

**ASSESSMENT OF EFFECTIVENESS OF IMPLEMENTATION OF
PROCUREMENT POLICY AND CHALLENGES FACED BY TENDER
COMMITTEE IN PUBLIC SECONDARY SCHOOLS IN
SIAYA SUB-COUNTY, KENYA**

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**A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE DEGREE OF MASTER OF EDUCATION IN
EDUCATIONAL ADMINISTRATION**

DEPARTMENT OF EDUCATIONAL MANAGEMENT AND FOUNDATIONS

MASENO UNIVERSITY

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DECLARATION

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This thesis is my original work and has not been presented for the award of a degree in any other university.

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ACKNOWLEDGEMENTS

My sincere appreciation goes to all my supervisors, Dr. E. M. W. Simatwa and Dr. M. A Olel who have tirelessly assisted me in doing this work. I appreciate the time and the resources they granted me from the start of this work up to what it has become, may God bless the works of their hands. Further much appreciation goes to all the members of Educational Management and Foundations Department of Maseno University for instilling confidence and basic skills required through the course work and encouragement throughout to completion of this work.

I would also not forget to appreciate all Principals, Deputy- Principals, Bursars and Accounts clerks and Auditors in Siaya Sub-County. It was because of their cooperation and readiness to spare their time that I was able to produce this work. My heartfelt appreciation goes to Emily Akinyi and Alice Atieno Ogada who were always ready to help in typing the scripts. It was through their relentless efforts that this work was produced.

Finally, this work would not have been completed without the material and moral support from my spouses Catherine Atieno Onyango and Bandra Naike Elizabeth Awandu, my children Tonny, Kate, Jerry, Senior, George, Imelda and Ian. Thank you and may God bless you abundantly.

DEDICATION

This thesis is dedicated to my spouses Catherine Atieno Onyango and Sandra Naike Elizabeth Awandu, my children; Tonny William Otieno, Sandra Kate, Jerry Ochieng, Senior Private Atieno Odhiambo, George Otieno, Imelda Akinyi and Ian Otieno and to my late mother and father Rose Apondi and Joseph Olayo without them I would not be where I am today.

ABSTRACT

Procurement management is an important organizational function. In Kenyan public secondary schools this responsibility is vested on tender committees. In 2009 Public Procurement Oversight Authority (PPOA) undertook a study to find out effective implementation of procurement policy in Thika level 5 Hospital, Kilimambogo Teachers Training College and Kenya Polytechnic. The findings indicated that tender committees were in place but there was poor adherence to procurement guidelines and challenges faced included political interference, poor record keeping and solicitation of bribes. In Siaya Sub-County cases of poor procurement management were on the increase which included principals supplying their own schools, quorums not being adhered to in tender committees, supplies being awarded to the highest bidders and court cases related to procurements. These were blamed on poor procurement management by tender committees DEO (2013). The purpose of this study was to assess the effective implementation of procurement policy and challenges in Siaya Sub-County. Objectives of the study were to; determine whether tender committees were constituted according to the policy, establish the extent to which they adhered to procurement guidelines and establish challenges they faced. The study was guided by a conceptual framework with the proper constitution and adherence as the independent variable and policy outcome as dependent variables. Descriptive survey research design was adopted for the study. The study population consisted of 21 Principals, 21 Deputy – Principals, 21 Bursars or Account clerks and 3 Sub-County Auditors. Through saturated sampling 18 Principal’s, 18 Deputy- Principal’s, 18 Bursars or Accounts and 3 Auditors were selected for the study. The instruments for data collection were questionnaires, interview schedules and document analysis guide. Face and content validity of instruments were enhanced by experts in educational administration. Reliability of instruments were determined by piloting them in 3 (10%) schools forming part of the population, the outcome was subjected to Pearson r whereby correlation co-efficient of 0.7 and above at a set p- value of 0.05 was considered reliable. Reliability co-efficient for the principal’s instruments was 0.84, while the deputy-principal’s was 0.78. Qualitative data obtained from the research were transcribed and categorized into themes and sub themes. Quantitative data from questionnaires were analyzed using descriptive statistics in form of frequency counts, means and percentages. The study established that 15(83.3%) schools had properly constituted tender committees, all 18(100%) did not adhere to procurement guidelines and all 18(100%) were facing challenges. The study is significant as its findings are useful to education stakeholders in understanding operations and challenges faced by tender committees in public secondary schools in Siaya Sub-County. The study concludes that tender committees are in place but are not adhering to procurement guidelines because of several challenges. This study recommends intensification of school audits and inspections and capacity building to education stakeholders to help improve adherence to procurement guidelines and minimize challenges in Siaya Sub-County.

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ABBREVIATIONS

ADM	Asian Development Bank
BOG	Board of Governors
BOM	Board of Management
CDF	Constituency Development Fund
CEO	Chief Executive Officer
DERS	District Education Report Siaya
eP	Electronic Procurement
GeBIZ	Government Electronic Business
GTPs	GeBIZ Trading Partner
IFB	Invitation For Bids
KESSP	Kenya Education Services Support Programme
LATF	Local Authority Transfer Fund
NIPA	National Institute of Public Administration
NIT	Notices Inviting Tenders
PE	Procuring Entity
PPDA	Public Procurement and Disposal Act
PPOA	Public Procurement and Oversight Authority
PPR	Public Procurement Regulation
PTA	Parents Teachers Association
SCM	Supply Chain Management

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CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Public procurement policy was a sector wide approach enacted in 2005 to streamline all public procurements secondary schools included. The policy entailed reconstitution of tender committee with the deputy-principal being the chairman, bursar or accounts clerk being the vice-chairman, 6 heads of department or teaching staff and the stoke -keeper who is to be the secretary. All the above officials are to be appointed in writing by the head of the school. The policy was intended to enhance uniformity, promotion of integrity and fairness, to invite public confidence, promote local industries, enhance transparency and accountability, delineation of roles, enhance value for money and competition among the suppliers (PPMSC,2009). Kinyua (2005) noted that the new law was the best approach to fighting corruption in a sustained and permanent manner. To him and many others, the lid that had covered public procurement and disposal for years was finally lifted. For the first time tenders which have in the past been shrouded in secrecy, and thus a fertile ground for corruption would be open to audit. This study therefore aimed at assessing the effectiveness of implementation of procurement policy in Siaya sub-county and whether or not the principle objective of the policy has been achieved.

Studies have shown that a number of African countries have made efforts to streamline their public procurements. Ghana enacted the Public Procurement Act in 2003 (PPB-Ghana, 2003) while Zambia promulgated the Public Procurement Act in 2008 (ZPPA, 2008). In Lesotho

the government established procurement policy and advisory division which requires every procuring entity secondary schools included to form a tender panel, whose functions are to open publicly tenders received, submit tender to evaluation team and to decide which tenderer shall be awarded the contract (GLPM, 2007). Uganda enacted its public procurement regulation in 2003(PPDPA-Uganda, 2003). Directorate of Public Procurement Malawi (DPPM, 2007) undertook a study to find out the extent to which its public procurement guideline was being implemented. The study found out that a number of issues still needed to be addressed and included procuring entities not having copy of regulations while many procuring entities were still experiencing political interference.

Agaba and Shipman (2002) noted that reforms in public procurement have increased partly because of condition put by World Bank. Walker (2003) argues that public procurement reform process will mostly succeed when it proceeds and gets support from the highest political level while Kenani (2008) notes that there is a dire need to change the training curriculum for teachers in Kenya to include elementary knowledge in financial and project management. Republic of Kenya (1999) notes that public procurement is a protracted process and there are many obstacles. Establishing the regulatory framework are the first and the easiest enforcement, compliance and eradicating institutionalized corruption are the more difficult and may take longer to achieve.

Although a number of schools had formed tender committees' procurement is still a challenge in many schools in the Republic of Kenya. (PPMSC, 2009). Studies have shown that implementation of procurement policy has met with several challenges. PPOA (2009) undertook a study review of effective implementation of procurement policy in Thika level 5

Hospital, Kilimambogo Teachers Training College and Kenya polytechnic. The study adopted survey research design. Instruments of data collection were questionnaires and document checklist guide. The study established that tender committees were in place however tender committee were not adhering to procurement guidelines, as several challenges were reported which included political interference, head of entities interference, inadequate knowledge in procurement among committee members, solicitation of bribes by committee members, and inability to form competent tender committees among others.

Since 2003 the government has initiated many reforms in the education sector. In 2008, the Ministry of Education increased its support to public secondary schools by providing some level of funding to support school's operational and development expenditure. (PPDA, 2005). Some of these resources are used for procurement of books, educational learning materials and facilities and food for the learning institutions. In order for the school to get value for their money, to be transparent and accountable, ensure timely delivery of goods, ensure competition and suppliers satisfaction the government requires every school to form a tender committee to undertake all procurements within their mandate (ROK, 2006). The Principal is responsible for ensuring that the Public Procurement and Disposal Act, Regulations and any circulars issued by Public Procurement Oversight Authority are complied with in respect of each of its procurement. The composition of tender committee has also been determined in law (PPMSC, 2009).

Among the function of the committee are to review, verify and ascertain that all tender and disposal has been undertaken in accordance the regulations, approve the selection of the

successful tender or proposal, award procurement contracts in accordance with thresholds prescribed in the schedules, ensure that the procuring entity does not pay in excess of prevailing market price, approve the list of persons qualified to submit proposal among others. (PPMSC, 2009).

In Siaya County there has been marked improvement in procurement especially with the coming into force of the regulation. In Ugunja Sub-county no court cases related to procurement was reported by 2013, cases of bribery by tender committee member had dropped from 4 cases to 2 cases by 2013 while cases of principals supplying goods to their schools had also dropped from 5 in 2012 to 3 in 2013 (DEO, Ugunja, 2013).

In the neighboring Bondo Sub-County no court case related to procurement was reported in 2013, while cases of bribery by tender committee members had dropped from 7 in 2012 to 3 cases in 2013 (DEO, Bondo, 2013). In Siaya Sub-County 12 (66.6%) of the school principals were reported to be supplying goods to their institutions which increased to 13 (72.2%) by 2013. In 2009 3 (16.6%) of schools were taken to court over procurement related cases which increased to 9 (50%) in 2013. In 2009 1 (5.5%) school's building project was stopped by the ministry of public work while in 2013 11(61.1%) of the school's building projects were stopped because the tender was awarded to unqualified contractor. The problems were blamed on poor procurement management by tender committees. (DEO, Siaya, 2013).

Table 1.1 shows a summary of problems related to poor procurement management in public secondary schools in Siaya Sub-County in the past 5 years.

Table 1.1

Trends showing procurement related problems in Siaya Sub-County 2009-2013.

Summary of Events /Occurrences in schools in the district	2009		2010		2011		2012		2013	
	f	%	F	%	F	%	F	%	F	%
Bribery cases related to procurement	12	30	14	35	17	42.5	18	45	20	50
Conflict of interests	7	7.5	9	22.5	10	25	11	27.5	13	32.5
Incomplete projects	5	2.5	7	17.5	8	20	10	25	13	32.5
Inadequate teaching and learning materials	40	100	40	100	40	100	40	100	40	100
Court cases related to procurement	3	7.5	4	10	5	12.5	7	17.5	9	22.5
Inflated cost of infrastructure	5	12.5	6	15	7	17.5	9	22.5	11	27.5
Works stopped by public works because of lack of award to unqualified contractor	1	2.5	4	10	7	17.5	9	22.5	11	27.5

Source: Siaya District Education Report 2009-2013(DEO, Siaya, 2013)

In Kenya public secondary schools spends a bigger percentage of their income to procure goods and services like boarding materials, book, buildings, foodstuff, teaching and other learning materials. To ensure the schools get value for their money each institution is required to adhere to the new procurement policy. If the policy is adhered to it may stem the escalating cost of education while giving students quality food, services and quality infrastructure.

Studies conducted on implementation of procurement policy have tended to concentrate on colleges, universities and other higher institutions of learning. My study however will concentrate on the implementations of procurement guideline in public secondary schools. This is unexplored area yet public secondary schools should give value for money to its customers, they should also be accountable and transparent, role should be delineated, integrity should be promoted and public confidence should be acquired as schools use public resources.

Based on the fact that implementation of the procurement policy was to be undertaken by all public sectors, secondary schools included, it was important that a study be undertaken to find out how public secondary schools in Siaya Sub-County had constituted their tender committees, whether they adhered to procurement guideline and challenges faced in effective implementation of the policy.

1.2 Statement of the Problem

Public secondary schools in Siaya Sub-County continued to face procurement related problems over the past years. Adherence to procurement guidelines by tender committee were in doubt as there was increased court cases related to procurement, principals were reported to be supplying goods to their schools, school buildings were being stopped by ministry of public works because of tenders being awarded to unqualified contractors, bribery was perceived to be a factor in winning a tender, while the cost of infrastructure did not reflect the value of money. Principals were reported to be vetoing decisions of tender committee while tender committee members were being accused of incompetence in procurement management.

The choice of Siaya Sub-County was therefore borne out of the above concerns. A research was therefore important to find out the effectiveness of implementation of procurement policy and challenges faced by tender committee in public secondary school in Siaya sub-county.

1.3 Purpose of the Study

The purpose of this study was to assess the effectiveness of implementation of procurement policy and challenges faced by tender committees in public secondary schools in Siaya Sub-County, Kenya.

1.4 Objectives of the Study

The objectives of this study were to;

- i) Determine the constitution of tender committees in public secondary school.
- ii) Establish the extent to which tender committees in public secondary schools effectively adhered to procurement guidelines.
- iii) Establish challenges faced by tender committees in public secondary schools.

1.5 Research Questions

The following research questions guided the study.

- i) How are tender committees constituted in public secondary schools?
- ii) To what extent are tender committees effectively adhered to the procurement guidelines?
- iii) What were the challenges faced by tender committees in public secondary schools?

1.6 Conceptual Framework of the Study

The conceptual framework was based on the premise that the principal of the school would properly appoint tender committees in writing, avail procurement policy documents to them, help in training the members on procurement process, secure time when the committee can meet, disclose available financial resources to the committee. Tender committees are expected to meet regularly to undertake any procurement within their mandate through open tendering, request for quotation, request for proposal, low value procurement, approve use of direct procurement and specially permitted procurement and to keep proper records of their transactions. The output is expected to be accountability, transparency, timely delivery of goods and services, high quality infrastructure, value for money, competition and creditors satisfaction. For successful implementation of the policy certain general preconditions needed to be in place. These preconditions may not have been satisfied at the correct time leading to "implementation gaps". Principal's influence over the committee, lack of training stakeholders lobbying for tender, solicitations of bribes by committee members, lack of competent and enough personnel, lack of time for meeting, non-disclosure of available financial resources and lack of monitoring and supervision will affect the effectiveness of implementation of procurement policy (TSC, 2009).

