ideology that all rights include the enjoyment of their outcomes based on decisions made (Hutchison et al., 2009). The groups mentioned in the supply chain are the main focus of this theory because they are in a position to make rational decisions and the rights to exercise power over other right holders when the project is being monitored and evaluated. There is an interesting aspect of this theory that makes this theory plausible. It is important to take into account that too much delegation on an individual can have both positive and negative outcomes. The only purpose of maintaining a good agreement that can be progressive and successful is to capture the needs of the contractual team.

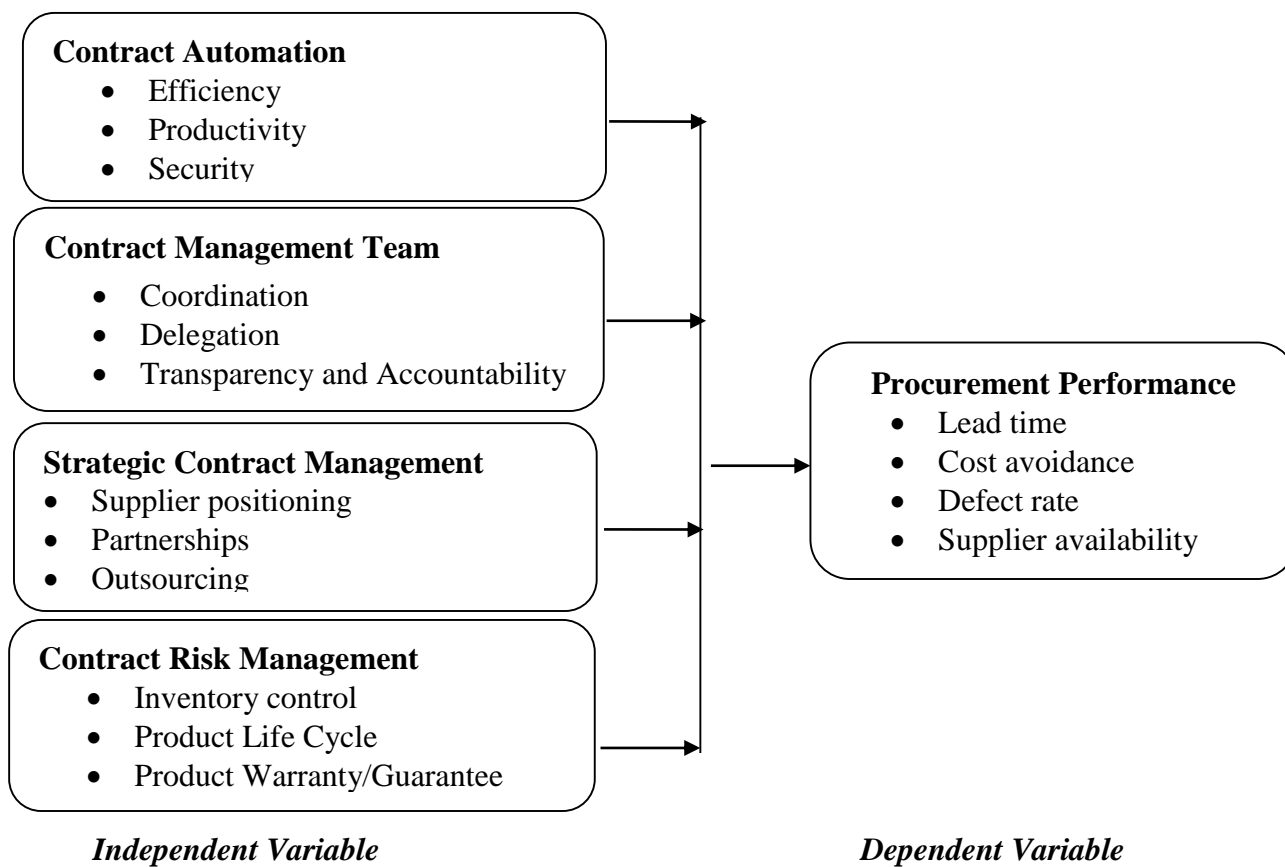
The General Systems Theory; This theory was founded in 1996 by Dye. It has been used in many studies to formulate a conceptual framework, especially on issues related to political science in the systems model (Easton, 1953). This theory was adopted as a presentation for communal strategies (Bartalanffy, 1968). This theory applies the application model that is open in order to influence the external environment. The outputs and the feedback have formed both the conversion element and the environmental elements. Having an insight on contract management, it is the main factor that influences workers schooling, motivation and the offerings marketplace and authorities coverage. It is also important to note that the systems model was adapted by Thai in the year 2000 so that it could demonstrate the bigger picture of an organogram of an institution that carries out public procurement". Moreover, Thai places the policy formulation function with managerial managers at the highest level of a public procurement system. This particular theory is appropriate for explaining political issues in the management of public procurement contracts and is therefore very important for this particular study.

