FACTORS AFFECTING IMPLEMENTATION OF PROCUREMENT PROCEDURES ON MINORITY GROUPS IN TRANS-NZOIA COUNTY

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Abstract: Considering the Public Procurement and Asset Disposal .Act, where planning has been set in sections. Both National and county government are advised to have 30% resolutions for special groups when handling procurement activities. The targeted special group includes Youth, Women and persons living with disabilities, race or even sex. From the laid down rules and guidelines cited from Act, Trans-Nzoia County Government is one institution that has been affected for not implementing fully this requirement when it comes to tender awarding during bidding processes. Area of concern will involve ICT adoption by the reserved groups in tender procurement procedures, Transparency and accountability by officer's when managing tendering processes, internal processes and ethics. According to researcher Richard Oduku, in his project Jipeshughuli, he wanted to answer the question who's supposed to receive 30% tender from disadvantaged groups, though he did not find out if what has been planned from procurement plan is 100% implemented, in any procuring entity. The objective, of the study is to analyze factors affecting implementation of procurement procedures on minority groups in Trans-Nzoia County. Random sampling technique will be used to make final sample size. According to Saul Mcleeda way of naming or numbering the target population from which raffle method is used to choose what makes a sample. He concludes saying random samples are the best method of selecting your sample from the population of interest. Being a way to create employment for youth, women and persons living with disabilities and senior citizens in Trans-Nzoia County. It is expected to plan well for those minority groups setting aside 30% from all projects in the county. Planning is done though not 100% implemented from periodical annual work plans and procurement plans. The main area of this study is to have findings and recommendations that can form a standard and bridge, accommodating all citizens participating in procurement proceedings under various departments from Trans-Nzoia County.

Keywords: Transparency, Accountability, Implementation, and Procurement Procedures.

1. INTRODUCTION

The PPDA 2015 revised, sections 33(2) and 53(6) and 157, have provision that directs all contracts be set aside for disadvantaged groups existing our society on matters pertaining to procurement. It is advisable that every citizen participates in public procurement activities, both at National and County governments. According to this act, government of Kenya directs all contracts and budget allocations that it is mandatory ensuring 30% tender awards goes to the disadvantaged groups during tender bidding process. Though procurement involves vendor selection process establishing payment terms, strategic vetting, negotiation of contracts and actual purchasing of goods and services (Spend culture 2014), always it should consider on ways of creating employment and poverty eradication. World overview of how marginalized groups are managed; in India disadvantaged groups were found not to be accessible to income earning assets like the Agricultural land and non-land assets, heavy dependence on wage employment and high un-employment problem.

There is discrimination of marginalized community in the private and public sectors. The group does not participate in social economic development of private sectors, there was need strengthening employment guarantee schemes in both rural and urban areas. Un-touch ability and discrimination the government of India has special legislation, referred to as Protection of Civil Rights Act (POA) (Saashamalpaniacademike 2017). According to (Gillian B. White 2015), America initially had economic disparities among various groups especially for trained and qualified women who were underpaid, though currently the situation changed due to recognition. This is clearly featured in areas like SME &SBE being owned fully by women unlike it was in past. South Africa government mainly redress issues on Apartheid by giving certain black, coloured Indians and Chinese, privileges that previously were denied and not availed but only to whites. Through Black Economy Empowerment (BEE) measures were taken into consideration which included employment preferences, skills development ownership, management, social economic development and preferential procurement (Frank M. Horwiz, 2011).

Considering Kenya's situation, there is PPDA 2015 in existence providing rules and guide as to why the 30% rule in procurement should be practiced every financial year when tenders are being awarded to participants, and also methods as to how the disadvantaged groups are able to access government procurement procedures and proceedings. Citing from annual procurement plans FY 2014-15, 2015-16 AND 2016-17, of Trans-Nzoia County many are realized.