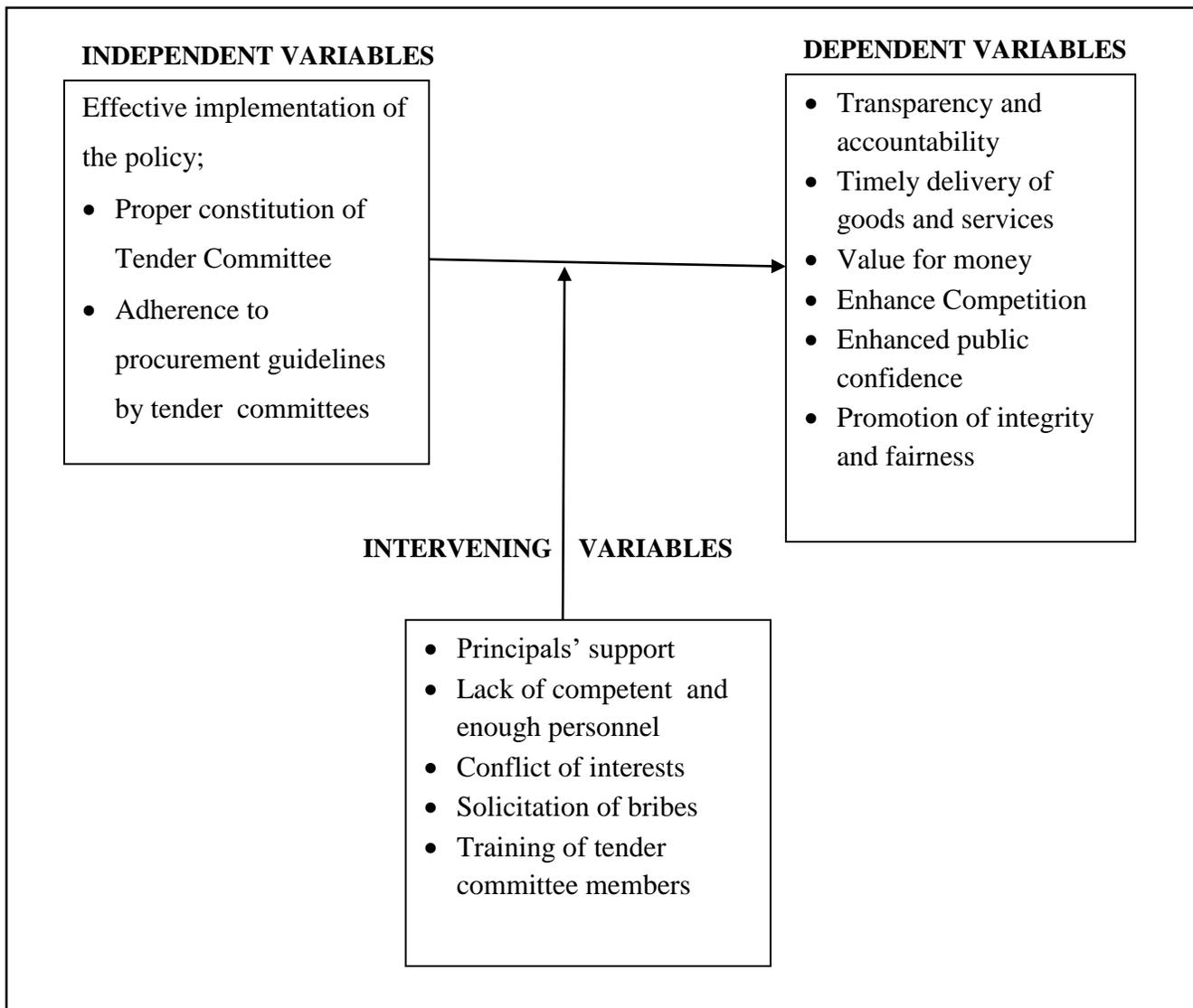


Figure 1: Conceptual framework showing Effectiveness of Implementation of Procurement Policy and challenges.

1.7 Significance of the Study

The findings of the study will help education stakeholders:

- i) Gain knowledge on constitution of tender committee in public secondary schools.
- ii) Improve understanding of operations of tender committees in procurements in public secondary schools.
- iii) Understand challenges affecting effective operations of tender committee in public secondary school.

1.8 Scope of the Study

- i) The study was conducted within Siaya Sub-County.
- ii) The study focused on the constitution, adherence and challenges faced by tender committee in effective implementation of procurement regulation in public secondary schools in Siaya Sub-County.
- iii) Data for the study was collected from school Principal's, Deputy –Principal's, Accounts Clerks or Bursars and Auditors.

1.9 Assumptions of the Study

The study was carried out on the following assumptions, that;

- i) All public secondary schools have Principals, Deputy –Principals and Accounts clerks that are conversant with procurement regulations of 2005.
- ii) The implementation of procurement regulations is mandatory to all public secondary schools.
- iii) All the public secondary schools have the capacity to form tender committee.
- iv) The precondition for the satisfactory implementation of procurement policy is the formation of tender committees.
- v) All schools have functional tender committees.
- vi) All the schools have enough and competent staff to form tender committee.

1.10 Limitations of the Study

The findings of this study cannot be generalized to other areas because the researcher used descriptive survey research design.

1.11 Definition of Operational Terms

Act	Public Procurement and Disposal Act, 2005.
Aggregate	Process by which procurement requirements are put into lots together to gain economies of scale.
Assessment	Critical analysis of tender committee operations.
Bidding documents	The standard document elaborated by the PPOA or the procuring entity for the purpose of procuring goods, works and services.
Challenges	The variables that impedes on effective implementation of the procurement regulation.
Concessioning	Partnership between government and private entity where the private entity is given authority to manage the venture.
Implementation	Mean the process of putting the policy into use
Implementation gaps	Means discrepancies between specific policy statement or requirements and the outcome on the ground.
Lotting	Process by which procurement requirements are put together to gain economies of scale.
Procurement	Means the process of inviting works, goods and services into an organization.
Procurement Regulations	Means government requirement on procurement process
Procurement committee	The committee formed to undertake procurements below threshold

Matrix.

Public secondary schools These are schools that get assistance from the government

Siaya Sub-County The area of study.

Tender Means documents used to invite suppliers or works, goods and services.

Tender Committee The committee in school in –charge of procurement above threshold Matrix.

Threshold Matrix The maximum amount of money a procuring entity is entitled to use a specified procurement method.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter covered the following areas constitution of tender committees, adherence to procurement guidelines and challenges faced by tender committees.

2.2 The Constitution of Tender Committee in Public Institutions

A number of African countries have made efforts to reform their public procurement systems. In Ghana the government enacted the Public Procurement Act in 2003. The policies and procedure are designed to provide uniform procedures for the procurement of goods, works and services and assets disposal, it also ensures transparency and accountability in all operations and consistency, it ensures the consistent application of the best procurement practices and international standards, (PPB – Ghana, 2003).

In Zambia, the government promulgated the Public Procurement Act in 2008 part of the provision of the Act is that every public entity is required to form a procurement committee. The chief executive of the entity is expected to appoint the committee and act as its chairperson. The membership should not be less than four and not more than eight appointed in writing by the head of the organization from among the senior most members in the entity with consideration given to expertise. The head of the procurement unit shall be an ex-officio and secretary to the procurement committee. It also requires that any procurement entity small enough not to be able to constitute a procurement committee to report to the controlling authority which shall prescribe the procedures to be followed by the procuring entity (ZPPA, 2008).

In Lesotho each procurement entity is expected to form a tender panel. The tender panel consists of a chairperson, a secretary and not less than three and not more than eight members. The function of the panel is to open publicly tenders received, submit tenders to evaluation team and to decide which bid shall be awarded the procurement contract (GLPM, 2007). In Uganda the government enacted Public Procurement and Disposal of Public Asset, 2003. This became the principal law governing procurement and disposal in both local government and central government. The Act required all public procurement and disposal to be conducted in accordance with the principal of transparency, accountability and fairness and in a manner that maximize competition and achieve value for money. The law provided for delineation of roles and separation of powers between user departments which initiated the procurement process and evaluate bids (PPDPA –Uganda, 2003).

In Kenya Public secondary schools are classified into class C for purpose of procurement, (PPOA, 2009) Every school is expected to form a tender committee that undertakes procurement above their threshold matrix with the following membership structure Deputy Principal as the chairman, officer in charge of finance i.e. Accounts clerk or Bursar to be the vice chairman, at least six heads of the department or teaching staff, while the officer in charge of procuring unit that is store keeper to be the secretary, all the above officers are to be appointed in writing by the head of procuring entity, the principal, (Kenya Gazette Supplement No 53).

In those institutions whose annual procurement items are below the specified threshold matrix, the principal shall appoint a procurement committee that will be responsible for all

schools procurements. (Kenya Gazette Supplement No. 92. 2006) Schools with insufficient staff to constitute tender committee are required to form joint committees with neighboring schools or make use of procurement agents. A study conducted by PPOA (2010) on implementation of procurement policy, case of Kenya Polytechnic University College found out that the main structures had not been put in place as tender committee was not in place, tenders were not being advertised as provided in the Act, choice of improper procurement methods were rampant while contracts were not being awarded to qualified supplier's.

A similar study was conducted by PPOA (2009) at Thika level 5 hospital. The study adopted survey research design. Instruments of data collection were questionnaires and document checklist. The study established that tender committee were in place and were legally constituted. Another study conducted by PPOA (2009) at Kilimambogo teachers training college used survey research design. The instruments of data collection were questionnaires and document checklist. The study established that tender committees were legally constituted and were in operation. At Kenya polytechnic university college PPOA (2009) used survey research design. Instruments of data collection were questionnaires and document checklist. The study established that while tender committees were in place they were not legally constituted as some unauthorized personnel were still in the committee.

Similar study by PPOA (2009) in Kenyan colleges reported that some tender committees were having unauthorized personnel in the committee and lack of following the correct procedures in constituting tender committees. Ndungu (2010) noted that formal appointments of tender committee in public entities as required by the regulations is not adhered to as majority of entities do not formally appoint tender committee members. The studies

mentioned above did focus on a university setting, another in a teacher training college while the other was in a hospital setting. This study was different from the above as it focused on secondary school setting. The above mentioned studies used questionnaires and document analysis checklist only to get data. My study used questionnaires, document analysis guide and similarly included interviews with key informant involved in the procurement in secondary school levels. This study therefore aimed at finding out whether tender committee had been formed in public secondary schools and how they are constituted. This is the gap this study sought to fill.

2.3. Adherence to Procurement Guidelines

The literature reviewed indicated that a number of countries have different level of adherence to their procurement guidelines. In China the government directs all government agencies making purchases to only purchase imports when domestic goods and services are unavailable or cannot be obtained under “reasonable conditions” (ADB, 2004).

In Indonesia e-procurement is encouraged which involves conduct of procurement electronically (ADB, 2004) while in Singapore the public have access to the government procurement Act, Procurement guidelines which are relevant to the public and vendors via the internet at the Government Electronic Business (GeBIZ) (ADB, 2004).

Vietnam has enhanced the capacity of its inspectorate system and recently invested in personnel training, equipment and computerization of its regulatory and administrative management to ensure compliance with procurement rules (ADB, 2004).

India increased the transparency in public procurement by using technology – in particular the use of e-tendering, e-procurement and e-payments. The government introduced e-

procurement where all procurement related transactions right from invitation to tender to issue of supply order are done within the internet (ADB, 2004) The state government of Andhra Pradesh requires public procurement process be done through the internet. It involved electronic tendering, publication of notices, inviting tenders (NIT) Invitations for bids (IFB), issue of tender documents to prospective tenderers, submissions of tenders, receipts of tenders, opening of technical bids, evaluation of tenderers compliance to the qualifications criteria, approval of tenders, issue of purchase order, contract management (ADB, 2004). In Nepal the government established a central agency (PPMO) for developing and sustaining a well functioning procurement system. Its major activity involve briefing of the (PPA) and (PPR), all secretaries of line ministries, selection of members for the procurement review committee, training on procurement at the regional and central levels. It also establishes procedures for debarment hearing, networking for establishing a website and support to all procuring entities, (ADB, 2008).

In Malaysia the government also introduced an electronic procurement (eP) system which is an internet based online system which is designed to encourage competition among contractors and to expedite the procurement process. This is to reduce bidding costs and make the process more efficient and transparent. They also inform successful bidders through registered letter (ADB, 2008). All procurement policies and practices are guided by treasury instructions, treasury circulars letters and procurement guide book issued by the ministry of finance for reference of procuring agencies on government procurement which explains, inform, clarify and show the examples and procedures of procurement. Procuring entities must make available a desk copy of the tender document for prospective bidders to view. It's

a requirement that all local tenders are advertised in at least one local newspaper in the Malay language. For international tenders, they must be advertised in one English newspaper, and local embassies and high commissions are also informed. Agencies also advertise all tenders in the agency websites and in the Malaysia government official portal (My Government). The government also has specific training for procurement personnel that also include integrity which are undertaken by the National Institute of Public Administration (NIPA) (ADB, 2008).

In Kenya all public secondary schools tender committees are expected to approve methods of procurement procedures which include open tendering, restricted tendering, direct procurement is also allowed but under the conditions that there is only one person who can supply the goods, works or services, there is an urgent need for the goods, works or services and because of the urgency the other available methods of procurement are impractical. The circumstances that gave rise to the urgency were not foreseeable and were not the result of dilatory conduct on the part of the procuring entity. Request for proposal is also a method of procurement allowed when the procurement is of services or a combination of goods and services or the services to be procured are advisory or otherwise of predominantly intellectual nature. Request for quotations may also be used by a procuring entity if the procurement is for good that are readily available and for which there is an established market and the estimated value of the goods being procured is less than or equal to the prescribed maximum value for using request for quotations. (ksh 500,000) five hundred Thousands. Low value procurement is allowed when a procurement entity want to procure

goods, works and services whose estimates value are less than or equal to the prescribed maximum value usually 5,000 (five thousand shillings).

The law also allows for special permitted procurement procedure and a procuring entity can use this method when “concessioning” this means a procurement which encourages the mobilization of private sector resources for the purpose of public financing, constructions, operations and maintenance of development projects and may include build - own and operate, build -own -operate and transfer, build –operate and transfer or in design competition which involves procurement procedures for obtaining competitive bids for services which are creative in nature and which require that part of the services be carried out as bid to facilitate evaluation of the bids and such services include architecture, landscaping, engineering, urban design project, regional planning and fine arts (PPOA, 2007).

In Kenyan public secondary schools, the secretary to the tender committee is expected to prepare the agenda for every item that is to be discussed. The item in the agenda to include title, purchase items, background information, invitation of bids, submission and opening of bids, evaluation of bids, secretary’s comments, and request to the committee (PPOA, 2007).

All tender committee meetings have to be attended by at least five members of the committee inclusive of the chairman or their nominated alternatives. The decisions of the committee should be reached by consensus or through voting by simple majority or where there is a tie the chairman have a second or casting vote. The members including the chairman should immediately declare any conflict of interests in any submission. In such a case he or she should leave the meeting while the matter is being considered and should not participate in

the deliberations or decisions making process of the committee in relation to that particular submission.

The meeting should have minutes by the secretary and in particular the following matters should always be clearly detailed;

- i) A register of attendance.
- ii) The date of the meeting
- iii) A list of all the submissions considered.
- iv) The decisions made for each submission, including major issues discussed, the reason for any rejection and any clarification or minor amendments to which approval is subject.
- v) A note on any evaluation made.
- vi) Any conflicts of interest declared by members and
- vii) Any dissenting opinion among tender committee members.
- viii) Particulars of procurement items
- ix) The contract sum
- x) Full particulars of the contractor
- xi) Duration of the contract or period of delivery
- xii) Conditions of the contracts and
- xiii) Observers and advisors present. (PPOA, 2007)

The tender committee may summon independent advisors or members of the procurement unit to explain submission or provide technical advice where necessary. Regulation 12(8) provides that to enhance transparency of the procurement process the procuring entity shall

invite in addition to the representatives of various departments, at least two observers to attend its meeting in a case where the cost of the contract is estimated to be above fifty million shillings. Regulation 12(9) provides that at least one of the observers invited under paragraph (8) above shall come from a duly recognized private sector organization or discipline relevant to the procurement under consideration that is, in procurement of works an officer from the Ministry of Public Works is desirable. The regulation 12(10) further provides that the failure of an invited observer to attend a meeting shall not nullify the procurement proceedings (PPOA, 2007).

The observers may prepare reports indicating their observation made on the procurement proceedings conducted by the tender committee of the procuring entity. The observers need to be informed well in advance before the date of the meeting. Letters of invitation form part of the records to be kept in the file. The report of the observers will be kept in the file but cannot be shared with any other organization, including the observer's organization. The divulgence of information that would prejudice legitimate commercial interest or inhibit fair competitions is considered an offence. The report of the observer where made should be copied to the Director General Public Procurement Oversight Authority.