McNeils Relation Contract Theory; This particular theory was founded by Lain McNeils in the United States. The principle has been observed because the object of theoretical studies is found in common law. The relation contract theory of McNeils has a legal formalism that has some aspects of the hypotheses in all the agreements that fall within a relational variety from an easy discrete fall inside a relational variety from an easy discrete operation to a tremendously interactive relationship. According to Diathesopolos (2010), highly relational

contracts have a strong effect against the specific social and economic context in a continuous relationship, generally of trust between some parties with influence on the scope of the contract's content.

The Principal-Agency Theory; The principle business enterprise concept is based totally on a clean know-how of the director's needs and the agent's ability to satisfy needs over time (Chiappori and Salanie (2003). The director is responsible for closely monitoring performance and strengthening objective performance (Ketchen and Hult, 2006). When the agreement is properly clear and deliberate in such a scenario, the most important parties can manage it to make the requests of others efficient in a process that results in the timely implementation of certain contracts (Oluka and Basheka, 2012). This research can apply principal agent theory with an illustration of the principal contracting entity and the supplier or service provided as agents. This particular theory highlights the positive importance of the contractual specifications, as well as the objectivity of the supplier performance monitoring.

Conceptual Framework



Research Methodology

The study applied descriptive research design. The investigation employed both qualitative and quantitative skills to gather data from procurement related department staff of Kisii County. The study used stratified random sampling with the aim of having every division represented. The population was first divided into the strata based on the level of management followed by simple random sampling. The study made use of 75% of the population size and thus target 150 respondents was used as sample size. Primary data was collected

through the use of self-administered questionnaires. The data was analyzed by SPSS V.21 and presented through various measures like narration, tabulation, percentages, averages and standard deviations.

Results and Discussions

Contract Automation and Procurement Performance

The respondents were asked to give their opinions on whether the elements of contract automation had any impact on procurement performance in devolved governments of Kenya. The responses were as indicated in Table 1 below;

Table 1: Contract Automation and Procurement Performance

Statement	Mean	Std. Dev
The devolved government has automated contract management processes	2.258	.765
The devolved government has trained stakeholders on how to use the automated system	2.514	.368
Data security has improved after implementation of the automated system	2.366	.579
There is increased efficiency and productivity due to implementation of system	2.467	.352

The results from Table 1 above show that majority of the respondents did not agree that the devolved government had automated contract management processes, had trained stakeholders on how to use the automated system, that data security had improved and that there was increased efficiency and productivity in relation to implementation of the automated system.