Globally, Kara Valikai 2013 found out as to why women owned business were to be brought into supply chain. The women's difficult in achieving Economic success is a big reason why women make up 70% of the global poor. They have the highest rates of unemployment and under employment, access to credit represented in public education and training programs. Women are often underrepresented in stakeholder's discussions and the political arena. Supplier's diversity is when a company actively promotes and develops the inclusion of minority and women owned businesses in their procurement process. According to Guest Blogger 2014, supplier diversity in supply chain can positively impact your business by not ignoring the fact that women and minority owned businesses are considered. The supply chainquarterly.com 2016; it is important working with minority owned businesses. The state of minority owned businesses is a critical measure of Nation's economic health. The more jobs consumers have, the more wages are earned and economy grows globally. Minority suppliers actually develop and drive economy. The opportunity for free full participation by disadvantaged persons, socially and economically is justified thus improving the economy of a Nation. The nation survey on Access to capital among minority business enterprises, showed that minority business suppliers lack access to early stage, growth, acquisition and even expansion finances. In America it has reached a time for corporations in committing the minority entrepreneurs living in communities and among consumers, so as to ensure their own corporate financial well-being and the country's social prosperity. According to 2017 state of supplier diversion emphasizes creation of a diverse supply chain that works well, security diverse groups in Government procurement plans. Diversity certification is quite vital as it authenticates business owned, managed and controlled by qualified diverse groups. Opportunities for contracts with federal government are opened, where supplier diversity becomes a commitment resulting to benefits like promotions of innovations by allowing entrance of new products, services and solutions, and allows companies to take advantage of new opportunities especially on business expansion through merging. Supplier diversity when well-Designed it solves real life supplier diversity challenges and helps clients achieve their operational objectives. (Ramsay 2008). The social entrepreneurships sector which taps practical and creative business approaches as pressing issues are solved & development plans around opportunities for women, youth and disadvantaged.

In 2013, procurement rules were amended allowing 30% of contracts be given to youth, women and persons with disability without competition from established firms. AGPO certificates for this group were introduced by Kenyan government as security for disadvantaged groups existing in our society. Benefits from preference and reservation schemes for enterprises must be owned by Youths, Women and PWDs. A recent report by institute of security studies ranked Kenya at number 6 among top 10 counties. According to Richard Oduor Oduku 2017, it is presumed that youth, women and PWD are person's perceived to be denied, by mountain society access to resources and tools which are useful for their survival. Programs like AGPO, Youth Enterprises Development Fund, Uwezo Fund, have been introduced to cater for Youth, Women and PWDs by National Government of Kenya. Johnson Gachanja Ngure, & Fridah Theuri Simba, in their case study, participation of disadvantaged groups in public procurement proceedings is an important function of any Government. World bank 2012. Many governments normally practice gender mainstreaming as budgets are designed for organizations. Ketchen (2006) stated that women are considered to be the back bone of rural economies in Kenya and Africa as a whole, though unequal procurement opportunities are granted to women, youths and PWDs thus they leave under poverty level. According to R.O.K (2013), people with disabilities are normally excluded from public

procurement functions. Johnson G. Ngure & Fridah Simba (2014) recommendation as suggested that there is need for special groups to realize improved growth provision and accessibility to finances and service providers. The special groups should access to a lot of information on terms and conditions of financial service providers. The research also concluded that primary source of information for special groups on what is to be awarded in tender notices be handled in transparent manner.

Glady Moraa (2016), stated that PWDs are not considered for tenders by the government. Minority groups in the society at times are considered as marginalized, thus being discriminated. Members of County assembly especially the women Grassroots Empowerment and Gender Equity Kenya are really addressing issues affecting the marginalized & minority groups in our society. According to Lagat Moses Kiptoo, Namusonge Gregory and Berut Zipporah (2016) paper publication suggested that county government should consider advertising their tenders through local media channels such as radio to improve coverage of youth, women and persons with disabilities. The long disbursement of funds and delays in Government tender payments dampens the youth, women and persons with disabilities from participating in public procurement activities.