A study conducted by PPOA, (June 2010) entitled "Procurement Review Report on Kilimambogo Teachers College" reported that Open tenders were not advertised as provided for in the regulation, choice of improper procurement procedures and external observers not invited for large contracts. The report also noted that some procurement records were missing, there was lack of central comprehensive procurement file, description of goods,

works, and services in bid were not adequate while there was no evidence of award by tender committee. PPOA, (2009) while undertaking a study at Thika District Hospital noted none adherence to threshold matrix, choice of improper procurement procedures, procurement items inflated, lack of approved prequalified list of suppliers, tender committee not meeting as required, many key procurement records that are stipulated by law for retention missing, lack of key signatures in minutes, contracts awarded not from the approved list of suppliers and no evidence of award by tender committee. PPOA (2010) while reviewing procurement processes at Kenya Polytechnic University ascertained lack of important documents like procurement manuals.

Similar study by PPOA (2007) aimed at establishing a common base for developing a well documented and broadly accepted understanding of key issues of public procurement system, creating a baseline against which future progress could be measured and serve as a benchmarking tool which could be used for comparison between systems and countries. The assessment targeted legislative and regulatory framework, institutional frame work and management capacity, procurement operations and market practice, integrity and transparency of the procurement system. 15 Procuring entities were chosen. They noted that under legislative and regulatory framework, the country had a sound legal framework in place. However the framework suffered from a number of weaknesses, procedures for pre qualifications lacked clarity; no procurement manual had been developed, inadequate procedures for registration of contractors, no procedures for using technical capacity as a key criterion and excessive threshold for domestic preference.

Rembe, (2009) noted that procuring entities need to keep records of their decisions, activities and transactions to meet the demands of corporate accountability as poor record keeping has serious implication in the procurement and in contract management. Poor record keeping he adds means activities of the officials are not transparent. However several challenges still slow down the progress so far. Sustained political commitment, capacity development of individual and organizations and adequate external checks are required to implement the law to improve procurement results and combat incidences of bribery (ADB, 2004).

World Bank (2003) reported poor record keeping as one of the impediments to procurement processes in developing countries while Office of the Directorate of Public Procurement Malawi (2007) reported shortage of qualified personnel, poor record keeping and overpricing of goods. De mariz, Menerd and Abeille (2014) indicated that weak record keeping is a key element of public procurement. Ambe and Badenhorst (2012) indicated that procurement in South Africa republic is facing predicaments with non- compliance with procurement legislations. Mathee (2006) indicated that non-compliance with policies and regulations relate to the tendering not to utilize a competitive process for both quotations and bids. Hunja (2011) noted that there is constant abuse of procurement systems which arises largely due to weak or inconsistent enforcement of the prevailing rules. Thai (2005) on the other hand noted that public procurement has been perceived a s an area of waste and corruption.

According to PPDA –Uganda (2005), there were still problems with compliance with procurement policy. The study established that out of 322 contracts as at the end of 2005, only 7(2%) were assessed as being clean, carried out in accordance with the law and with

internal structures observed. Among the weakness identified were inadequate procurement planning, leading to an excessive use of direct procurement and failure to align procurement with budgetary process, poor record keeping, leading to many procurement documents being untraceable or procurement having taken place without documentation and abuse of the process, contract having been awarded to a company other than the best evaluated bidder, retrospective approvals for contracts, inconsistencies in tender evaluation and interference in the contract award process by unauthorized parties. (PPDA, 2005).

DPPM (2007), carried out a study to find out an existence, availability, quality, and use of a legal and regulatory framework from the highest level (act, regulation, circulars down to detailed operational procedures, guidelines, model tender documents and standard conditions for contract) in Malawi. The study found out that a number of issues still needed to be addressed to ensure that procurement process are in practically compliant with the legislation and regulatory framework. Issues noted included few procuring entities do not have a copy of the regulations and desk instructions, the quality of technical specifications is often poor, evaluation criteria are often poorly specified, awareness of procedure for review is very limited, many procuring entities also experience political interference in the procurement process (DPPM, 2007). Odhiambo and Kamau (2003) established that stakeholders were generally dissatisfied with public procurement while Agaba and Shipman (2002) notes that reforming procurement systems has increased partly as a consequent requirement set by the World Bank. Karanja (2010) said that many procuring entities in Kenya do not keep copies of the regulation and therefore do not refer to them. This makes compliance with the regulation very sketchy he adds.

Abdi (2012) while undertaking a study of procurement practices at National Social Security Fund (NSSF) collected data through questionnaires and used stratified random sampling to sample 29 respondents. He found out that there was segregation of duties among the employees of procurements, maintaining all documentations relating to tendering process

A research by Kenya Education Sector Integrity Study Report (2010) showed that Kenya's education system was fraught with governance risks that compromise the quality of education. The study found out that overpayments and payments for undelivered goods and services were rampant, irregular payment of contractors, lack of record showing all funds received among others.

Literature reviewed indicated that tender committees do not invite observers and advisors especially for large contracts, tenders not being advertised as provided in the regulation, important procurement records missing, tender committees not meeting as required by the regulation and procurement entities not keeping desk copies of the regulation, overpayment for contracts and corruption playing a part in contract award process. It was important that a research be conducted in a secondary school setting to understand whether the said non-compliance with the regulations as reported in the literature reviewed also applied to them as there was an increase in court cases related to procurements, principals supplying goods to their schools, bursars and accounts clerks buying good directly from the markets, supplies given to tender committee members relatives and accusations of solicitation of bribes by committee members. The above issues raised important question on tender committee adherence to procurement guidelines yet procurement regulation have provided for

delineation of roles for tender committee and the principal. This is the gap this study sought to fill.

2.4 Challenges Faced by Tender Committees

A study done by Odhiambo and Kamau (2003) on public procurement in the three East African countries established that the stakeholders generally expressed dissatisfaction with the public procurement system. The stakeholders complained of misallocation of resources, inadequate infrastructure, inefficient services, high taxes, growing indebtedness and high risks. These concerns were clearly related to the manner and effectiveness of the public procurement. Rermbe (2009) indicated that several challenges still slowed down the progress as sustained political commitment, capacity development of individual and organization are lacking. Asian Development Bank (2004) reported that there is lack of adequate external checks to implement the law and combat incidences of bribery. Directorate of Public Procurement Malawi (2007) reported that many procuring entities also experience political interference in the procurement process.

Azeem (2003) asserts that poor dissemination of procurement law is one of the major challenges facing smooth implementation of the procurement laws. World Bank (2004) reported that developing countries have procurement staffs with low capacities, which is one of the factors inhibiting the successful implementations of the procurement law. De'lange (2011) reported that in South Africa taxpayers were fleeced R30bn through corruption, incompetence and negligence by public servants. According to Sheoraj (2007) skills and

capacity shortages have been identified as the single most impediments to success of public procurement in South Africa.

Ameyay, Mensar and Osei-tutu (2011) studied bottlenecks hampering the smooth implementation of procurement in Ghana. The study used multiple research approach including review of literature, interviews, and questionnaires. The study identified political interference and low capacity for procurement managers as some of the challenges faced by procurement committees. Phillips (2002) argues that in a situation where there is a huge system loopholes coupled with laxity in legal and administrative systems, compounded by non-transparency and extensive discretionary powers at the hand of politicians, there will be required efforts to ensure strict enforcement of law. Hunja (2011) on the other hand said that a procurement system that has loose or opaque rules and which are poorly enforced provides opportunities for misuse of the contract award process. World bank (2003) similarly reports that in Ghana political interferences with the procurement process is a big challenge.

Kenani (2008) on the other hand recommends a change in training curriculum for teachers to include new subjects which will equip teachers with elementary knowledge in accountancy, planning, financial management and project management. Forgor (2007) also noted that most staff members of ministries, departments and agencies responsible for procurement were not procurement proficient even though they had been trained. The Republic of Uganda (2002) noted that reforming public procurement was perceived as part of policy package focusing on strategies to eradicate poverty in the country, through creating an appropriate policy framework. The reforms were based on the findings of the study carried out to assess public

procurement and to develop an action plan to improve the country's system for procuring goods, works and services. It also revealed that public procurement in Uganda was characterized by malpractices such as under-invoicing and inadequate official documentation. The study also identified the lack of a procurement professional body to regulate the actions of procurement officers.

Agaba and Shipman, (2002) noted that reforming public procurement systems has increased partly as a consequent requirement set by the World Bank and other donor organizations.

They further notes that many local and international firms do not participate in public procurement because of a perception (and at times the reality) that government are slow payers, difficult to work with or have their own favored suppliers for contract award. In addition to the general complaints, there is also a general feeling among suppliers, based on reports –that corruption plays a part in contract decisions. They add that some corrupt activities could be caused by lack of understanding of the best practices in public procurement. They advises that a number of countries needs to correct the weaknesses in public procurement system through comprehensive legal framework, effective monitoring and auditing procedures and organizations to ensure compliance with the regulations, standard terms and conditions of contracts, improved transparency and public availability of rules governing the process and an improved capacity for developing and retaining people with professional skills in procurement.

Walker, (2003) on the other hand argues that public procurement reform processes will mostly succeed when it proceeds in a definite steps, support from the highest political level,

and publicity about the advantages of the new system. cooperation between the public and private sector leading to better understanding of each other's problems, good procurement training to raise the skill of procurement staff and to familiarize suppliers with the requirements of the reformed system, good procurement legislations, both primary and secondary implementing legislations and establishing of a central public procurement office for overall policy making and supervision of public procurement in the country. Kenani, (2008) argues that there is a dire need to change the training curriculum for teachers to include new subjects which will equip teachers with elementary working knowledge in accountancy, planning, financial management and project management. He adds that it is important for government, parents, school managers and educationists to review the current system of managing public institutions with regard to procurements.

Juma, (2009) also noted that management of finances is very important aspect of management to heads of institutions today, they need to formulate budgets, raise resources within government regulation and prioritization of programmes and projects. This is followed by appropriate utilization of the funds as per the laid down regulation. Books of accounts should be availed for auditing at the end of every year. Ambe and Badenhorst-Weiss (2011) indicated that many government entities are still faced with the challenge of improper planning and linking demand to budget. Luyt (2008) adds that there is need to monitor the delivery of services properly to ensure scarce resources are efficiently and effectively procured. Schiele and Mccue (2006) on the other hand described public procurement implementation challenges as environmental factors as a large number of internal customers of an organization act on their own and frequently bypass the procurement department. Graft

(2012) also noted that it is never shocking to hear a state agency being reported to have graft issues, more so in Kenya, while Lengwiler and Wolfstetter (2006) said that conflict of interests is prevalent in developing countries because of weak institutional infrastructure and lack of effective monitoring.

Thai (2005) noted that public procurement has been perceived as an area of waste and corruption. World Bank (2004) indicated that low detection of breaches of the law and weak enforcement of the rules will strengthen the hand of wrongdoers to misapply the law. Agaba and shipman (2002) noted that many local and international firms do not participate in public procurements because of a perception but at times reality that public institutions have their own favored suppliers and that corruption plays a part in contract decisions. Ncheye (2015) indicated that corruption is a big problem which manifests itself at all stages of the procurement process. He adds that costs of projects are inflated due to the fact that the cost of paying bribes are always embedded in the project value. McCathy (2006) reported that public procurements will not succeed with unethical behaviors depicted by those concerned. He adds that ethics and conflict of interests greatly affect the procurement process. Mburu (2014) while undertaking a study review of implementation of procurement policy in Kajiado North District reported that the district faced a number of challenges including outside pressure, poor record keeping and lack of professionalism among others.

A research conducted by Kenya Education Sector Integrity Study Report, (2010) showed that Kenya's education system is fraught with governance risks that are compromising the quality of education, the study assessed the pertinent risks at the various levels of decision making,

resource allocation and utilization that are creating corruption opportunities. The study found out the following overpayments and payments for undelivered goods and services, irregular payment of contractors in disregard of government procurement policy, lack of records showing all the funds received from Transfer Funds (LATF), and other sponsors. The study used case study approach in 29 districts where statutes, policy papers, and reports on corruption, governance and human rights issues were scrutinized. It recommended among others that laws governing procurement be changed, institutions to appoint independent Auditors to inspect financial records, while BOG's be empowered to employ their own Chief Executive Officers (CEO).

Republic of Kenya (1999) report that procurement in public entities is a protracted process and there are many obstacles. Establishing the legal framework and the regulatory institutions are the first and the easiest steps in the process, enforcement, compliance with the law and eradicating institutionalized corruption from public procurement are the more difficult steps that may take longer to achieve as the implementation of procurement policy in Kenya is hampered by a combination of factors like inept and corrupt school heads, unwilling school heads, inadequate staff in schools, less informed BOG's, ineffective monitoring and evaluation of projects occasioned by incompetent and untrained staff and lack of finance.

Inspections of schools are rare and haphazard, efficient operation of quality assurance staff is hampered by inadequate funds and transport. The upshot is that policies are issued but may never be satisfactorily implemented. From the review of literature the following challenges

that face tender committees were identified in Uganda, Malawi and in Kenya, under-invoicing and inadequate official documentations, inadequate procurement planning, excessive use of direct procurement, failure to align procurement with budgetary process, poor record keeping, contract awarded to the least qualified, retrospective approval of contracts, interference in contract awards by unauthorized parties, lack of copy of the regulation, awareness on procedures is very limited while many procuring entities experience political interference.

However little was known about the challenges faced by tender committees in public secondary schools Siaya Sub-County. This is the gap which this study sought to fill.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter covered the following areas; Research design, area of study, the study population, sample and sampling technique, instruments of data collection, methods of data collection, methods of data analysis and ethical considerations.

3.2 Research Design

This study used descriptive research design. Survey research design is defined by Mugenda and Mugenda (2003) as a method of data collection from a population in order to determine the current status of that population with respect to one or more variables. It is suitable because it focuses on people, their attitude and opinions and behaviors (Franklin, 2003).

Gay, (1992) noted that descriptive survey research design involves collection of data in order to test hypothesis or to answer questions concerning the current status of the subject of study.

This design was also chosen for its appropriateness in educational fact finding which yields accurate information in a short period of time (Borg & Gall, 1996). As the study was concerned with implementation of procurement policy, a descriptive survey research design was used to explore the opinion, views, attitudes, and behaviors of Principals, Deputy – Principals, Bursars and Auditors in the implementation of procurement policy in sampled schools. Boyan, (1999) also noted that descriptive survey research design is suitable because it focuses on people, their attitudes, opinions and behaviors'. This design was chosen for its appropriateness as it helped the researcher in getting the required information relatively fast.

3.3 Area of Study

The area of the study was Siaya Sub-County in Siaya County. The area borders Bunyala Sub-County on the West, Bondo Sub-County on the South, Gem sub-county on the North East and Ugunja Sub- County to the North. The total area covered by the sub-county is approximately 1520km². The sub-county lies between latitude 0⁰26' to 0⁰ 18' North and longitude 33⁰ 58' East and 34⁰ 33' West. The area is served by a section of Luanda –Siaya Siaya –Bondo and Rangala to Siaya tarmac roads. The permanent rivers are Yala, Wuoroya and Nzoia. Majority of the inhabitants are peasant mixed farmers, while those living near Lake Kanyaboli engages in small scale fishing. Currently the area is home to 40 public secondary schools and the predominant tribe is the Luo, while Basonga a sub –tribe of the Luhya inhabits Usonga, on the western side of the Siaya district (Provincial Education Office, 2011). Siaya Sub-County has reported a number of procurement related problems including schools taken to court by creditors, inflated cost of infrastructure, perceived bribery and stakeholders lobbying for tenders.

3.4 Study Population

The study focused on 21 public secondary schools with tender committees that are in the Sub-County, with a population of 21 principals, 21 Deputy –Principals, 21 Bursars or Accounts Clerks and 3 Auditors serving the Sub-County.

3.5 Sample and Sampling Technique

Saturated sampling technique was used to select 18 public schools for study. This is above one third as recommended by Bell (1993). Saturated sampling technique was used to select

18 principals, 18 deputy- principals, 18 Bursars or Accounts Clerks and 3 Auditors. This is because the population was too small to warrant a sample. (Mugenda & Mugenda, 2003).

3.6 Instrument of Data Collection

The instruments of data collection were questionnaires, interview guide and document analysis guide. Questionnaires and interviews are used extensively in educational research to collect information that is not directly observable (Borg & Gall, 1996).

