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Effects of Procurement Regulatory Practices on Performance of Supply Chain Department in Machakos County, Kenya

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Abstract:

Machakos government ministries are characterized by increasing expenses, delayed service delivery, delays in the procurement of products, works, and services, low-quality items, corruption, and waste in the supply chain management process. During the 2014/2015 financial year, several Ministries, Departments, and Commissions with funding incurred spending of Ksh 435, 690, 489, of which the value for money could not be determined, resulting in wastages. The majority of the waste happened during the procurement process, according to the Auditor General's Report for the fiscal year 2014/2015. The overall goal of this research was to determine the effect of regulatory procurement procedures on the performance of the supply chain department in Machakos County. The specific objectives were: to determine the effect tendering process, procurement planning, supplier selection procedure, and professionalism on procurement performance in Machakos County. The legitimacy theory, agency theory, Institutional Theory, and transaction cost theory are the major theories underlying this study. A descriptive research-based study was used. This study was conducted in Machakos County. The study's target population comprised 40 administrators from various divisions, 30 directors, and 18 chief county officers, all of whom were recruited from inside the county. Primary data from the respondents was collected via the use of questionnaires in this research. Descriptive statistics were used to analyze quantitative data, which were then displayed in the form of graphs, tables, and charts. The mean, mode, and standard deviation were used to calculate the descriptive statistics. The content analysis method was used to examine qualitative information. Also, the SPSS Software version 24 was used for data analysis. The association between the independent and dependent variables was determined using multiple regression analysis. According to the study results, the tendering process was aided and supported by the Standard Tender Documents from the Public Procurement Officers Association (PPOA). The finding further gathered that proper procurement planning contributes to the success of service delivery. The results also indicated that corruption influences suppliers' selection procedure and management of suppliers. The respondents indicated that the absence of ongoing professional training in the procurement function has a negative impact on procurement performance. According to the study's summary, the researchers came to the conclusion that there was a positive and statistically significant association between tendering processes and the supply chain department in Machakos County. In order to guarantee effective use of the available assets and capacity, the study advises that the County administration, in collaboration with the national government, should work together to ensure proper utilization of the available assets and capacity in the county. As a result, the report recommends that more research be conducted in order to determine the sources of 48.4 percent of the county's financial performance.

Keywords: procurement regulatory, procedures, performance, supply chain

1. Background of Study

It has been established that the public procurement system is an essential instrument in the pursuit of accomplishing economic, social, and other goals in society (Arrow smith, 2016). It is possible to describe the public procurement system as the mechanism through which the public sector acquires, hires, or obtains other contractual means of products and services, such as construction work and other services, from third parties (Kipchilat, 2017). The provision of services is an essential duty of government, and in many countries, it represents the biggest domestic market. By increasing the effectiveness of the public procurement system, a country's economic progress may be accelerated. Procurement legislation in Kenya is governed by the Public Procurement and Asset Disposition Act, 2015, which replaced the previous Public Procurement and Asset Disposition Act, 2005.

Procurement may be defined as the acquisition of products and services (i.e., buying) and the employment of contractors and consultants to carry out various tasks and provide services to customers. Therefore, procurement necessitates forming a team of devoted professionals inside a company. According to Orina (2013), procurement works in collaboration with other companies, the external supplier, the marketplace, and the organization's operational operations.

Because of this, it is necessary for all parties engaged in the supply chain to be able to access procurement methods and essential data in order for them to benefit from technological advancements.

The procurement procedures are based on applications structured to automate bidding and tendering, the purchasing cycle, improve procedures and work process, optimize spending and enhance a more progressively successful means for the search of services and items through the internet. These advancements in terms of technology will prompt joint effort and integration within the supply chain. However, this may not be the target in relation to indirect or non-production spending.

Several studies, including the Global Review report (2017), have shown that procurement to achieve the Sustainable Development Goals (SDGs) is becoming more popular in each researched area. As a result, European nations are attempting to include sustainable procurement (SP) into their environmental, social, innovation, and public procurement strategies, among other things. Europe has some of the greatest examples of strong, sustainable public procurement (SPP) practices and is home to many of them.