The overall research problem focused in this study is that despite the an increase in knowledge in procurement procedures in private and public sector entities according to public procurement and disposal act (2005) very little have been done to analyze the factors affecting implementation of procurement procedures in private and public sectors in terms of Tribalism, politics, nepotism, delays inefficient, equity, competitiveness, integrity, profitability and transparency. In 2003 the government of Kenya began implementing changes to address inefficiency in the use of public resource and weak institutions of governance. The changes included the development of anti- corruption strategies to facilitate the fight against corruption and the enactment of the public officer ethics Act 2003, the Anti-corruption and Economic crime Act, the financial management Act 2004, and the public procurement and Disposal Act 2005. The main purpose of this was to make procurement procedures more transparent, ensure accountability and reduce the mismanagement of public resources among others. Up to date, there are weak oversight institutions, lack of transparency, poor linkages between procurement procedures and expenditures, delays and inefficiencies, poor records management, bureaucracy, rampant corruption and political interest. Bottom -up approach to the development of institution mechanisms for holding to an account the domestic implementation of international regulatory decision- making is also missing hence the need to investigate on the factors affecting the implementation of procurement procedures in the public sector the case of Trans-Nzoia County and provide suggestions to improve the procurement procedures. Trans-Nzoia County continues striving, struggling to enhance quality service delivery, and exhibiting value for money on inclusive of county public projects, it's evident that effective communication, accessibility, sustainability and transparency with good governance are key ingredients for overall performance in procurement section, hence positive inclusion participation by the disadvantaged groups. Even with clear guidelines stipulated in the PPDA 2015, sections 33(2) f, 53(6) and 157, Procurement procedures and proceedings have not been fully achieved. This raises need for survey study at Trans-Nzoia county level mainly to come up with findings as to why biasness, neglect and probably discriminations is done to the minority groups emerging from this region. The general objective of the study is to analyze factors affecting implementation of procurement procedures on minority groups in Trans-Nzoia- County. The specific objective of the study Was To determine the effects of Transparency and Accountability on implementation of effective procurement procedures on minority groups in Trans Nzoia County.

2. TRANSPARENCY AND ACCOUNTABILITY

According to Suite Google cloud 2015, the two terms have different meanings. These terms often get to be used as related. Transparency implies conducting activities or actions in an open and clear manner; while being accountable simply refers to be responsible for one's actions. Transparency is a pre-requisite of accountability, especially when dealing with evaluation; in case there is denial in accessing, it means accountability is not proven. Finally as a summary, accountability aids one to be transparent when handling procurement matters in areas of work. Accountability helps one to stick with earlier planned and expected goals to be achieved, basing on feedback. People make better choices and perform at a higher level as they know they are being watched by others. External accountability keeps one on track. When one is accountability forces one to follow through commitments and creates firms deadlines setting for important tasks. Planning is an essential part of goals setting process, whether for new projects or even on-goading ones. Accountability keeps officers to stay in a state of reality while carrying out tasks, as they learn more from success ones and also from those that failed. '' It is true that failure is considered one of the best teacher in management.'' Major

benefit of accountability is that opportunity of learning important lessons without going through painful process due to one's own mistakes. Challenges are easily identified through accountability. Big problems realized in our organizations can easily be prevented through being accountable on trial problems noted at initial levels of operations (develop good habits.com.2015).

Jorge Lynch 2017, in a procurement classroom clearly states that accountability in public procurement means an officer while handling public funds in a public office should be responsible for actions and decisions made. Accountability encourages the principle of competition where reasonable prices, quality and is good for economy. Manipulation of procurement processes to favour firms for award is actually minimized. Decision making and actions is indeed unbiased resulting to fairness in public procurement. Once an officer is accountable, procurement processes are carried out openly, since everyone in the organization is involved at all levels, thus integrity in public funds expenditure by public institutions. When organizations become accountable, they are believed to be practicing fundamental principles of procurement, which include; Transparency, integrity, Economy, openness, Fairness &competition. It results to improved performance in handling tasks, since employees freely participate for being involved in organizational short term and long term plans. A feeling of competency is realized, and employees become innovative and creative. Working morale for employee is uplifted thus customer satisfaction. When fully implemented, accountability leads to positive results, management tends to involve employees in goals setting, where they understand their expectations and this makes them perform even higher than the normal operational levels.

According to Naira project.com.2007 accountability of procurement officers in public sector is a vital tool for five tuning organization either service or profit making. Accountability assists in the evaluation of impact towards reducing and eliminating corrupt incidences in procurement process.

3. METHOD

The study shall adopt a descriptive survey research design with a target population of 300 personnel with a sample size of 90 respondents consisting Of procurement officers, accounting officers, ward administrators, ministry of director administration, special groups and executive group members from minority groups . A structured questionaire was self-administered questionnaire was dropped to each respondent and picked later for data collection. The study used both qualitative and quantitative data. The information was coded and analyzed with the help of statistical package for social sciences (SPSS) software package version 20. A pilot study was undertaken on at least a number of respondents of the sample size to test the reliability and validity of the questionnaire. The collected filled questionnaires were edited and cleaned for completeness in preparation for coding. Linear regression model was applied to determine the correlation between identified independent and the dependent variables.