3.7 Validity of Instruments

Content and face validity of the instruments were addressed by presenting the instruments to research method specialists at the department of Education Management. The specialists reviewed the instruments for suitability of format and content. Recommendations were used to improve the instruments.

3.8 Reliability of Instruments

The instruments were pre-tested in 3 (10%) of the schools to enhance reliability. This was done by administering the questionnaire once then getting the data. This was again repeated a second time and the data collected from the two sets were correlated the outcome was subjected to Pearson r where correlation co-efficient of 0.7 and above at a set value of 0.05 was considered reliable. The reliability co-efficient for the principal's questionnaire was 0.84 while the deputy-principal's questionnaire was 0.78.

3.9 Data Collection Procedures

The researcher sought a permit from Maseno University, before proceeding to the schools to collect Data. The researcher communicated with the Auditors, Bursars or Accounts Clerks, Principals and Deputy Principals of the sampled schools requesting their cooperation and to use their schools for the study. This was done one month before the study was undertaken to ensure that school authority received information in time. Three visits were made to these schools first for familiarization, then second for distribution of questionnaires and interviews and thirdly for the collection of questionnaires. Early bookings were done with the bursars and accounts clerks were for interviews. Each interview session took 30 minutes.

3.10 Data Analysis

The questionnaire, interview schedules were numbered for identification and classification. The Bursars and Accounts Clerks and Auditors interviews were audio taped and transcribed for analysis. Qualitative Data from each item were categorized according to common themes and sub –themes. Quantitative data were numerically coded, the codes were tallied to establish frequencies, which were converted into percentages and mean rating. Quantitative data which provides general information about the school was coded, organized, tallied, summarized and reported. The items were scored using a rating Scale (Mugenda & Mugenda, 2003). Very Large Extent (VLE) =5, Large Extent (LE) =4, Small Extent (SE) = 3, Very Small Extent (VSE) =2, No Adherence (NA) =1. Individual scores were summed up, analyzed and reported. The items were tallied on tables from which frequencies, percentages and mean ratings were calculated. Interpretation was made by looking at the mean rating where between 1.00-1.44= Not At All, 1.45-2.44= Very Small Extent, 2.45-3.44=Small Extent, 3.45-4.44=Large Extent, 4.45-5.0=Very Large Extent.

3.11 Ethical Considerations

The researcher obtained an introductory letter from the department of educational managements and foundation of Maseno University before proceeding to the field to collect data. Consent was sought from the school principals where data was to be obtained before appointments were made for the interviews and data collection. Respondents were assured of confidentiality of the information collected as they were urged not to write their names and identities on the instruments. Respondents were then assured that at the end of the study they would be provided with the study findings for their use.

CHAPTER FOUR

RESULTS AND DISCUSSION

4.1 Introduction

This chapter presents the results of the study under four sections namely; background information of the respondents, constitution of the tender committee, adherence to procurement guidelines and the challenges faced by tender committees in public secondary schools in Siaya Sub-County. Questionnaires were returned 100% while data was presented thematically into sections corresponding to research objectives. Frequencies, percentages and tables were used to present the data followed by analysis through means which were then preceded by discussions of the findings.

4.2 Background Information

This section sought to establish the status of the school, number of streams, academic level of respondents, number of years in service and number of years as principals and the deputy principals of public secondary schools.

4.2.1: School Data (n=18)

4.2.1.1 Category of Schools

Table 4.1 Category of schools, (n=18)

Category of Schools	Frequency (f)	Percentage (%)
Girl's Boarding	3	16.6
Boys boarding	4	22.2
Mixed day and boarding	11	61.2

From Table 4.1 it can be observed that 3 (16.6%) of the schools were girls boarding, 4 (22.2%) were boys' boarding while 11 (61.2%) were mixed day and boarding schools. Findings indicated that majority of the schools in Siaya Sub-County were mixed day and boarding (61.2%).

4.2.1.2 School size

Table 4.2: Schools size by streams (n=18)

Number of streams	Frequency (f)	Percentage (%)
Two Streams	11	61.2
Three Streams	3	16.6
Five Streams	4	22.2

The study findings in Table 4.2 showed that 4(22.2%) were five streamed, 3(16.6%) were three streamed and 11 (61.2%) were two streamed.

Finding indicated that all (f=18) in Siaya Sub-County should be able to constitute tender committees as their annual budgetary allocation per item in their procurement plan falls above threshold matrix (500,000 five hundred thousands) for the tender committee to handle.

4.2.2 Demographic Characteristics of Respondents

4.2.2.1 Principals and Deputy-Principals Academic Qualifications

Table 4.3: Principals and Deputy-Principals Academic Qualification

Demographic Characteristics	Frequency (f)	Percentage (%)
Level of Education	Principals (n=18)	
Masters Degree	4	22.2
Bachelor Degree	11	61.2
Diploma in Education	3	16.6
	Deputy Principals (n =18)	
Masters Degree	4	22.2
Bachelor Degree	11	61.2
Diploma in Education	3	16.6

Findings in Table 4.3 showed that 4 (22.2%) were holders of masters degree, 11 (61.2%) were bachelor's degree holders while 3 (16.6%) were holders of diploma in education for both the principals and Deputy Principals. Findings indicated that majority (61.2%) of the principals and deputy principals were holders of bachelor's degree, giving them a better position to understand the procurement regulations of 2005.

4.2.2.2 Principals and Deputy-Principals Teaching Experience

Table 4.4: Number of years in Service (n=18)

Teaching experience	Frequency	Percentage
	(f)	(%)
Principals (n =18)		
6 – 10 years	2	11.1
11-15 years	2	11.1
16-20 years	5	27.7
20 -24 years	8	44.4
24-30 years	11	61.1
Total	18	100
Deputy Principals (n=18)		
6 – 10 years	3	16.6
11-15 years	2	11.1
16-20 years	7	38.8
20 -24 years	7	38.8
24-30 years	1	5.5
Total	18	100

Findings in Table 4.4 showed that 2 (11.1%) and 3 (16.6%) of the principals and deputy principals respectively had been in the service for between 6 – 10 years, 2 (11.1%) of both principals and deputy principals had served for between 11 and 15 years. 5 (27.7%) of the principals and 7 (38.8%) of the deputy- principals had served for between 16-20 years. 8(44.4%) of the principals and 7(38.8%) of deputy-principals had served for between 20-24 years, while 11(61.1%) of the principals and 1(5.5%) of the deputy-principals had served for between 24-30 years.

4.3 Constitution of Tender Committee

The research question responded to was: How are tender committees in public secondary schools constituted. The responses were as shown in Table 4.5.

STATEMENTS			VLE	LE	SE	VSE	NA	T	M	OVM
In our school tender committee is constituted as per the procurement policy.	P	(f)	10	5	0	0	3	18		
		(%)	55.5	27	0	0	16.6	100	2.86	
		(Scores)	50	20	0	0	3	73		2.86
	D/P	(f)	0	2	0	6	10	18		
		(%)	0	11	0	33.3	55.5	100	1.66	
		(Scores)	0	8	0	12	10	30		
In our school tender committee is properly constituted with the following membership, deputy-principal as chairman, bursar/accounts clerk as vice- chairman, 6 heads departments as members and storekeeper as the secretary.	P	(f)	4	10	4	0	0	18		
		(%)	22.2	55.5	22.2	0	0	100	4.00	
		(Scores)	20	40	12	0	0	72		4.00
	D/P	(f)	4	10	4	0	0	18		
		(%)	22.2	55.5	22.2	0	0	100	4.00	
		(Scores)	20	40	12	0	0	72		
In our school when it is not possible to form a tender committee we team up with neighboring school to form one	P	(f)	0	0	1	2	15	18		
		(%)	0	0	5.5	11.1	83.3	100	1.27	
		(Scores)	0	0	3	6	15	23		1.19
	D/P	(f)	0	0	0	2	16	18		
		(%)	0	0	0	11.1	88.8	100	1.11	
		(Scores)	0	0	0	4	16	20		

In our school when the school is not able to constitute a competent tender committee we consult the PPOA	P	(f)	0	0	1	2	15	18		
		(%)	0	0	5.5	11.1	83.3	100	1.22	
		(Scores)	0	0	3	4	15	22		1.72
	D/P	(f)	0	5	0	5	10	18		
		(%)	0	27.7	0	27.7	55.5	100	2.22	
		(Scores)	0	20	0	10	10	40		
In our school all the tender committee members are appointed by the principal formally through a letter.	P	(f)	14	3	1	0	0	18		
		(%)	77.7	16.6	5.5	0	0	100	4.72	
		(Scores)	70	12	3	0	0	85		4.61
	D/P	(f)	12	3	3	0	0	18		
		(%)	66.6	16.6	16.6	0	0	100	4.5	
		(Scores)	60	12	9	0	0	81		
Overall Mean	P								3.05	
Overall Mean	D/P								2.7 2.87	

KEY:

R = RESPONDENTS

OVM = OVERALL MEAN

P = PRINCIPAL

NA = NOT AT ALL

LE = LARGE EXTENT

VLE = VERY LARGE EXTENT

INTERPRETATION:

1.00-1.44 = NOT AT ALL

1.45- 2.44 = VERY SMALL EXTENT

2.45-3.44 = SMALL EXTENT

3.45-4.44 = LARGE EXTENT

4.45-5.0 = VERY LARGE EXTENT

M = MEAN

T = TOTAL

D/P = DEPUTY- PRINCIPAL

VSE = VERY SMALL EXTENT

SE = SMALL EXTENT

The responses were scored and analyzed using a rating scale as follows; Very Large Extent(VLE)=5, Large Extent(LE)=4, Small Extent(SE)=3, Very Small Extent(VSE)=2, Not At All(NA)=1.

Findings in Table 4.5 showed that Principals agreed to a large extent that the schools have constituted their tender committees as per the procurement regulations with a mean of 4.05, while the deputy-principals indicated that it was done to a very small extent with a mean of 1.66. The overall rating of the two means showed that the two indicated tender committees were constituted as per the procurement policy to a small extent with a mean of 2.86.

During interviews, bursars and accounts clerks reported that 15(83.3%) of secondary schools tender committee were formed as per the procurement policy while 3 (16.6%) were of the view that tender committees were not constituted according to procurement guidelines. Thus, whereas one of the account clerk said “ the guidelines were available and the principal had constituted the committee as per the guideline”. Another accounts clerk stated “ we have never come across procurement guidelines and this committee exists by name” the interview findings showed that while in some schools tender committees have been constituted as per the procurement policy some schools are yet to do so.

Two auditors reported that “schools have tender committees and were formed as per the procurement policy” while one reported that “schools do not follow procurement policy while constituting their tender committees”.

Document analysis showed that 15 (83.3%) schools had constituted their tender committee as per the policy guidelines while 3(16.6%) did not have properly constituted tender

Committee. This findings supports those of PPOA (2010) who found out that several colleges had legally constituted there tender committees.

On the requirement that school tender committee is properly constituted with the following membership, deputy-principal as the chairman, bursar or accounts clerk as the vice chairman, 6 heads of department as members and the storekeeper as the secretary, the principals indicated that this was being adhered to a large extent at a mean of 4.00 while deputy-principals indicated that it is being adhered to a large extent at a mean of 4.00. The overall rating of the two means was 4.00 which showed that both deputy-principals and the principals to a large extent agreed that the provision was adhered to. This means that principals and deputy- principals did agree on the rating that this provision is adhered to with deputy-principal as the chairman, bursar or accounts clerk as the vice chairman, 6 heads of department as member and the store-keeper as the secretary.

During interviews bursars and accounts clerks indicated that “schools tender committees are properly constituted with the deputy-principal as the chairman, bursar/accounts clerk as vice-chairman, 6 heads of department as members and the storekeeper as the secretary”. Auditors similarly reported that” membership to the tender committees are properly constituted with the deputy-principal as the chairman, bursar or accounts clerks as the vice-chairman,6 heads of department and the store-keeper as the secretary”.

Document analysis showed that in 15(83.3%) schools the correct membership was being observed as recorded in the minute book with the deputy-principal as the chairman, bursar or

accounts clerk as the vice chairman, 6 heads of department and the stoke-keeper as the secretary, while in 3(16.6%) schools this provision is not followed as the records showed that schools secretaries are also members of the committee.

The finding agree with those of PPOA (2009) while undertaking procurement study review in Kenyan colleges reported that some tender committees were having unauthorized personnel including secretaries and laboratory technicians. This means that some procuring entities were not adhering to the correct membership to the tender committee. These individuals are easily manipulated by the head of procuring entity as they are employed by the board of management of individual institutions and therefore owe their existence in the organization by creating a good rapport with the head of the entity.

On the requirement that schools that are not able to form tender committee team up with neighboring schools to form one, the principals reported that this is not being adhered to at all with a mean of 1.27, while the deputy-principal's reported that this was not being adhered to at a mean of 1.11. The overall rating for the two means was 1.19 which shows that this provision was not being adhered to at all. Schools are independent entities that wishes to undertake their activities individually and thus although there are provisions that schools not able to form their own independent tender committees to team up with their neighbors, many schools have disregarded this provisions and continue to operate as independent entities.

During interviews with bursars and accounts clerk, all reported that “we have never teamed up with any other school to form a joint tender committee”. one of the bursars said” is this

possible”. This shows the level of individuality schools would wish to operate at. “Actually many schools would not wish any person from outside to know how they do their things” said one of the accounts clerks. All the auditors interviewed reported that “no school has ever teamed up with another to form a joint tender committee.” even small schools wishes to be independent and do their things on their own” said one of the auditors.

Document analysis showed that 18(100%) of the schools had no record of teaming up with the other to form tender committee where they are unable to form one. A fact alluded to by both the bursars, accounts clerks and the auditors. This shows that this provision is not adhered to. Many schools however small would always wish to operate independently without influence from outside as many heads who are also supposed to initiate the teaming up of schools are not willing to do this partly because they would not wish people from outside the institution to know how procurement of goods and services are undertaken in their schools. The fear is that they would lose control and vested interest.

The findings are in conformity with PPOA, (2009) while undertaking a study review of Thika level 5 hospital procurement processes noted that the hospital did not team up with the neighboring hospital in order to tap the skills that may not be available in their staff. Teaming up of procuring entities is encouraged as skills are not evenly distributed in all the public procuring entities, those entities with few or incompetent staff can therefore benefit from the common pool. However procuring entities continue to operate individually even in cases where their staff are in adequate or incompetent to undertake a given procurements. This is

partly because heads of public entities are not always comfortable with outsiders as they do not have control over them.

On the requirement that procuring entities not able to form competent tender committees consult the PPOA, principals indicated that this is not adhered to at all at a mean of 1.22, while the deputy-principals reported that its adhered to at a very small extent at a mean of 2.22. The overall rating of the two means was 1.72 which shows that this provision is to a very small extent adhered to. This provision is to enable schools that want to engage in procurement of goods and services that are technical in nature that requires expert advice which may not be present in public secondary schools to get the same from the PPOA.

From interviews most Bursar's and Accounts clerks said that they are not aware of any time when the schools consulted PPOA where they were unable to constitute a competent tender committee, one of the bursars said " why consult and what for" it is expected that bursars and accounts clerks should be aware when the principal consults the PPOA as he or she is head of finance in the school and therefore whenever any procurement which is technical in nature is to be undertaken by the school they have to consult together with the principal before this is taken to the tender committee, therefore any communication with the PPOA they should be privy to. All the Auditors interviewed reported that they were not aware of any school that had contacted PPOA over their inability to constitute a competent tender committee through them.

Document analysis showed that 18 (100%) of the schools did not have evidence of having consulted PPOA. The findings show that this provision is not adhered to. This means that schools are sometimes undertaking procurement of goods and services that are technical in nature which their tender committees do not have the technical skill to procure. The end result is that either the school does not get value for their money or they procure goods or items that within a short period of time become obsolete and therefore not important to the school. This is in agreement with the findings of PPOA, (2009) while undertaking a study review of Thika level 5 hospital procurement processes also noted that no consultation had been made with them as far as procurement was concerned in areas where a procuring entity was unable to constitute a competent tender committee. It found out that the hospital had procured consultancy services although its tender committee did not have the skills to evaluate the consultancy bids, which was procured anyway.