Asian countries such as China, Thailand, and Malaysia are following in the footsteps of the region's two economic giants, Japan and the Republic of Korea, in their attempts to implement the pact gradually. Growing numbers of countries in Latin America are developing, adopting, and putting SPP policies in place. This is an encouraging trend in the region (United Nations, 2015).

Since its inception, procurement in the African area has seen significant advancements, notably in initiatives aimed at boosting efficiency via introducing new technologies in the procurement process. However, despite the many benefits arising from technology-based procurement, this desire has been met with several roadblocks along the way. The electronic procurement tendering in the South African construction sector was investigated by Laryea (2016), who published his findings in 2016. 593 people were surveyed using questionnaires, and their responses were examined descriptively. According to the research, e-tendering in construction offers various benefits, the most important of which are lower transaction costs and a faster procurement procedure. Additionally, the survey found that sluggish Internet access, aversion to change, high Internet service costs, and the inability of SMMEs to finance the equipment, training, and skills necessary for electronic procurement were the most significant impediments.

Using data from the Nigerian construction sector, Oyediran and Akintola (2011) researched the state of the art in procurement. The results revealed that the Nigerian construction sector only had a rudimentary understanding of electronic procurement and lacked the fundamental infrastructure required for the process, in addition to having a poor degree of skill in its use of the technology. In addition, intermittent power supply, the cost consequences of establishing an electronic procurement infrastructure, and a low ranking of the telecommunications infrastructure were all problems that hindered the introduction of electronic procurement systems.

According to Makau (2014), the problems connected with implementing electronic procurement in the Kenyan public sector were explored in depth.

The findings revealed that:

- The vast majority of agencies lacked the IT infrastructure necessary to conduct efficient procurement;
- Government policies, once again, did not fully support the adoption of new technology in procurement;
- The vast majority of agencies lacked the IT infrastructure necessary to conduct efficient procurement;
- The vast majority of employees perceive new technology in procurement as a threat to their jobs;
- There is a lack of e-procurement knowledge among employees.

When estimating the magnitude of Kenya Government procurement, the public spending spent by the Kenyan government might be employed. Kenya's public procurement mechanisms have seen a substantial transformation in recent years. As a result of the Public Procurement and Disposal Act (PPDA) and the Procurement Regulations as amended in 2017, which were implemented in 2005 and 2017, respectively, after decades of being governed by Treasury Circulars during the 1960s and 1970s, 1980s, and 1990s, guidelines for public procurement and disposal of goods by state corporations and government entities were established that resulted in sanity and standard procedures (PPDA, 2015).

Mwangi (2016) discovered that the public procurement system in Kenya was not running properly and effectively. The government was losing a significant amount of money due to substandard agreements in a research to examine public procurement processes in Kenya. The study emphasized the need to overhaul the country's public procurement system cited in the report. The government commissioned a further study in partnership with the World Bank in 1997 to assess the country's procurement practices.

1.1. Statement of the Problem

Although the Public Procurement and Asset Disposition Act, 2015 and the execution of regulatory requirements that were aimed to enhance the performance of the procurement function have been passed, Kenyan public procurement continues to be hindered by corruption, resulting in billions of shillings in losses to the Kenyan public. More than 80% of corruption in Kenya continues to occur in the public procurement sector (KACC Perception Survey 2016).

Machakos government ministries are characterized by increasing expenses, delayed service delivery, delays in the procurement of products, works, and services, low-quality items, corruption, and waste in the supply chain management process. During the 2014/2015 financial year, several Ministries, Departments, and Commissions with funding incurred spending of Ksh 435, 690, 489, of which the value for money could not be determined, resulting in wastages. The majority of the waste happened during the procurement process, according to the Auditor General's Report for the fiscal year 2014/2015.