Contract Management Team and Procurement Performance

The respondents were asked to give their opinions on whether the elements of contract management team had any impact on procurement performance in devolved governments of Kenya. The responses were as indicated in Table 2 below;

Table 2: Contract Management Team and Procurement Performance

Statement	Mean	Std. Dev
There is increased coordination and delegation of all contract activities	2.633	.432
The various established committees are independent and fully functional	2.287	.249
The devolved government involves all stakeholders including final end users in all contractual matters	2.362	.352
The various sub-committees fully understand their core mandates	2.416	.381
There are regular meetings to brainstorm and mark the way forward	2.227	.276

The results from Table 2 above show that majority of the respondents agreed to the fact that there was increased coordination and delegation of all contractual activities. However they had dissenting opinions in relation to the fact that the various established committees were independent and fully functional, the devolved government involved all stakeholders including final end users in all contractual matters, the various sub-committees fully understand their core mandates and that the various committees held regular meetings to brainstorm and mark the way forward.

Strategic Contract Management and Procurement Performance

The respondents were asked to give their opinions on whether the elements of strategic contract management had any impact on procurement performance in devolved governments of Kenya. The responses were as indicated in Table 3 below;

Table 3: Strategic Contract Management and Procurement Performance

Statement	Mean	Std. Dev
The devolved government encourages partnerships with contractors and supplier positioning	2.314	.227
Supplier appraisal is regularly carried out to ensure compliance	2.149	.257
The devolved government emphasises outsourcing of non-core activities	2.153	.283
The devolved government exploits the use Service Level Agreements	2.364	.353
The devolved government effectively manages its own responsibilities during and after the contract	2.268	.349

The results from Table 3 above show that majority of the respondents were neutral to the fact that the devolved government encourages partnerships with contractors and supplier positioning, that supplier appraisal is regularly carried out to ensure compliance, that the devolved government emphasises outsourcing of non-core activities. However they all agreed that the devolved government exploits the use Service Level Agreements and that the devolved government effectively manages its own responsibilities during and after the contract.

Contract Risk Management and Procurement Performance

The respondents were asked to give their opinions on whether the elements of contract risk management had any impact on procurement performance in devolved governments of Kenya. The responses were as indicated in Table 4 below;

Table 4: Contract Risk Management and Procurement Performance

Statement	Mean	Std. Dev
The devolved government identifies all potential areas for fraud and addresses them accordingly	2.247	.316
The devolved government controls pilferage by ensuring that proper security controls have been put in place	2.357	.278
The devolved government ensures that safety measures have been put in place for all contractual activities	2.348	.387
The devolved government understands the essence of product life cycle including disposal and obsolescence	2.244	.214

The results from Table 4 above show that majority of the respondents were non-committal that devolved government identifies all potential areas for fraud and addresses them accordingly, that the devolved government controls pilferage by ensuring that proper security controls have been put in place. However, they all agreed to the fact that the devolved government ensures safety measures have been implemented for all contractual activities, that the devolved government understands the essence of product life cycle including disposal and obsolescence.

Procurement Performance

The investigation sought to find out elements in procurement performance in devolved governments of Kenya as related to supply chain pointers like lead time, cost avoidance, defect rate and supplier availability. The first statement sought to find out the degree of stock outs in supply chain in the devolved government, 64% responded between 0-9%, 6% responded between 10-19%, 8% responded between 20-39%, 15% responded between 40-49% and 7% responded over 50%. The second statement sought to find out the degree of cost avoidance for acquired goods and services in the devolved government, 62% responded between 0-9%, 8% responded between 10-19%, 7% responded between 20-39%, 10% responded between 40-49% and 5% responded over 50%. The third statement sought to find out the degree of default rate for acquired goods and services in the devolved government, 60% responded between 0-9%, 15% responded between 10-19%, 10% responded between 20-39%, 7% responded between 40-49% and 8% responded over 50%. The fourth statement sought to find out the level of supplier availability in regards to urgent acquisitions in the devolved government, 58% responded between 0-9%, 22% responded between 10-19%, 6% responded between 20-39%, 10% responded between 40-49% and 4% responded over 50%. The modal class in all the cases was one. This indicates that by use of mean, the degree of stock outs in supply chain in the devolved government, degree of cost avoidance for acquired goods and services in the devolved government, the degree of default rate for acquired goods and services in the devolved government and the level of supplier availability in regards to urgent acquisitions within the devolved government was in the range of 0% - 9%. Table 5. below displays this analysis.