On the provision that all tender committee members are formally appointed by a letter by the principal, the principals reported that this provision was to a very large extent being adhered to at a mean of 4.72, while the deputy-principals reported that the provision is to a very large extent adhered to at a mean of 4.5. The overall rating of the two means was 4.61 which mean that the provision is to a very large extent adhered to. This means that the principals and deputy-principals did agree on the rating that the principals usually formally appoint all tender committee members by a letter.

Majority of the bursars and accounts clerks interviewed reported that that principals have given appointment letters to tender committee members while a few said that principals do

not give appointment letters to the committee members. One of the bursars said that “our principal just appoint people verbally” while another said that “I can’t remember any time when tender committee member were given appointment letters.” Two of the auditors interviewed reported that schools have not given appointment letters to the tender committee members while one said “yes schools have given appointment letters to the tender committee members”.

Document analysis revealed that 15(83.3%) of the schools had appointment letters signed by the principal while 3(16.6%) did not have appointment letters. Appointment to tender committee should be formal as it gives one the legal ground to undertake the function as stipulated in the regulations. However some principals have shied away from legally appointing members to this important committee either because they fear possession of formal appointment by the tender committee member will make them member more assertive or they will lose the ability to manipulate them yet principals would always wish that tender committee do their ways.

This is also reported by Ndungu (2010) who noted that formal appointments of tender committee in some public entities as required by the regulation is not adhered to as some public procuring entities do not formally appoint tender committee members.

Overall the principals indicated that they have adhered to the constitution of tender committees as per the guidelines to a small extent at a mean of 3.33 while the deputy-principals indicated that schools have adhered to the constitution of tender committee as per the guidelines to a small extent with an overall mean of 2.59. The overall means for the

principals and deputy-principals on the effectiveness of implementation of procurement policy was 2.87 which mean both indicated that principals have adhered to the constitution of school tender committee as per the procurement guidelines to a small extent. This means that the principals and deputy-principals did agree that public secondary schools in Siaya Sub-County have not constituted there tender committees as per the procurement guidelines.

The interviews and document analysis showed that 15(83.3%) of public secondary schools in Siaya Sub-County have constituted their tender committees as per the procurement guideline while 3 (16.6%) did not constitute there tender committee as required by the procurement regulation of 2005. The findings supports those of PPOA (2010) who found out that tender committees formed at Kilimambogo teachers training college were properly constituted. However they differ with the findings of Ndungu (2010) who reported that formal appointment to tender committees in public entities was a problem. This is therefore a new knowledge generated by this study from Siaya Sub-County public secondary schools.

The above findings are commendable as they shows that schools in Siaya sub-county have made great steps in effectively implementing the procurement policy as the first major step of legally constituting there tender committees are through.

4.4 Tender Committee Adherence to Procurement Guidelines

The research question responded to was: To what extent do tender committees adhere to procurement guidelines?

The Principals and deputy Principal's opinion were sought and the responses are as shown in Table 4.6.

Table 4.6: Responses of the Principals and Deputy-Principals on Tender Committee Adherence to Procurement Guidelines(n=18)

	R		VLE	LE	SE	VSE	NA	T	M	OVM
In our school 5 members must be present for the committee to transact any business.	P	(f)	14	3	1	0	0	18	4.72	3.08
		(%)	77.7	16.6	5.5	0	0	100		
		(Scores)	70	12	3	0	0	85		
	D/P	(f)	0	0	4	0	14	18	1.44	
		(%)	0	0	22.2	0	77.7	100		
		(Scores)	0	0	12	0	14	26		
Our school possess the latest procurement manual for secondary schools and colleges, 2009 edition	P	(f)	14	2	2	0	0	18	4.66	3.08
		(%)	72.7	11.1	11.1	0	0	100		
		(Scores)	72	8	6	0	0	84		
	D/P	(f)	0	0	2	5	11	18	1.5	
		(%)	0	0	11.1	27.7	61.1	100		
		(Scores)	0	0	6	10	11	27		
In our school tender committee uses the manual as a reference material whenever procurement is being undertaken	P	(f)	0	0	6	10	11	18	2.72	2.02
		(%)	0	0	33.3	55.5	61.1	100		
		(Scores)	0	0	18	20	11	49		
	D/P	(f)	0	0	2	2	14	18	1.33	
		(%)	0	0	11.1	11.1	77.7	100		
		(Scores)	0	0	6	4	14	24		
In our school we prepare an annual budget from which an annual procurement plan is extracted	P	(f)	14	4	0	0	0	18	4.77	4.66
		(%)	72.7	22.2	0	0	0	100		
		(Scores)	70	16	0	0	0	86		
	D/P	(f)	10	8	0	0	0	18	4.55	
		(%)	55.5	44.4	0	0	0	100		

		(Scores)	50	32	0	0	0	82		
In our school we involve everyone in the budgeting process.	P	(f)	13	0	2	2	1	18	4.22	2.72
		(%)	72.2	0	11.1	11.1	5.5	99.7		
		(Scores)	65	0	6	4	1	76		
	D/P	(f)	0	0	0	4	14	18	1.22	
		(%)	0	0	0	22.2	72.7	94.9		
		(Scores)	0	0	0	8	14	22		
In our school we involve the ministry of public works in all major constructions.	P	(f)	14	3	1	0	0	18	4.72	3.13
		(%)	72.7	16.6	5.5	0	0	94.8		
		(Scores)	70	12	3	0	0	85		
	D/P	(f)	0	1	2	3	12	18	1.55	
		(%)	0	5.5	11.1	16.6	66.6	99.8		
		(Scores)	0	4	6	0	12	28		
In our school tender committee, identify, Approves and award tenders through competitive bids to suppliers.	P	(f)	18	0	0	0	0	18	5.00	3.13
		(%)	100	0	0	0	0	100		
		(Scores)	90	0	0	0	0	90		
	D/P	(f)	0	0	0	5	13	18	1.27	
		(%)	0	0	0	27.7	72.2	99.9		
		(Scores)	0	0	0	10	13	23		
In our school members with vested interests declare and leave the meeting	p	(f)	0	0	2	10	6	18	1.77	3.11
		(%)	0	0	11.1	55.5	33.3	99.9		
		(Scores)	0	0	6	20	6	32		
	D/P	(f)	9	8	1	0	0	18	4.44	
		(%)	50	44.4	5.5	0	0	99.0		

		(Scores)	45	32	3	0	0	80		
In our school tender committee minutes captures all important details.	p	(f)	8	4	0	5	1	18		
		(%)	44.4	22.2	0	26.7	5.5	99.8	3.72	
	D/P	(Scores)	40	16	0	10	1	67		2.44
		(f)	0	0	0	3	15	18		
		(%)	0	0	0	16.6	83.3	99.9	1.16	
		(Scores)	0	0	0	6	15	21		
Overall mean	P							4.03		
	D/P							2.05	3.04	

Key

R=RESPONDENTS

T= TOTAL

P= PRINCIPAL

D/P= DEPUTY-PRINCIPAL

M= MEAN

OVM= OVERALL MEAN

NA= NOT AT ALL

VSE= VERY SMALL EXTENT

SE= SMALL EXTENT

LE= LARGE EXTENT

VLE= VERY LARGE EXTENT

INTERPRETATION

1.00-1.44= NOT AT ALL

1.45- 2.44= VERY SMALL EXTENT

2.45-3.44= SMALL EXTENT

3.45-4.44= LARGE EXTENT

4.45-5.0=VERY LARGE EXTENT

The responses were scored and analyzed using a rating scale as follows; Very Large Extent(VLE)=5, Large Extent(LE)=4, Small Extent(SE)=3, Very Small Extent(VSE)=2, Not At All(NA)=1.

From Table 4.6 it showed that principals indicated that the provision of at least 5 members being present for the committee to transact its business is to a very large extent adhered to at mean 4.72, while deputy-principals reported that the provision is no being adhered to at all with a mean 1.44. The overall rating of the two means was 3.08 which showed that the provision is being adhered to a small extent. This means that the principals and deputy-principals did not agree that schools adhere to the provision that tender committees can only transact their business when 5 of their members are present.

Interview results from bursar and accounts clerk showed that this provision is being adhered to while only a few reported that it is not adhered to. One of the bursars said” yes there must be quorum for the meeting to continue” All the auditors said that “schools whose tender committees are functional do adhere to this requirement.”

Document analysis shows that 6(33.3%) of the schools adhere to this provision as they record membership in the minute book however 12(66.6%) did not have minute books and therefore the attendance could not be confirmed. It was not therefore possible to corroborate the information provided by the principal, deputy-principal and the bursars and auditors. Getting a quorum is important provision as only a few people cannot be left to make decisions. It is expected that where a meeting is called and the quorum cannot be realized then the meeting must be postponed to another date. However some schools go ahead with such important

meetings without regard to quorum and therefore decisions they arrive at are usually against the provision and can be challenged in court of law.

On the provision that every school should possess the latest procurement manual for secondary school and colleges, 2009 edition, the principals indicated that the provision is to a very large extent adhered to at mean of 4.66, while the deputy-principals indicated that the provision is to a very small extent adhered to at a mean of 1.5. The overall ratings of the two means shows that both indicated that the provision is adhered to a small extent at mean of 3.08. This means that the principals and the deputy-principals did not agree on that schools possess the latest procurement manual, 2009 edition.

Interview report from bursars and accounts clerks showed that majority of schools do not possess the latest secondary schools and colleges procurement manual, 2009 edition. Two accounts clerks said “i have not seen any procurement manual leave alone the 2009 edition”, only a few bursars and account clerk reported to be having the latest procurement manual in their schools. All the auditors said “yes schools posses the manual, as they were supplied to schools through our offices by the PPOA in 2009”.

Document analysis however showed that 8(44.4%) of the schools had the procurement manual, 2009 edition, while 10(55.5%) did not have the manual. This show lack of paying attention to important policy document by those who need them most, no wonder schools have adopted their own procurement system in total disregard to the provisions in the

manual. The manual give guidance on non routine procurements which are usually difficult for the schools to undertake.

The finding corroborate PPOA, (2010) while reviewing the procurement processes at Kenya Polytechnic University College ascertained lack of important document like procurement manuals. It therefore becomes difficult for tender committees to get a reference material whenever they want to. The study also agreed with Rembe (2009) who reported that public institutions lack important policy document which they should rely on as they undertake their duties. Directorate of public procurement Malawi (2007) also noted that only a few procuring entities had a copy of the regulation and instructions. Karanja (2010) also alludes to the same when he said that many procuring entities in Kenya do not keep copies of the regulation and therefore do not refer to them.

On the provision that schools uses the manual as a reference material when undertaking procurements, the principals indicated that to a small extent they use the manual at mean of 2.72, while the deputy-principals indicated that they do not refer to the manual at all at a mean of 1.33. The overall rating of the two means was 2.02 which indicated that the provision is adhered to a very small extent. This means that the principals and the deputy-principals did not agree on the rating that schools do use procurement manual as a reference material whenever they were undertaking any procurements.

Majority of bursars and accounts clerks interviewed indicated that they do not refer to the manual, two bursars said “these are routine things, why refer every now and then” only a few reported to be referring to the manual whenever they were undertaking any procurement.

All the auditors interviewed reported that tender committees rarely use the manual for reference whenever they are undertaking any procurement. One of the auditors said “schools do funny mistakes in procurement” these they can avoid if they can be referring to procurement manual anytime they are undertaking any procurement.

Document analysis showed that 8(44.4%) schools had the Procurement Manual, 2009 Edition while 10(55.5%) did not have the manual. This shows that as much as policy document may be available in schools they are rarely referred to for guidance especially by those who need them most. In the end institution have adopted they own systems of doing things in contravention of the laid down procedures.

This concurs with a study done in Malawi by DPPM (2007) which showed that only a few procuring entities had a copy of the regulations and instructions, although it’s a requirement that every procuring entity keep a copy of the regulations. This provision has been largely ignored. This is also alluded to by Karanja,(2010) who said “ many procuring entities in Kenya do not keep copies of the regulations and therefore do not refer to them. This has made compliance with the regulations to be very sketchy”

On the provision that schools prepare an annual budget from where an annual procurement plan is extracted the principals indicated that it is adhered to a very large extent at a mean of 4.77 while the deputy-principals indicated that the provision is to a large extent adhered to at a mean of 4.55. The overall rating of the two means was 4.66 which show that the provision is to a very large extent adhered to This means that principals and deputy-principals both

agreed that schools do prepare annual budgets from where an annual procurement plan is extracted.

Interview report by bursars and accounts clerks showed that majority of the schools do prepare an annual budget, only a few reported not to be preparing annual budgets. One of the accounts clerk said” how can a school operate without a budget” All the auditors said “yes schools prepare annual budgets, only a few do not prepare annual budget.”

Document analysis revealed that 18(100%) schools had annual budgets. The finding shows that majority of the schools in Siaya Sub-County prepare an annual budget as required by the regulation (PPOA, 2009). This is a positive undertaking by schools since budgets are what guide the procurement plans of a school. Since budgets are drawn a few months before the start of a calendar year, it gives the requirements in the following year. Budgets also help schools to know the budget allocation in a vote which will give direction to tender committee on the method of procurement to be used on the said vote.

The findings differ with World Bank (2004) that made a study of procurement processes in Uganda where they noted for the period reviewed that procurement planning was rarely done and even when done rarely followed stipulated official documents. The findings also differ with Ambe and Badenhorst-weiss (2011) who indicated that many government entities are still faced with the challenge of improper planning and linking demand to budget. Luyt (2008) indicated that there is need to monitor the delivery of services properly to ensure that scarce resources are efficiently and effectively procured. Poor planning and budgeting have affected the implementations of Supply Chain Management (SCM) in South Africa he adds.

On the provision that schools involve everyone in the process of budgeting the principals indicated that they adhere to this provision to a large extent at a mean of 4.22, while the deputy-principals reported that this provision is not adhered to at all with a mean of 1.22. The overall rating of the two means was 2.72 which mean the provision is adhered to a small extent. The principals and deputy-principals were not in agreement that the provision of involving everyone in the budgeting process was being adhered to.

Majority of the bursars and accounts clerks noted that they are the ones who do prepare school budgets. One of the bursars said “I am the one who knows the requirement of this school, why disturb other people in their areas” another accounts clerk said “this we just do it with the principal and its over”

One auditor said “yes schools involve departmental heads in budgeting process” while two said “no it’s the bursars and the principal who does the budgeting”. The findings show that budgeting process in most schools are done by the bursars and accounts clerk in consultations with the principal although it should be an all involving process. This makes the people in the school not to be aware of school plans and projections beside the money allocated to various votes for the following year. It similarly becomes difficult for the tender committee members to plan for the procurement method early since they were not involved in the budget making process and therefore may not be aware of allocation to various vote-heads and the procurement method stipulated to be used for the same.

The findings differ with Abdi (2012) who undertook a study to establish the procurement practices among state corporations in Kenya a case of National Social Security Fund (NSSF)

The study found out that there were a number of procurement practices prevalent at the NSSF which included segregation of duties among the employees of procurement department and maintaining all documentation relating to tendering process..

The findings supports PPOA (2010) in their annual review of schools and colleges procurement system found out that only a few people chosen by the head of procuring entity are involved in the budget making process and consequently procurement planning process. This has made budgeting within procuring entities to be a preserve of a few especially those close to and trusted by the head of procuring entity. This they propose should be discouraged to allow every head of department of any procuring entity participate in the budgeting process as they are the once who know the needs and priorities of their department. No wonder schools have procured items that are not needed by the department simply because they are not involved in the budgeting process.

On the provision that schools involve the department of public works in all their major construction at school, the principals indicated that to a very large extent they involve the department of public works in major constructions at mean of 4.72, while the deputy-principals reported that the department is involved to a very small extent at a mean of 1.55. The overall rating of the two means shows that they all indicated that the public department is involved to large extent in major constructions at a mean of 3.13. This means that the principals and the deputy-principal did not agree on the provisions that schools do involve the department of public works in all their major constructions.