Efficiencies in supply chain management, especially in the procurement phase of the chain, which may be linked to supply chain practices, have led to inequality in the Kenyan economy, according to the World Economic Forum. To promote equity, the Kenyan government, in legal notice No. 114 of 2013, set aside 30% of the total procurement budget for youth, women, and persons with disabilities (YWWPD) (YWPD). Although this is the case, the reserved budget has been poorly used in government ministries, which has resulted in sensitization for the YWPD on the 12th cycle performance contracting rules to boost the utilization of the reserved budget.

Several studies, like the one conducted by Nyangaresi (2016), examined stakeholders' perceptions about procurement implementation. Mohamed's (2013) research focused on the methods for e-procurement adoption in the public sector. Metoh (2011) conducted a research on the elements that influence the implementation of the public procurement system in the government. Thiga and Makau (2016) investigated the elements that influence the adoption of e-procurement. However, none of the research has examined the impact of procurement laws and regulations. Thus, there is a paucity of research about the impact of regulatory procurement procedures on the performance of supply chain departments in Machakos County, which is the subject of this study.

1.2. Objectives of the Study

The general objective of this study was to establish the effect of procurement regulatory practices on the performance of the supply chain department in Machakos County.

1.3. Specific Objectives

The specific objectives were:

- To determine the effect of tendering process on the performance of the supply chain department in Machakos County
- To assess the effect of procurement planning on the performance of the supply chain department in Machakos County
- To examine the effect of the supplier selection procedure on the performance of the supply chain department in Machakos County
- To establish the effect of professionalism on the performance of the supply chain department in Machakos County

2. Literature Review

2.1. Theoretical Review

For the sake of this investigation, this section describes significant theories and literature from comparable historical studies pertinent to the study's aims. Many key ideas underpin this investigation. These include the legitimacy, agency, institutional, and transaction cost theories.

2.2. Empirical Review

According to Goodwin (2015), a literature review is defined as the researcher's appraisal of material and ideas relevant to the issue being investigated to bring forth the author's knowledge of the subject or phenomena under investigation. Additionally, it signifies that the research was carried out to fill in the gaps that had previously existed or had not been thoroughly examined, as this study attempts to do in its entirety.

2.2.1. Tendering Process and Performance of Supply Chain

The tendering process in procurement refers to the actions that include submitting requests for information and pricing to suppliers and then receiving their responses in order to improve business engagement (McConnell, 2016). The procurement phase is comprised of the confluence of the access and submission stages. This union was formed as a consequence of ads for calls for tenders and contract notifications during the noticing phase of the procurement process. Informing or notifying is a procurement phase that entails gathering and disseminating purchasing information to internal and external parties through the use of mail, as well as the use of internet technology facilitated by online notification systems. Informing or notifying is also referred to as 'notifying' in some circles (McConnell, 2016). In state companies, this increases the efficiency and efficacy of the bidding process, resulting in improved procurement performance (Kamotho, 2014).

According to Bills (2016), public procurement is the process through which the government purchases products and services on behalf of the general public. One of the significant sources of both public expenditure and economic demand is government purchases of goods and services. By virtue of its purchasing power, the public sector significantly influences competitiveness in some industries. The introduction of legislation has had a wide range of outcomes in different countries. Competition, investment, innovation, cost-effectiveness, ethical conduct, and openness are a few goals we have set for ourselves here. The public sector may be able to defend and foster competition by increasing its total demand in particular markets. This may be done by procuring its needs from various suppliers, encouraging suppliers to develop and innovate, or aiding enterprises in overcoming entry obstacles. The use of technology to assist the bidding process and stable asset disposal legislation by governments and businesses are essential components of a successful procurement system. Accountability, effective procurement, and organizational performance are improved as a result of this.

2.2.2. Procurement Planning and Performance of Supply Chain

Procurement plans act as road maps, and their primary purpose should be to ensure that existing resources are used as efficiently as possible. According to the PPDA (2015), a lack of a well-defined procurement strategy was one of the most significant limitations to spending on procurement.

A procurement strategy is a procedure that includes the whole process of obtaining real estate and/or services. It starts with a department identifying a need and deciding on the procurement requirements used. The contract award, delivery, and payment of property and/or services, as well as ongoing contract management and consideration of contract option evaluations, are all steps in the procurement process. Procurement also includes risk assessment, alternative solution search and evaluation, and contract award. After obtaining something, the phrase 'acquisition' refers to the act of selling or giving up that item (Walters, 2014).