4. RESULTS

This section of the questionnaire assessed the respondents' view on determining the effect of transparency and accountability on implementation of effective procurement procedures on minority groups in Trans Nzoia County. Below are the results obtained presented in Table 4.1

Table 4.1: Effect of Transparency and accountability on implementation of effective procurement procedures on minority groups in Trans Nzoia County

Statements	SA	Α	Ν	D	SD	TOTAL
Transparency is government's obligation to demonstrate effectiveness in carrying out goals and producing the types of services that the public wants and needs	58.07	33.9	.9	5.9	1.2	100
Lack of Transparency creates opportunities for corruption	44.7	27.6	6.2	14.3	7.1	100
Government officials use discretion to license and accredit facilities, providers, services and products, opening risk of abuse of power and use of resources.	39.4	36.3	12.1	12.1	0	100
High amounts of discretion without adequate controls can create opportunities for corruption	19.9	47.5	23.3	8.7	0.6	100
Goals set are measured regularly and control is where necessary provision of punishment or sanctions for non- performance or corrupt behavior	41.9	19.6	9.3	27.6	1.6	100

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The findings presented in Table 4.1 above are discussed below.

The respondents were asked if they strongly agreed, agreed, disagreed, strongly disagreed or were not sure of the statement "Transparency is government's obligation to demonstrate effectiveness in carrying out goals and producing the types of services that the public wants and needs". The results revealed that 58.07% of the respondents, 33.9% strongly agreed with the statement while 5.9% disagreed and 1.24% strongly disagreed. This indicates that Transparency is government's obligation to demonstrate effectiveness in carrying out goals and producing the types of services that the public wants and needs.

The respondents were asked if they strongly agreed, agreed, disagreed, strongly disagreed or were not sure of the statement "Lack of Transparency creates opportunities for corruption" results indicated that 44.72% of the respondents strongly agreed, 27.6% agreed with the statements while 14.3% and 7.1% disagree and strongly disagreed respectively. This implies that lack of Transparency creates opportunities for corruption.

The respondents were asked if they strongly agreed, agreed, disagreed, strongly disagreed or were not sure of the statement "Government officials use discretion to license and accredit facilities, providers, services and products, opening risk of abuse of power and use of resources". Results revealed that 39.4% of the respondents strongly agreed with the statement, 36.3% agreed while 12 .1% were indifferent, 12.2% disagreed and none strongly disagreed. This therefore implies that Government officials use discretion to license and accredit facilities, providers, services and products, opening risk of abuse of power and use of resources.

The respondents were asked if they strongly agreed, agreed, disagreed, strongly disagreed or were not sure of the statement "High amounts of discretion without adequate controls can create opportunities for corruption". Results revealed that 19.47% strongly agreed, 47.5% of the respondents with the statement while 9.3% were negative on the likescale. This therefore implies that high amounts of discretion without adequate controls can create opportunities for corruption.

The respondents were further asked if they strongly agreed, agreed, disagreed, strongly disagreed or were not sure of the statement "goals set are measured regularly and control is where necessary provision of punishment or sanctions for non-performance or corrupt behavior". Results revealed that 41.9% of the respondents strongly agreed, 19.6% agreed with the statement. A significant number of the respondents represented by 27.64% of the respondents disagreed. This imply that majority agreed that goals set are measured regularly and control is where necessary provision of punishment or sanctions for non-performance or corrupt behavior.

4.1 Statistical Relationship between Transparency and accountability on implementation of effective procurement procedures

The study sought to find out the relationship between implementation of effective procurement procedures and Transparency and accountability and the following results were obtained from bivariate correlation. The results are presented in table 4:12

		Effective procurement Transparency		and
		procedures	accountability	
	Pearson Correlation	1	.383*	
Effective procurement procedures	Sig. (2-tailed)		.030	
	Ν	90	90	
T	Pearson Correlation	.383*	1	
Transparency and	Sig. (2-tailed)	.030		
accountability	N	90	90	

Table 4.2: Statistical Relationship between effective procurement procedures and Transparency and accountability

*. Correlation is significant at the 0.01 level (2-tailed).