Interview with bursars and accounts clerks showed that only a few schools do involve public works department in major construction works in the school, while majority of the bursars and accounts clerks reported that they do not involve public works in major constructions in the schools. One bursar said “here we just look for fundis and start building” One auditor reported that schools involve public works department in their construction works while two reported that schools do not involve public works. One of the auditors said that “in some schools buildings just start coming up even without plans” while another said” principals like shortcut where they can save”

Document analysis revealed that 7(38.8%) of the schools have involved public works department in major construction works as documents filed shows the approval from the public works department while 11(61.1%) do not involve public works in their constructions as there was no evidence to show their involvement. Findings shows that majority of schools do not involve Public Works in their construction works.

The finding supports PPOA (2009) who undertook a review of public entities involvement of observers and advisors in their procurement. It found out that majority of procuring entities do not involve observers and advisors during the procurement process.

This is a scenario that have resulted in poor quality buildings which costs double the amount of money planned for initially while some take several years before they are completed. Some schools buildings are stalled when the ministry of public works intervene mid way on their own and find out that a certain important step was overlooked when the building was coming up. In some schools contractors have disappeared midway the work because the work

was too much for them, such incidences can be avoided by schools when they involve the department of public works early enough for technical advice, evaluation of contractors, supervision of the constructions and approval of every stage of the building.

On the provision that it is the tender committee to identify, approves and award tenders through competitive bids to suppliers the principals indicated that it is adhered to a very large extent at a mean of 5.00 and the deputy-principals reported that it is not adhered to at all at a mean of 1.27. The overall rating of the two means was 3.13, which means that the provision is adhered to a small extent. This means that the principals and deputy-principals did not agree on the provision that it is the tender committees that identify, approves and award tenders through competitive bids to suppliers in public secondary schools in Siaya Sub-County.

Eight (44.4%) bursars and accounts clerks reported that it is the tender committee that identify, approves and award tenders to competitive bids. Actually two of the bursars said “here tender committee is very active” while Ten bursars and accounts clerks (55.5%) reported that tender committee are not involved in identification, approval and award of tenders to competitive bidders. One of the accounts clerk said “here I can’t remember the last time tender committee met”. The 3 auditors reported that tender committee do not identify, approves and award tenders to competitive bids through open tender in public schools in Siaya Sub-County. One of the auditors said” these tender committees are a sham here”

Document analysis however showed that 8(44.4%) of the schools do use tender committees in identifying, approving and awarding tenders while 10(55.5%) do not use tender committees in identification, approval and award of tenders to competitive bids. This is because only 8 schools had minute books that record proceedings of tender committee meetings while 10 schools did not have any records of tender committee meetings. This is not a very good scenario in public secondary schools in Siaya Sub-County because majority of the schools may have devised their own ways of procuring goods and service in public secondary schools. Tender committees are the legal bodies mandated in public secondary schools. This is against the Public Procurement and Disposal Act, 2005. It was thought that the lid that covered public procurement in public institutions was finally lifted. But in Siaya Sub-County this lid has been tightly closed by the principals of public schools as award of tender in many schools are shrouded in secrecy and thus a fertile ground for corruption.

The findings agree with PPOA, (2009) who sought to find out the extent of involvement of tender committees in identification, approval and awards to the most competitive bids in selected government institutions. The result showed that majority of institution although had tender committees were not using them. This same scenario is reflected in public secondary schools in Siaya Sub-County.

Schiele and Mccue (2006) described the public procurement implementation challenges as environmental factors, he acknowledges that the procurement department is capable of adding value to the organization, a large number of the internal customers act on their own and frequently bypass the procuring department.

Regarding the provision that school tender committee members who have an interest declare and leaves the meeting the principals indicated that the provision is adhered to a very small extent at a mean of 1.77 while the deputy-principals reported that the provision was adhered to a large extent at a mean of 4.44. The overall mean was 3.11 which show that the provision is adhered to a small extent. This means that the principals and the deputy-principals did not agree on the ratings with regard to provision that school tender committee members who have interest do declare and leave the meeting.

All the 18(100%) bursars and accounts clerks reported that they have not witnessed any member declaring an interest then left the meeting. One of the bursars said “here there is nothing like that”. All the 3 (100%) auditors indicated that no tender committee members have ever declared interest then left the meeting and recorded in the minute book. One of the auditors said “can they really do it”

Document analysis showed that 6(33.3%) of the schools had records of tender committee meetings while 12(66.6%) had no minute book records, however schools with record did not show that members declare their interests then left the meeting. The above findings shows that majority of tender committee member do not declare their interests and incase they do is never recorded in the minute book. This is in contravention of the procurement regulation as members do deliberate on issues’ they have an interest in causing conflicts of interests.

The findings support Ndungu, (2010) who noted that most procurement records are never kept and therefore ascertaining the process of procurement in secondary schools is not easy.

The findings also agree with those of Graft (2012) who noted that it is never too shocking to hear a state agency being reported to have graft issues, more so in Kenya. He continued to add that the Kenyan daily newspaper daily nation reported that the staff of Kenya Broadcasting Corporation (KBC) were demonstrating due to myriads of issues which included conflict of interests by members of the board. He notes that one of them also sits in the board of radio Africa- a competitor media house and another owns a company- Broadcast Solutions International which provides services to KBC through what they termed skewed tendering. Lengwiler and Wolfstetter (2006) also noted that conflict of interest is prevalent in developing countries because of weak institutional infrastructure and lack of effective monitoring.

On the provision that tender committee meetings capture the following important information in their minute book list of attendance, list of absentee, date of meeting, list of submissions made, decision made for each submission, any evaluation made, declaration of conflict of interests, dissenting opinion, particular of the procurement items, the contract sum, full particulars of the contractor/supplier, duration of the contractor period of delivery , conditions of the contract and observers and advisors present, the principals reported that the provision is to a large extent adhered to at a mean of 3.72 while the deputy-principals reported that it was not being adhered at all at a mean 1.16. The overall rating for the two means was 2.44 which mean the provision is adhered to a very small extent. This means that

the principals and deputy-principals agreed on the ratings that capturing important information by tender committee is adhered to a small extent.

All the 18(100%) bursars and accounts clerks reported that tender committee meetings do not usually capture all the important details of the deliberations as some information are captured while others are not. One of the bursar said “here the most important thing is who have been awarded the tender” while another said “here minutes of tender committee are very brief”

All the 3 (100%) auditors reported that tender committees meeting incase held always lack important details. One the auditors said “minute of tender committee meetings are very sketchy”. Document analysis revealed that 6(33.3%) of the schools had minute book but they lacked important details like decisions made for each submission, any evaluation made, declaration of conflict of interest, dissenting opinions among members, the contract sum, full particulars of the contract, duration of the contract or period of delivery, conditions of the contract and observers present while 12(66.6%) of the schools did not have tender committee minute book.

Tender committee minute book is supposed to be a hard-covered book and not loose leave papers where all the deliberations and transactions undertaken by the tender committee are recorded. All the members present are expected to sign the book at the end of the meeting as a confirmation that those were the deliberations and that the member was present during the deliberations. It is different from other minutes that are only signed by the chairman and the secretary. Minute book is the official procurement document that records all the processes undertaken by the tender committee through identification, approval and award of tender to

the most competitive bids. It is a document that is legal and that can be presented in court when a bidder lodges litigation. The document therefore must be kept safely. This is the first-line document auditors and quality assurance officers would use to understand procurement processes in a school. When it is not available or it is sketchy then it is no easy to follow up procurement processes accurately. Public schools deliberately fail to keep this important document and for those who does records very sketchy information which is not able to provide the correct information on the procurement processes in a school. The end result is that procurement processes without a detailed record in the minute book is uncertain and thus a lot of information is hidden away from the public.

These findings differ with those of Abdi (2012) who found out that at NSSF maintaining of all documentations relating to tendering process was done. It however agrees with Ndungu (2010) who reported that most procurement records are never kept and therefore ascertaining the process of procurement is never easy. The same was noted by PPOA (2010) while undertaking procurement review at Kilimambogo Teachers Training College reported that procurement records were missing as there was no central comprehensive procurement file. De'mariz, Menerd and Abeille (2014) also indicated that weak record keeping is a key element of public procurement.

Overall the principals indicated that tender committees adhered to procurement guidelines to a large extent at a mean of 4.03, while the deputy-principals indicated that tender committees adhered to the procurement guidelines to a very small extent with a mean of 2.05. The overall mean for the principals and deputy-principals showed that both principals and deputy-

principals indicated that tender committees do adhere to a small extent to the procurement guidelines at an overall mean of 3.04. This means that the principals and deputy-principals both disagreed on the rating that tender committees do adhered to procurement guidelines to a large extent. Interview reports from auditors, bursars and accounts clerks showed that tender committees adhered to procurement guidelines to a very small extent.

Document analysis similarly showed that tender committees did not adhere to the procurement regulations.

Ambe and Badenhorst-weiss (2012) similarly indicated that despite reforms in public procurement and the employment of Supply Chain Management (SCM) as a single strategic tool, there are predicaments in South African public procurement practices for example non-compliance with the procurement and SCM related legislations and policies as well as tender irregularities. Mathee (2006) also indicated that non compliance with policies and regulation relate to the tendering not to utilize a competitive process for both quotations and bids and incorrect utilization of the preference point system in South Africa. Suleiman (2010) noted that public procurement reforms in commonwealth Africa is still a mirage. He adds that some procuring entities are still behaving as if it is business as usual. Only a few public advertisements are put up by the PE'S mostly in the breach rather than in compliance.

Hunja (2011) have also noted that there is constant abuse of procurement systems which arises largely due to weak or inconsistent enforcement of the prevailing rules. He adds that this is clearly reflected by the dissonance between the prevailing formal rules and what actually takes place. He adds that public entities will go to length to create a semblance of

formal compliance with procedural and other requirements while seriously compromising the intent and spirit of such rules.

Thai (2005) similarly noted that public procurement has been perceived as an area of waste and corruption. He adds that if the procurement laws and regulations are not enforced to the letter, the issue of corruption will continue to cover the headlines in both print and electronic media. Corruption is persistent in developing countries due to weak institutional systems and lack of effective monitoring mechanism, World Bank (2004). Low detection of breaches of the law and weak enforcement of the rules Thai, (2005) will strengthen the hands of wrongdoers to misapply the law with impunity.

4.5 Challenges Faced by Tender Committee in Implementation of Procurement Guidelines

The research question responded to was: what are some of the challenges faced by tender committees in implementation of procurement guidelines in public secondary schools in Siaya Sub-County.

Respondents were asked to rate the extent to which principals veto powers, solicitation of for bribes by members from bidders, lobbying by various stakeholders who include BOM, sponsors, education officers, politicians, lack of knowledge and inadequate human resources were challenges faced by tender committees in implementation of procurement guidelines in public secondary schools in Siaya Sub-County. The principals and deputy-principal's views were sought using a questionnaire. The response were scored and analyzed using a rating scale as follows; Biggest Challenge (BST)=5, Bigger Challenge (BG) =4, Big Challenge (B)

=3, Small challenge (SC) =2 and No Challenge (NC) =1. The interpretations were made by looking at the means where 1.00-1.44= No Challenge, 1.45-2.44=Small Challenge, 2.45-3.44 Big Challenge, 3.45-4.44= Bigger Challenge, 4.45-5.0= Biggest Challenge. The items were tallied on tables from which frequencies, percentages, mean ratings. Interpretation was made by looking at the mean rating. The bursars and accounts clerks and auditors were interviewed on the same through the use of interview guide.

The Principals and deputy Principal's responses are as shown in Table 4.7.

Table 4.7: Responses of Principals and Deputy-Principals on the Challenges Faced by Tender Committee (n=18)

STATEMENTS	R		BST	BG	B	SC	NC	T	M	OVM
In our school the principal do not veto the decisions of the committee	P	(f)	0	0	0	0	18	18		
		(%)	0	0	0	0	100	100	1.00	
		(Scores)	0	0	0	0	18	18		2.80
	D/P	(f)	11	7	0	0	0	18		
		(%)	61.1	38.8	0	0	0	99.9	4.61	
		(Scores)	55	28	0	0	0	83		
The committee members do not solicit for bribes from prospective bidders.	P	(f)	0	0	0	1	17	18		
		(%)	0	0	0	5.5	94.4	99.9	1.05	
		(Scores)	0	0	0	2	17	19		1.30
	D/P	(f)	0	0	0	10	8	18		
		(%)	0	0	0	55.5	44.4	99.9	1.55	
		(Scores)	0	0	0	20	8	28		
The BOM do not lobby for their relatives	P	(f)	9	9	0	0	0	18		
		(%)	50	50	0	0	0	100	4.50	
		(Scores)	45	36	0	0	0	81		4.30
	D/P	(f)	6	8	4	0	0	18		
		(%)	33.3	44.4	22.2	0	0	99.9	4.11	
		(Scores)	30	32	12	0	0	74		
Sponsors do not lobby for their friends	P	(f)	7	10	1	0	0	18		
		(%)	38.8	55.5	5.5	0	0	99.8	4.33	
		(Scores)	35	40	3	0	0	78		4.33
	D/P	(f)	6	12	0	0	0	18		
		(%)	33.3	66.6	0	0	0	99.9	4.33	
		(Scores)	30	48	0	0	0	78		

Education officers do not lobby for their friends and relatives	P	(f)	7	11	0	0	0	18	4.38	3.66
		(%)	38.8	61.1	0	0	0	99.9		
		(Scores)	35	44	0	0	0	79		
	D/P	(f)	0	7	3	8	0	18	2.94	
		(%)	0	38.8	8.3	16.6	0	99.8		
		(Scores)	0	28	9	16	0	53		
Politicians do not lobby for their friends and relatives	P	(f)	6	12	0	0	0	18	4.33	4.38
		(%)	33.3	66.6	0	0	0	99.9		
		(Scores)	30	48	0	0	0	78		
	D/P	(f)	8	10	0	0	0	18	4.44	
		(%)	44.4	55.5	0	0	0	99.9		
		(Scores)	40	40	0	0	0	80		
Our school have competent staff to sit in the tender committee	P	(f)	7	11	0	0	0	18	4.38	3.08
		(%)	38.8	61.1	0	0	0	99.9		
		(Scores)	35	44	0	0	0	79		
	D/P	(f)	0	0	3	8	7	18	1.77	
		(%)	0	0	16.6	44.4	38.8	99.8		
		(Scores)	0	0	9	16	7	32		
The school has enough staff to constitute a tender committee	P	(f)	9	9	0	0	0	18	4.50	3.00
		(%)	50	50	0	0	0	100		
		(Scores)	45	36	0	0	0	81		
	D/P	(f)	0	0	0	9	9	18	1.50	
		(%)	0	0	0	50	50	100		
		(Scores)	0	0	0	18	9	27		
Overall mean	P								3.56	
	D/P								3.15	3.35

KEY

R=RESPONDENTS

P= PRINCIPAL

D/P= DEPUTY-PRINCIPAL

T= TOTAL

M= MEAN

OVM= OVERALL MEAN

BST= BIGGEST CHALLENGE

BG= BIGGER CHALLENGE

B= BIG CHALLENGE

SC= SMALL CHALLENGE

NC= NO CHALLENGE

INTERPRETATION

1.00-1.44= NO CHALLENGE

1.45- 2.44= SMALL CHALLENGE

2.45-3.44= BIG CHALLENGE

3.45-4.44= BIGGER CHALLENGE

4.45-5.0=BIGGEST CHALLENGE

Findings from Table 4.7 showed that principals indicated that the veto powers of the principal was no challenge to tender committee members at a mean of 1.00 while the deputy-principals reported this to be a biggest challenge at a mean of 4.61. The overall rating for the two means was 2.80 which mean this is a big challenge. This means that the principals and deputy-principals did agree on the rating with regard to the challenge of principal's use of veto powers. It is worth noting that the veto power which the principals used in the earlier arrangement was quashed by the said regulation. Therefore any principal still purporting to overrule the decisions of the tender committee is doing it illegally and therefore null and void in law.