Table 5: Procurement Performance

Statement	0%- 9%	10%- 19%	20%- 39%	40%- 49%	Over 50%	Mode
What is the degree of stock outs in supply chain in the devolved government?	64	6	8	15	7	1
What is the degree of cost avoidance for acquired goods and services in the devolved government?	62	8	7	10	5	1
What is the degree of default rate for acquired goods and services in the devolved government?	60	15	10	7	8	1
What is the level of supplier availability in regards to urgent acquisitions?	58	22	6	10	4	1

Multiple Regression Analysis

From the four independent variables variables (contract automation, contract management team, strategic contract management and contract risk management) studied the results show that 68% of contract management are represented by the R². It therefore explains that there are other factors that contribute to the remainder 32% of the contract management. This indicates that more studies be carried out in order to examine other factors influencing contract management on procurement performance in devolved governments of Kenya.

Table 6: Model Summary ^b

Model	R	R ²	Adjusted R ²	Std. Error of the Estimate
1.	.810 ^a	.681	.651	.1002

a. Predictors: (Constant), contract automation, contract management team, strategic contract management and contract risk management

b. Dependent Variable: Procurement Performance

Thus the regression equation is;

$$Y=0.3460 + 0.312X_1 + 0.334X_2 + 0.389X_3 + 0.377X_4$$

The regression equation above indicates that when all variables are taken into account (contract automation, contract management team, strategic contract management and contract risk management) constant at zero, procurement performance will have an index of 0.350. The *P*-value was 0.0038 which is less than 0.05 and thus the relationship with procurement performance was significant. The research discovered that any slight increase in contract automation led to a 0.786 increase in procurement performance. The *P*-value was 0.0029 which means that the relationship was significant. The investigation discovered that any slight increase in contract management team also led to a 0.229 increase in procurement performance. The *P*-value was 0.0021 which means that the relationship was significant. Also the research discovered that any slight increase in strategic contract management led to a 0.128 increase in procurement performance. The *P*-value was 0.001 which means that the relationship was significant. This is illustrated in Table 7 below;

Table 7: Coefficient of determination

Model		Unstandardized coefficients		Standardized coefficients		Sig
		B	Std error	Beta	t	
1	Constant	.346	0.64		2.144	0.004
	Contract Automation	.312	0.91	.625	3.168	0.002
	Contract Management Team	.334	0.76	.302	2.054	0.001
	Strategic Contract Management	.389	0.68	.064	3.652	0.002
	Contract Risk Management	.377	0.48	.855	2.005	0.003

From the table above it can be established that there is a positive relationship between procurement performance and the influence of contract management in devolved governments of Kenya.

Table 8: ANOVA

Model		Sum of Squares	d.f	Mean Square	F	Sig.
1	Regression	140.667	4	38.469	8.8565	.000
	Residual	100.031	80	3.855		
	Total	240.698	86			

The significance value which is displayed in Table 8 is 0.000. This is below 0.05. This implies that the model above is very much statistically significance in the prediction of how contract automation, contract management team, strategic contract management and contract risk management impacts on procurement performance. The F critical is at 5% level of significance was 2.733. Hence when F calculated which can be seen from Table 8 above is 8.8565 is greater than the F critical (value = 2.733). It indicates that the overall model was significant.

Summary of Findings

The findings of this study show that proper contract management practices considerably improve procurement performance in devolved governments in Kenya. Successful implementation of contract automation, contract management team, strategic contract management and contract risk management will collectively and individually contribute to improved procurement performance in devolved governments in Kenya. Empirical literature has revealed that contract management practices are key variables if procurement performance is something to be improved to ensure value for money in devolved governments. The objectives below explain it better.