Table 4.2 shows that there was a significant correlation between effective procurement procedures and Transparency and accountability at P=0.01. This therefore implies that there is a significant relationship between effective procurement

procedures and Transparency and accountability. To determine the strength of correlation, a regression analysis was done and it yielded the following results

	Adjusted R Square	Std. Error	of	the
		Estimate		
1	1	0.19		

Table 4.3: Model Summary

b. Dependent Variable: effective procurement procedures

Table 4.3 shows the R and R^2 value representing the simple correlation. The R value is 0.226 which indicates a strong correlation. The R^2 value indicates how much of the dependent variable, effective procurement procedures, can be explained by the independent variable, Transparency and accountability. In this case, 5.1% can be explained. This therefore implies that the relationship between Transparency and accountability and effective procurement procedures is weak.

These results are further collaborated by ANOVA analysis which yielded the results shown in table 4.4.

Model		Sum of Squares	df	Mean Square	F	Sig.
	Regression	562.95	260.01	2.165	80.7	.005 ^b
1	Residual	123.76	60.99	2.029		
	Total	650.711	321			

Table 4.4: ANOVA analysis

a. Dependent Variable: effective procurement procedures

b. Predictors: (Constant), Transparency and accountability

ANOVA results in Table 4: 4 indicate that the regression model predict the outcome variable. This indicates statistical significance of the regression model that was applied. An F statistic of 80.7 indicated that the model was significant. This was supported by a probability value of 0.0005 which is equal the conventional probability of 0.005, which is less than 0.05, and indicates that; overall, the model applied can statistically significantly predict the outcome variable.

Coefficient Determination

The study determined the regression coefficient between Transparency and accountability as shown in table 4.5 below;

Table 4.5: Coefficient Determination of Transparency and accountability and effective procurement procedures

	Unstandardized Coefficients
	В
Effective procurement procedures Constant	2.517
Transparency and accountability	.236

Coefficient Determination of Transparency and accountability and effective procurement procedures in Table 4.5 provides the information needed to predicate effective procurement procedures from Transparency and accountability. Both the constant and Transparency and accountability contribute significantly to the model. The regression equation is presented as follows; effective procurement procedures = 2.517+0.236 (Transparency and accountability)

5. CONCLUSIONS AND RECOMMENDATIONS

Basing on The results, the findings indicated majority of the respondents Stated that Transparency is government's obligation to demonstrate effectiveness in carrying out goals and producing the types of services that the public wants and needs that lack of Transparency creates opportunities for corruption. Majority of the respondents still revealed that Government officials use discretion to license and accredit facilities, providers, services and products, opening risk of abuse of power and use of resources, and that that High amounts of discretion without adequate controls can create

opportunities for corruption. Further, on a statement of goals set are measured regularly and control is where necessary provision of punishment or sanctions for non-performance or corrupt behavior revealed that a significant number of the respondents represented agreed that goals set are measured regularly and control is where necessary provision of punishment or sanctions for non-performance or corrupt behavior.

The research analyzed factors affecting procurement procedures on minority groups in Trans-Nzoia- County. It was confirmed that there are positive relationships between ICT, transparent and accountability and procurement ethics. Overall observations emanating from the statistical results, suggest that all the three aspects correlate positively with effective procurement procedures.

Based on the findings of the study, the following recommendations were made; Government officials of TransNzoia county and elected leaders should utilize ICT in order to enhance the procurement processes in the public sector for provision of excellent service to their constituents in an effective and transparent manner.

In order to meet today's operating challenges, regional and local governments should turn to ICT to enhance the services by lowering costs and increasing productivity The county government of Trans Nzoia county should be as transparency and accountable as possible to demonstrate effectiveness in carrying out goals and producing the types of services that the public wants and needs. They should conduct regular reviews or audits of procurement processes to ensure probity is being considered and achieved and to avoid corruption. Officials conducting procurement need to Practice ethical behavior By avoiding conflicts of interest, and making proper use of an individual's position AND demonstrating their decisions In fair and equitable manner in accordance with the law, agency rules and guidelines, and conditions of contract.

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