All the 18(100%) bursars and accounts clerks reported that principals do veto the decisions of the committee sometimes rendering them useless. One of the accounts clerk said "here you can meet but eventually it's the principal who will determine who gets the tender"

All the 3(100%) auditors indicated that principals have always vetoed the decisions of the committee, which make the work of the committee to be difficult. One of the auditors said "the decisions of tender committee cannot be final" while the principals reported that they do not veto the decisions of the tender committees, deputy-principals ,bursars or accounts clerks and auditors reported this to be rampant.

The above results show that the principals may not be aware that procurement regulation, 2009, removed from them the veto powers they used to enjoy in the earlier arrangement or they are deliberately vetoing the decisions of the tender committee because they are ignorant of their work. The regulation restrict the function of the principal to advisory only especially

with regard to available financial resources in every vote-head. The findings also show that the deputy-principals are either not aware that the principals veto powers had been quashed or they work in fear of victimization when they stand up to the law.

The above findings are in agreement with PPDA, Uganda, (2005) which revealed interference in the contract award process by unauthorized parties. Schiele and Mccue (2006) agree with the findings when they said that a large number of internal customers act on their own and frequently bypass the procurement department. Thai (2005) reported that weak enforcement of the rules will strengthen the hands of wrongdoers to misapply the law with impunity. McCathy (2006) indicated that public procurement will not succeed with unethical behaviors depicted by those concerned.

On whether solicitation of bribes by committee members is a challenge the principals indicated that this was no challenge with a mean of 1.05 while the deputy-principals reported this to be a small challenge at a mean of 1.55. The overall rating for the two means was 1.30 which mean no challenge. This means that principals and the deputy-principals did agree on the rating that solicitation of bribes by tender committee members was a not a challenge to tender committee members.

All the 18(100%) bursars and accounts clerks reported that some committee members do solicit for bribes from prospective bidders and this posed a challenge to the tender committee. One of the bursars said” our teachers are very bad in this, I found one of them discussing tender issues in a bar with a supplier”

All the 3(100%) auditors indicated that some committee members do solicit for hand outs from prospective bidders giving a challenge to the tender committees. One of the auditors said “this is where some eat from” The above findings shows that tender committee members in public secondary schools in Siaya Sub-County are not upholding the integrity issues seriously as they use their positions in the school tender committees to solicit for bribes and this compromises the fairness of the committee.

The above findings agrees with Agaba and Shipman,(2002) who noted that many local and international firms do not participate in public procurement because of a perception but at times reality that public institutions have their own favored suppliers and that corruption plays a part in contract decisions. The finding also supports the findings of PPDA Uganda (2005) which reported massive solicitation of bribes by those charged with procurement process. The study established that out of 322 contracts as at the end of 2005, only 7(2%) were assessed as being clean, carried out in accordance with the law. The rest 315(98%) were considered to be not clean. Factors that were showed to have been considered in awarding the contracts were bribery to those in charge of award of contracts.

Ncheye (2015) also indicated that corruption is a big problem which manifest itself at all stages of the procurement process. He notes that it is one of the responsible factors for enormous losses to the nation of Tanzania. He adds that the costs of projects are inflated due to the fact that the costs of paying bribes are always embedded in the project value.

On whether BOM lobby for their friends and relatives, the principals indicated that this was a biggest challenge at mean of 4.50 while the deputy-principals reported this to a biggest challenge at a mean of 4.50. The overall rating of the two means was 4.30 which mean that this is a bigger challenge to the tender committees. This means that principals and deputy-principals agreed on the rating that the BOM lobbying for their relatives and friends to be awarded tenders was a bigger challenge to the committee.

All the 18(100%) bursars and accounts clerks indicated that BOM lobby for their relatives and friends to be awarded tenders which pose a challenge to the committee. One of the accounts clerks said” the chairman of BOM here is very bad in tenders”.

All the 3(100%) auditors indicated that BOM members do lobby so that the committee award tenders to their relatives and friends which interferes with the fairness of the process. One of the auditors said “some board members are very bad when it comes to tenders”

The BOM are by law appointed by the minister to oversee both financial and non-financial resources in every public school in Kenya. They are to ensure that school resources are prudently managed and not misused by those in charge. Therefore any BOM member who lobbies for a relative or a friend to be given contracts against procurement regulation is compromising the quality of education in the respective school and also failing in his or her oversight role in the said institution. The above findings are an indicator that majority of BOM are interested parties in public schools contract. They always wish to partake in the school resources where they are to oversight. This brings to question the motives of some of the BOM members in public school.

On whether sponsors do lobby for their friends and relative to be favored the principals indicated that this is a bigger challenge at mean of 4.33 while the deputy-principals indicated that this was similarly a bigger challenge at a mean of 4.33. The overall rating for the two means was 4.33 which mean that this is a bigger challenge. This means that the principals and deputy principals agreed on the rating that sponsors' lobbying for their friend and relatives was a bigger challenge to tender committees.

All the 18 (100%) bursars and accounts clerks reported that sponsors do lobby for their relatives and friends to be awarded tender posing a challenge to the committee. One of the accounts clerks said "the worst people here are the church when it comes to tenders" All the 3(100%) auditors reported that sponsors usually lobby for their relatives and friends to be favored in award of school tenders. One of the auditors said" here some principals have been transferred and others dropped because they refused to follow the church's orders on contracts"

The above findings paint a grim picture of how sponsors who have been charged with the responsibility of spiritual nourishment and offering support to school infrastructure have turned to schools for material support. It also paint a wrong picture especially for those who are expected to uphold the highest morals in society are the ones promoting the same in public secondary schools.

On whether education officers do lobby for their friends and relatives the principals indicated that this was a bigger challenge at a mean of 4.38, while the deputy-principals reported this to be a big challenge at a mean of 2.94. The overall rating of the two means was 3.66 which

mean that this is a bigger challenge. This means that the principals and the deputy-principals agreed on the rating that education officers' lobbying for their relative and friends to be favored was a bigger challenge to the tender committee.

13 (72.2%) bursars and accounts clerks indicated that education officers do lobby for their friends and relatives to be favored in award of school tenders while 5(27.8%) reported this to be no challenge. One of the bursars said " here we have to grease the palm of the DEO"

All the 3(100%) auditors indicated that lobbying by education officers for award of tender to their relatives and friends was a challenge to schools tender committees. One the auditors said " the bosses here must eat"

The above findings shows a great conflict of interest especially from those who are charged with the responsibility of ensuring that government policies are adhered to the letter. The above findings show that majority of education officers are not in a position to ensure compliance with the policies where they have interest. They are therefore the contributors to poor implementation of procurement policy in public secondary schools in Siaya Sub-County.

The finding agree with Mburu (2014) who reported that the district of Kajiado North faced a number of challenges including outside pressures, poor record keeping and lack of professionalism among others.

On whether the politicians do lobby the committee to award them and their friends school contracts the principals indicated that this was a bigger challenge at mean of 4.33, while the

deputy-principals indicated that this was a bigger challenge at a mean of 4.44. The overall rating of the two means was 3.08 which mean this is a bigger challenge. This means that the principals and deputy-principals agreed on the rating that politicians were a bigger challenge to the operations of the tender committees.

All the 18(100%) bursars and accounts clerks indicated that politician do lobby to their relative, friends and themselves. One of the bursars said “the worst is with CDF projects and LATF funds, they follow you everywhere” All the 3(100%) auditors reported that politicians lobbying for award of tenders to themselves, relatives and friends are a challenge affecting operation of the tender committees. One of the auditors said ” sometimes schools must give back to politicians for continuous support” while another auditor said ”some principals are in some schools to serve certain politicians”

From the findings above it shows that politicians put a lot of pressure on tender committee members to be favored in award of tenders. This compromises the effectiveness of these tender committees especially where they have to satisfy politicians in order to continue receiving funds from them. They therefore have to bend procurement rules in order to continue to be in good books with the politicians. The above findings are in conformity with DPPM (2007) in Malawi which undertook a procurement review in public institution schools included. Among the findings was that many procuring entities were experiencing political interference in the procurement process.

They also supports Ameyaw, Mensar and Osei-tutu (2011) undertook a study to identify various bottlenecks hampering the smooth implementations of the Public Procurement Act

(Act 663) of Ghana.. The study identified political interference and low procurement capacity for procurement managers as some of the main challenges faced by procurement committees. Phillips (2002) also argued that in a situations where there is a huge system loopholes coupled with laxity in legal and administrative systems, compounded by non-transparency and extensive discretionary powers at the hands of politicians, there will be a required effort to ensure strict enforcements of laws to achieve the purpose for which the law were enacted. Word Bank (2004) also reported that political interference with the procurement system was icon of the most significant challenges to the success of the procurement reforms in Malawi.

World Bank (2003) similarly report that in Ghana political interference with the procurement process is big challenge. It notes that a good number of politicians think that they have the right to intervene in procurement processes thereby leading to capricious procurement decision. Hunja (2011) noted that a procurement system that has loose or opaque rules and which are poorly enforced provide opportunities for misuse of the contract award processes by the politicians. He adds that through corruption and other patronage arrangements in many developing countries, access to public contracts also serve as a means to reward political supporters and financing of political parties.

On whether lack of competent staff to constitute competent tender committee is a challenge the principals indicated this to be a big challenge at a mean of 4.38 while the deputy-principals indicated this as a small challenge at a mean of 1.77. The overall rating of the two means was 3.08 which mean that this is a big challenge. This means that principals and

deputy-principals agreed on the rating that lack of competent staff to constitute a tender committee was a challenge in their schools.

All the 18(100%) bursars and accounts clerks reported that lack of competent staff to constitute a tender committee was a challenge in their schools. One of the bursars said “here we mainly have teachers on BOM” while another accounts clerks said “this school has only three qualified teachers.”

All the 3 (100%) auditors indicated that lack of competent staff to constitute tender committee was a challenge to schools. One of the auditors said “most of our young schools do not have qualified staff to sit in tender committee” many of the schools are poorly staffed with unqualified staff to constitute competent tender committees. Schools therefore do with what they have and in the end constitute tender committees that are not competent enough to undertake the work of tender committees. No wonder they are influenced from several directions because majority do not comprehend well their critical roles in procurements.

The above findings shows that majority of public schools are not adequately staffed with competent personnel to form competent tender committees.

The findings agree with Kenani (2008) who recommended a need to change the training curriculum for teachers to include new subjects which will equip teachers with elementary working knowledge in accountancy, planning, financial management and project management which shall help them in procurement planning and management ones they are posted to teach in public schools in Kenya. This view was also noted by APPM, Malawi

(2007) which found out that inadequate knowledge by those in charge of procurement was a great challenge to the implementation of the procurement policy in Malawi.

Forgor (2007) also noted that in Ghana the country procurement assessment report of 2003 revealed that most staff members of ministries, departments and agencies responsible for procurements were not procurement- proficient even though they had been trained.

Azeem (2003) asserts that poor dissemination of procurement law is one of the major challenges facing smooth implementations of the procurement laws. World Bank (2004) also reported that developing countries have procurement staffs with low capacities, which is one of the major factors inhibiting the successful implementations of the procurement laws.

According to De'lange (2011) taxpayers of South Africa were fleeced R30bn through corruption, incompetence and negligence by public servants. He adds that lack of proper knowledge; skills and capacity have been a recurrent theme in public discussions for procurement officers.

According to Sheoraj (2007) skills and capacity shortages have been identified as the single greatest impediments to success of public procurement in South Africa. He notes that in some government entities the quality of Supply Chain Management (SCM) personnel skills and abilities are well below standards. Migiro and Ambe (2008) also asserts that many SCM actors in South Africa's public sphere have attended a number of training workshops on SCM, but they still lack the appropriate knowledge for proper implementations. McCathy (2006) also contends that there is lack of capacity and knowledge by SCM actors to handle procurement processes that have led to bad governance.

Hunja (2001) similarly notes that there is lack of technical knowledge and capacity among procurement actors. He adds that preparation of proper and comprehensive procurement legal framework demands that those undertaking the work possess a combination of a good legal skills and substantial knowledge of good procurement practices and procedures. He notes that most procurement practitioners in developing countries possess only some technical procurement skills but normally lack knowledge of the larger policy and other issues necessary to plan, manage and implement wide ranging procurement functions.

The finding above shows that inadequate knowledge in procurement management among tender committee is inhibiting smooth implementation of the procurement regulations in public secondary schools in Siaya Sub-County.

On whether lack of staff to constitute tender committee was a challenge the principals indicated that this was a biggest challenge at mean of 4.50, while the deputy-principals reported this to be a big challenge at a mean of 3.56. The overall rating of the two mean was 3.15 which means that this is a big challenge. This means that the principals and deputy-principal did not agree on the rating that inadequate staff is a challenge to tender committees.

10 (55.5%) of bursars and accounts clerks reported that inadequate staff in the school was a challenge to the operation of the committee while 8(44.4%) reported this to be no challenge.

All the 3(100%) auditors reported that some schools lacked adequate staff to constitute tender committees. Many schools have employed BOM teachers whose continuity in the school is not always assured as majority are either new graduates looking for employment or form fours who are waiting to join colleges. Such personnel are not committed to school issues as they are on the move to another place. The findings above show that inadequate

staffing is a challenge to many institutions. This makes them not to be able to constitute legally and qualified tender committees. The findings support the Republic of Kenya, (2009) that reported among others of lack of adequate staff in schools as impeding the implementation of the procurement policy.

Overall the principal indicated that these were challenges to tender committee at an overall mean of 3.56 and deputy-principals reported that the above factors were a big challenge at a mean of 3.15. The overall mean for the objectives was 3.35 which mean these were big challenges. This means that both the principal and the deputy-principals agreed on the rating that principals veto powers, tender committee members soliciting for bribes, BOM, sponsors, education officers, politicians lobbying for their friends and relatives together with lack of adequate and competent staff were a big challenge to the operations of tender committees.

Auditors, bursars and account clerks all reported that public secondary schools tender committees in Siaya Sub-County are grappling with the challenges of inadequate staffing, inadequate qualified staff, political interferences, education officers interferences, sponsors interferences, solicitation of bribes by tender committee members, principal vetoing decisions of the committee, and BOM interference among others.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

In this chapter, summary of the findings, conclusions and recommendations have been presented based on the following study objectives, constitution of tender committees are in public secondary schools, the extent to which tender committees adherence to procurement guidelines and challenges faced by tender committees in implementation of procurement policy in Siaya Sub-County.

5.2 Summary of Findings

Summary findings on constitution of tender committees showed that 15(83.3%) of schools had properly constituted tender committees while 3(16.6%) schools did not have properly constituted tender committees in public secondary schools in Siaya Sub-County. This is a positive undertaking for the implementation of the policy.

On the adherence to procurement guideline the study findings showed all the 18(100%) of the public schools tender committees did not adhered to procurement guidelines. in as much as the schools have made step to legally constitute there tender committees, they are not adhering to guidelines as each and every institution has adopted its own procurement systems in disregard to the laid down procedures.

On the challenges faced by tender committee the study findings showed that all 18(100%) public schools tender committees were facing the following challenges which included, Principals do veto the decisions of the committee, many procurement committee members lack basic knowledge in procurement, there is shortage of qualified and enough staff to

constitute the committee, there are external influence from stakeholders including education officers, sponsors, politicians and BOM members who always wants to be favored by tender committees. With the above challenges impacting negatively on the operations of tender committee no wonder adherence to the guidelines is not there.

5.3 Conclusions

In light of the findings of the study summary, the following conclusions were made.

On the constitution of the tender committee it can be concluded that majority of the Principals had appointed their tender committee as per the procurement guidelines as only a few have not been able to do so in public secondary schools in Siaya Sub-County.

On adherence to procurement guidelines all tender committees existing in public secondary schools in Siaya Sub-County have not adhered to procurement guidelines. This has led to ineffective implementations of the procurement guidelines in Siaya sub-county.