Influence of Contract Automation on Procurement Performance in devolved governments of Kenya

The study shows that majority of the respondents did not agree that the devolved government had automated contract management processes, had trained stakeholders on how to use the automated system, that data security had improved and that there was increased efficiency and productivity in relation to implementation of the automated system.

Influence of Contract Management Team on Procurement Performance in devolved governments of Kenya

Based on the study, it shows that majority of the respondents agreed to the fact that there was increased coordination and delegation of all contractual activities. However they had dissenting opinions in relation to the fact that the various established committees were independent and fully functional, the devolved government involved all stakeholders including final end users in all contractual matters, the various sub-committees fully understand their core mandates and that the various committees held regular meetings to brainstorm and mark the way forward.

Influence of Strategic Contract Management on Procurement Performance in devolved governments of Kenya

The study shows that majority of the respondents were neutral to the fact that the devolved government encourages partnerships with contractors and supplier positioning, that supplier appraisal is regularly carried out to ensure compliance, that the devolved government emphasises outsourcing of non-core activities. However they all agreed that the devolved government exploits the use Service Level Agreements and that the devolved government effectively manages its own responsibilities during and after the contract.

Influence of Contract Risk Management on Procurement Performance in devolved governments of Kenya

From the study, it shows that majority of the respondents were non-committal that devolved government identifies all potential areas for fraud and addresses them accordingly, that the devolved government controls pilferage by ensuring that proper security controls have been put in place. However, they all agreed to the fact

that the devolved government ensures safety measures have been implemented for all contractual activities, that the devolved government understands the essence of product life cycle including disposal and obsolescence.

Procurement Performance

The investigation ended up finding that contract management practices do actually have effect on procurement performance in devolved governments in particular elements like contract automation, contract management team, strategic contract management and contract risk management. The data collected from the different performance indicators show that there is a positive relationship between the variable procurement performance in relation to contract automation, contract management team, strategic contract management and contract risk management in the devolved governments of Kenya.

Conclusions

From the study, it clinches that there has been a noteworthy correlation that exists in terms of management of contract activities and procurement performance within Kenya's devolved governments. It has been recognized that the contract automation if properly done will actually boost procurement performance in devolved governments as it will ensure that both sides work together seamlessly. The outcome of the study illustrates that contract management team has had a critical positive impact on procurement performance within Kenya's devolved governments. It goes without say that proper strategic contract management when done procedurally and in good faith leads to intensified procurement performance levels in Kenya's devolved governments. Besides, the outcome of the study recognized that contract risk management leads to proper asset and inventory control, helps to control fraud and pilferage and helps in determining the product's position in the product life cycle.

Recommendations

It is important that devolved governments automate their systems to increase efficiency, productivity and security of contract management details and for ease of accessibility. The devolved governments to form contract management team in accordance with PPADA 2015 that will coordinate and delegate the various contract activities, ensure experts are properly engaged, delegation of duties to sub committees and actively engaging Inspection and Acceptance Committees to ensure delivery of the correct goods and services when needed and to enhance transparency and accountability. Strategic contract management to be developed such that supplier positioning is of utmost importance, partnerships are encouraged, outsourcing is factored in and that suppliers are compliant with existing terms and conditions of contracts. It is necessary for the devolved governments to enhance contract risk management so that cases of fraud, pilferage, loss of inventory and surprises are minimized. The devolved government to aim at promoting reduced lead times, encourage cost avoidance, reduced defect rates and ensure supplier availability in order to manage contracts effectively.

Areas for Further Research

This investigation at the end was able to conclude that proper management of contracts do impact procurement performance in Kenya's devolved governments. It was discovered that proper contract management with variables such as contract automation, contract management team, strategic contract management and contract risk management had a great impact on procurement performance within devolved governments of Kenya. This occupied 68%. The remaining percentage can be an element for future investigation.

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