All the tender committee committees in public secondary schools in Siaya Sub-County faces various challenges; including their decisions being vetoed by the principal, stakeholders including BOM, education officers, politician and sponsor wants favors from the committee while many tender committee members lack basic knowledge in procurement besides inadequate and incompetent staff in schools. These have similarly led to ineffective implementation of procurement guidelines in Siaya sub-county.

5.4 Recommendations

In light of the findings, summary and conclusions of this study, the following recommendations were made:

- i. The Ministry of education should strengthen supervision and monitoring of policies in public secondary schools in Siaya Sub-County.
- ii. The government needs to organize periodic seminars and workshops to capacity build the knowledge of all tender committee members and various stakeholders on procurements in Siaya Sub-County.
- iii. Training curriculum for teachers should be broadened to include knowledge in procurement management.

5.5 Suggestion for Further Research

This study recommends future research to be undertaken in the following areas:

- i. Factors influencing operations of tender committees in public secondary schools.
- ii. The role of school stakeholders in enhancing effective tender committee operations in public secondary schools.
- iii. Effects of workshops and seminars on tender committee operations in public secondary schools.
- iv. The effects of procurement policy implementation on public schools physical infrastructure.

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APPENDIX I

PRINCIPAL'S QUESTIONNAIRE

Instructions;

- a) **This questionnaire is divided into two sections (A and B), please read it carefully and then answer the questions that follow as honestly as possible.**
- b) **The findings of this research shall only be used for the purpose of the research and nothing else.**
- c) **Please do not write your name or your signature anywhere in the questionnaire in order to promote confidentiality.**

Section A. Background information.

Please tick (√) in the box your correct response.

a) What is the status of your school

Girls Boarding

Mixed Day

Boy's Boarding

Mixed Day and Boarding

b) How many streams does the school have?

1 stream

4 streams

2 streams

5 streams

3 streams

6 streams

c) What is your highest education level?

PhD

Diploma

Masters

A-level

Degree

O-level

d) How many years have you been in the service?

Less than 5 years

16 -20 years

6 -15 Years

20 years and above

11 – 15 years

e) How many years have you been in this station?

Less than 1 year

6 – 10 years

1-5 Years

11 years and more

SECTION B

SPECIFIC INFORMATION

1. PART 1: Constitution of tender committee.

Key

INTERPRETATION

NA–Not at All

1= Not at All (NA)

VSE–Very Small Extent

2= Very Small Extent (VSE)

SE- Small Extent

3= Small Extent (SE)

LE- Large Extent

4= Large Extent (LE)

VLE- Very Large Extent

5= Very Large Extent (VLE)

Using a five point rating scale above rate by a tick (√) the position of the constitution of tender committee in your school.

STATEMENT	VLE	LE	SE	VSE	NA
1. In my school tender committee is constituted as per procurement policy.					
2. In my school tender committee is properly constituted with the following membership deputy-principal as chairman, bursars/accounts clerk as vice chairman, 6 heads of department as members and store-keeper as the secretary.					
3. In my school when it is not possible to form a tender committee we team up with the neighboring school to form one.					
4. In my school when the school is not able to constitute a competent tender committee we consult the PPOA.					
5. In my school all the committee members are appointed by the principal formally by a letter.					

2. **PART 2: Tender committee adherence to procurement guidelines.**

Key	INTERPRETATION
NA–Not at All	1= Not at All (NA)
VSE–Very Small Extent	2= Very Small Extent (VSE)
SE- Small Extent	3= Small Extent (SE)
LE- Large Extent	4= Large Extent (LE)
VLE- Very Large Extent	5= Very Large Extent (VLE)

Using a five point rating scale above rate by a tick (√) the position of adherence to procurement guidelines by tender committee in your school.

STATEMENT	VLE	LE	SE	VSE	NA
6. In my school 5 members must be present for the committee to transact its business					
7. My schools possess the latest procurement manual for secondary and colleges, 2009					
8. In my school tender committee uses the manual as a reference material whenever procurements is being undertaken					
9. In my school we prepare an annual budget from which an annual procurement plan is extracted					
10. In my school we involve everyone in the budgeting process.					
11. In my school we involve the Ministry of Public Works in all major constructions.					
12. In my school tender committee identify, approves and award tenders through competitive bids to suppliers.					
13. In my school tender committee members who have interest declare and leave the meeting					

14. In my school the following key items are captured by tender committee meetings in their minute book list of attendance, list of absentee, date of meeting, list of submission made, decisions made for each submission, any evaluation made, declaration of conflict of interest, dissenting opinion among members, particulars of procurement items, the contract sum, full particulars of the contractor, duration of the contractor period or delivery, conditions of the contracts and observer and advisors present.					
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PART 3: Challenges faced by tender committee

Key

INTERPRETATION

BC- Biggest challenge

1= No Challenge (NC)

BG- Bigger Challenge

2= Small Challenge (SC)

B- Big Challenge

3= Big Challenge (B)

SC- Small Challenge

4= Bigger Challenge (BG)

NC- No Challenge

5= Biggest Challenge (BC)

Using a five point rating scale above rate by a tick (√) the position of these challenges as experienced by tender committee in your school.

STATEMENT	BC	BG	B	SC	NC
15. The Principals veto power the decisions					
16. The committee members do not solicit for bribes from prospective bidders.					
17. The BOM do not lobby for their relatives.					
18. Sponsors do not lobby for their friends.					
19. Education officers do not lobby for their friends					
20. Politicians do not lobby for their friends.					
21. The school has competent staff to sit in the tender committee.					
22. The school has adequate staff					

APPENDIX II

DEPUTY-PRINCIPAL'S QUESTIONNAIRE

Instructions

- a) This questionnaire is divided into two sections (A and B), please read it carefully and then answer the questions that follow as honestly as possible.
- b) The findings of this research shall only be used for the purpose of the research and nothing else.
- c) Please do not write your name or your signature anywhere in the questionnaire in order to promote confidentiality.

Section A. Background information.

Please tick (√) in the box your correct response.

f) What is the status of your school

Girls Boarding

Mixed Day

Boy's Boarding

Mixed Day and Boarding

g) How many streams does the school have?

1 stream

4 streams

2 streams

5 streams

3 streams

6 streams

h) What is your highest education level?

PhD

Diploma

Masters

A-level

Degree

O-level

i) How many years have you been in the service?

Less than 5 years

16 -20 years

6 -15 Years

20 years and above

11 – 15 years

j) How many years have you been in this station?

Less than 1 year

6 – 10 years

1-5 Years

11 years and more

SECTION B

SPECIFIC INFORMATION

2. PART 1: Constitution of tender committee.

Key	INTERPRETATION
NA–Not at All	1= Not at All (NA)
VSE–Very Small Extent	2= Very Small Extent (VSE)
SE- Small Extent	3= Small Extent (SE)
LE- Large Extent	4= Large Extent (LE)
VLE- Very Large Extent	5= Very Large Extent (VLE)

Using a five point rating scale above rate by a tick (√) the position of the constitution of tender committee in your school.

STATEMENT	VLE	LE	SE	VSE	NA
23. In my school tender committee is constituted as per procurement policy.					
24. In my school tender committee is properly constituted with the following membership deputy-principal as chairman, bursars/accounts clerk as vice chairman, 6 heads of department as members and store-keeper as the secretary.					
25. In my school when it is not possible to form a tender committee we team up with the neighboring school to form one.					
26. In my school when the school is not able to constitute a competent tender committee we consult the PPOA.					
27. In my school all the committee members are appointed by the principal formally by a letter.					

3. PART 2: Tender committee adherence to procurement guidelines.

Key	INTERPRETATION
NA–Not at All	1= Not at All (NA)
VSE–Very Small Extent	2= Very Small Extent (VSE)
SE- Small Extent	3= Small Extent (SE)
LE- Large Extent	4= Large Extent (LE)
VLE- Very Large Extent	5= Very Large Extent (VLE)

Using a five point rating scale above rate by a tick (√) the position of adherence to procurement guidelines by tender committee in your school.

STATEMENT	VLE	LE	SE	VSE	NA
28. In my school 5 members must be present for the committee to transact its business					
29. My schools possess the latest procurement manual for secondary and colleges, 2009					
30. In my school tender committee uses the manual as a reference material whenever procurements is being undertaken					
31. In my school we prepare an annual budget from which an annual procurement plan is extracted					
32. In my school we involve everyone in the budgeting process.					
33. In my school we involve the Ministry of Public Works in all major constructions.					
34. In my school tender committee identify, approves and award tenders through competitive bids to suppliers.					
35. In my school tender committee members who have interest declare and leave the meeting					

36. In my school the following key items are captured by tender committee meetings in their minute book list of attendance, list of absentee, date of meeting, list of submission made, decisions made for each submission, any evaluation made, declaration of conflict of interest, dissenting opinion among members, particulars of procurement items, the contract sum, full particulars of the contractor, duration of the contractor period or delivery, conditions of the contracts and observer and advisors present.					
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PART 3: Challenges faced by tender committee

Key

BC- Biggest challenge

BG- Bigger Challenge

B- Big Challenge

SC- Small Challenge

NC- No Challenge

INTERPRETATION

1= No Challenge (NC)

2= Small Challenge (SC)

3= Big Challenge (B)

4= Bigger Challenge (BG)

5= Biggest Challenge (BC)

Using a five point rating scale above rate by a tick (√) the position of these challenges as experienced by tender committee in your school.

STATEMENT	BC	BG	B	SC	NC
37. The Principals do not veto our decisions					
38. The committee members do not solicit for bribes from prospective bidders.					
39. The BOM do not lobby for their relatives.					
40. Sponsors do not lobby for their friends.					
41. Education officers do not lobby for their friends					
42. Politicians do not lobby for their friends.					
43. The school has competent staff to sit in the tender committee.					
44. The school has adequate staff.					

APPENDIX III
BURSARS/ ACCOUNTS CLERK INTERVIEW SCHEDULE

Background Information

- 1) What is the enrolment of this school?
- 2) What is your highest education level?
- 3) How long have you been in this station?
- 4) How long have you been in the service?

Section A: Constitution of Tender Committee

- 5) Procurement policy requires every school to have a properly constituted tender committee what is the position of your school?
- 6) Tender committee is properly constituted with the following membership deputy-principal as chairman, bursar/account clerk as vice- chairman, 6 heads of department as members and store keeper as the secretary, comment on the position of your school.
- 7) Where the school is not able to constitute the committee they are required to join with neighboring school to form one. What do your school do?
- 8) Where the school is not able to form a competent tender committee they are expected to report to PPOA, does your school report?.
- 9) All tender committee members are supposed to be formally appointed by the principal though a letter. Are all the members appointed by a letter by the principal?

Section B: Tender Committee Adherence to Procurement Guidelines

- 10) Tender committee is properly constituted to transact its business when 5 members are present. How do you do it in your school?
- 11) Is the school in possession of the latest procurement manual for secondary schools and colleges, 2009 edition?
- 12) How often do the committee members refer to this manual?
- 13) Does your school prepare an annual budget?

- 14) Budgeting is expected to be all involving by everyone in the school. How do you do it in your school?
- 15) It's a requirement that the ministry of public works get involved in major constructions in the school. Comment on the level of involvement of public works in major constructions in the school.
- 16) It's the policy that all school suppliers be identified, approved and awarded through competitive bids by duly formed tender committee. Comment on how you do it in your school.
- 17) The policy that tender committee members who have interest declare and leave the meeting. Comment on your school.
- 18) It's the policy that the following important information be captured in the minute book, list of attendance, list of absentees, date of meeting, list of submissions made, decisions made for each submission, any evaluation made, declaration of conflict of interest, dissenting opinion among members, particulars of procurement items, the contract sum, full particulars of the contractor or supplier, duration of the contract or period of delivery, conditions of the contract and observers and advisors present. Comment on information captured in the minute book.

Section c: Challenges faced by tender committee

- 19) Does the principal sometimes veto the decisions of the committee? Then?
- 20) Does some members of the committee solicit for bribe from prospective suppliers
- 21) Does some members of BOM lobby for the relatives to be given tenders?
- 22) What about other stakeholders such as education office, sponsor and politicians?
- 23) How does inadequate knowledge by the members affect the committees operation?
- 24) Does the school have enough and qualified staff to constitute the committee?

End and thank you for your cooperation

APPENDIX IV
AUDITORS INTERVIEW SCHEDULE

Background Information

- 1) How long have you been in this station?
- 2) How long have you been in the service?

Section A: Constitution of Tender Committee

- 3) Procurement policy requires every school to have a properly constituted tender committee. What is the position of tender committees in the schools in the district?
- 4) Tender committee is properly constituted with the following membership deputy-principal as chairman, bursar/account clerk as vice- chairman, 6 heads of department as members and store keeper as the secretary. Is this policy adhered to by the school?
- 5) Where the school is not able to constitute the committee they are required to join with neighboring school to form one, are there any school that have done this?
- 6) Where the school is not able to form a competent tender committee they are expected to report to PPOA, any school that have done this?
- 7) All tender committee members are supposed to be formally appointed by the principal through a letter. To what extent is this implemented?

Section B: Tender committee adherence to procurement guidelines

- 8) Tender committee is properly constituted to transact its business when 5 members are present. Are there schools that their tender committees transact business below this quorum?
- 9) All the schools are expected to be in possession of the latest procurement manual for secondary schools and colleges, 2009 edition? Comment.
- 10) How often do the committee members refer to this manual?
- 11) Do all schools prepare an annual budget?
- 12) Budgeting is expected to be all involving by everyone in the school. How does the school involve everyone in this process.

- 13) It's a requirement that the ministry of public works get involved in major constructions in the school. Comment on the level of involvement of public works in major constructions in the schools in the district.
- 14) It's the policy that all school suppliers be identified, approved and awarded through competitive bids by duly formed tender committee. Comment on how the schools identify their suppliers.
- 15) The policy requires that tender committee members who have interest declare and leave the meeting. To what extent is this followed?
- 16) It's the policy that the following important information be captured in the minute book, list of attendance, list of absentees, date of meeting, list of submissions made, decisions made for each submission, any evaluation made, declaration of conflict of interest, dissenting opinion among members, particulars of procurement items, the contract sum, full particulars of the contractor or supplier, duration of the contract or period of delivery, conditions of the contract and observers and advisors present. Comment on information captured in the tender committee minute book.

Section C: challenges faced by tender committee

- 17) Does the principal sometimes veto the decisions of the committee? Then?
- 18) Does some members of the committee solicit for bribe from prospective suppliers
- 19) Do some members of BOM lobby for their relatives to be given tenders?
- 20) What about other stakeholders such as education office, sponsor and politicians?
- 21) How does inadequate knowledge by the members affect the committees operation?
- 22) Does the schools have enough and qualified staff to constitute the committee

End and thank you for your cooperation

APPENDIX V
DOCUMENTS ANALYSIS GUIDE

The following documents were checked to corroborate them with the information given by the respondents;

- 1) Availability of appointment letters to tender committee members signed by the Principal.
- 2) Availability of Procurement Manual Guide for Secondary Schools and Colleges 2009 Edition.
- 3) Availability of the minute book.
- 4) The following were checked in the minute books ;
 - a) List of attendance
 - b) List of absentee
 - c) Date of meeting
 - d) List of submission
 - e) Decision made for each submission
 - f) Any evaluation made
 - g) Declaration of conflict of interest
 - h) Dissenting opinions recorded
 - i) Particulars of procurement items
 - j) The contract sum
 - k) Full particulars of the supplier /contractor
 - l) Duration of the contract/period
 - m) Condition of the contract
 - n) Observers and advisors recorded present.

APPENDIX VI



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7th July 2013

INTRODUCTORY LETTER

The bearer of this letter by the name **Elijah Odhiambo Olayo of I.D no. 11300832** is a Masters of Education student in the Department of Educational Management and Foundations in the School of Education in Maseno University.

He is undertaking a study on: **Assessment of Effectiveness of Implementation of Procurement Policy and Challenges Faced by Tender Committees in Public Secondary Schools in Siaya Sub-County, Kenya.**

Kindly assist him with relevant information

Yours sincerely,

Dr. M.A. Olel

Chairperson Department of Educational Management and Foundations

APPENDIX VII

MAP OF SIAYA SUB COUNTY