2.2.3. Supplier Selection Procedure and Performance of Supply Chain

With this study, the researchers hoped to learn more about how supplier selection methods impact procurement and how asset disposition affects the performance of procurement operations. According to the Public Procurement and Disposal Act of 2015 (and Regulations 2016), if procurement laws and regulations are followed, the study will determine if products and services are delivered on time, suppliers are properly pre-qualified, and Requests for Quotations are issued to all suppliers.

In the management of a supply chain, the selection of suppliers is essential. Likewise, a customer's or a company's choice is one of the most fundamental and crucial choices they will ever have to make. From initial raw material procurement through end-of-life service providers, supplier selection and management is a flexible tool that may be utilized throughout the product's lifecycle (Bai & Sarkis, 2016).

Prior performance of a provider is one of the most essential factors examined by public entities in Kenya while selecting a supplier. The selection of suppliers will be carried out in compliance with the Public Procurement and Disposal Act of 2005 and the Public Procurement and Disposal Regulations of 2017. Contracts should be given to the lowest evaluated bidder, according to Regulation 51 (1). Other considerations include conformance to specifications, technical acceptability, conformance to delivery dates, local maintenance, and the availability of replacement parts, among other factors. Quality and dependability are also essential considerations in selecting suppliers for most Kenyan governmental organizations.

Price structure, delivery, timeliness and cost, and product and service quality are common selection factors for suppliers. Therefore, an organization must continue looking for and assessing potential suppliers of vital products and services to carry out its regular operations.

2.2.4. Professionalism and Performance of Supply Chain

Personnel, knowledge, skills, and capabilities of human resources, as well as controls in the system that influence human behavior, all contribute to the level of professionalism in an organization (OECD, 2013). The procurement profession is skilled, according to Lyson and Farrington (2012), as evidenced by theoretical knowledge, extensive training and education, competency as demonstrated by tests or examinations, and adherence to an established professional code of ethics.

The growing importance of procurement necessitates the employment of qualified and experienced specialists solely to supervise the process. It is possible to have serious consequences, such as a breach in the organization's code of conduct or unethical procurement practices, if procurement officers are not adequately trained and aware of all procurement and related regulations and procedures. As a result, the organization's overall performance can be negatively affected (Atkison, 2016). Various studies have shown that the performance of most public institutions has been bad, with insufficient and/or incompetent procurement personnel being among the reasons for this (Agbesi, 2013). As a result, the procurement norms, rules, and processes that have been developed are not regularly followed. As a result, procurement employees and anybody else participating in the procurement process must know the laws and regulations governing the procurement process.

It is crucial to remember that professionalism in public procurement is not just influenced by the education and qualifications of the workforce but also by the professional attitude shown by the workforce while conducting commercial activities in the public sector (Raymond, 2011). The authors (2016) define a professional as someone who belongs to a professional organization, observes the Code of Conduct and Ethics of the organization, has an established body of knowledge of the subject matter, and participates in research activities. Efforts have been made to specify the competencies required of those working in the area of public procurement via professional organizations such as the National Institute of Purchasing (2016) and the Kenyan Institute of Supply Management (KISM) (Kenya, 2016). (2017). Members of these professional groups are held accountable for a wide range of activities, including designing and promoting codes of ethics and conduct for their peers.

2.3. Conceptual Framework

A conceptual framework is a tool that researchers use to guide their investigation; it is a collection of concepts that are used to shape the study, kind of like a map of the research (Kothari, 2013). It expresses the researcher's personal point of view on the subject and serves as a guide for the investigation. It might be an adaptation of a model used in prior research, with alterations to make it more appropriate for the current investigation. Aside from demonstrating the study's overall aim, the conceptual framework may also be used to demonstrate the links between the many constructs the

researcher wishes to examine in more depth. The following conceptual framework will serve as a guide for the investigation.

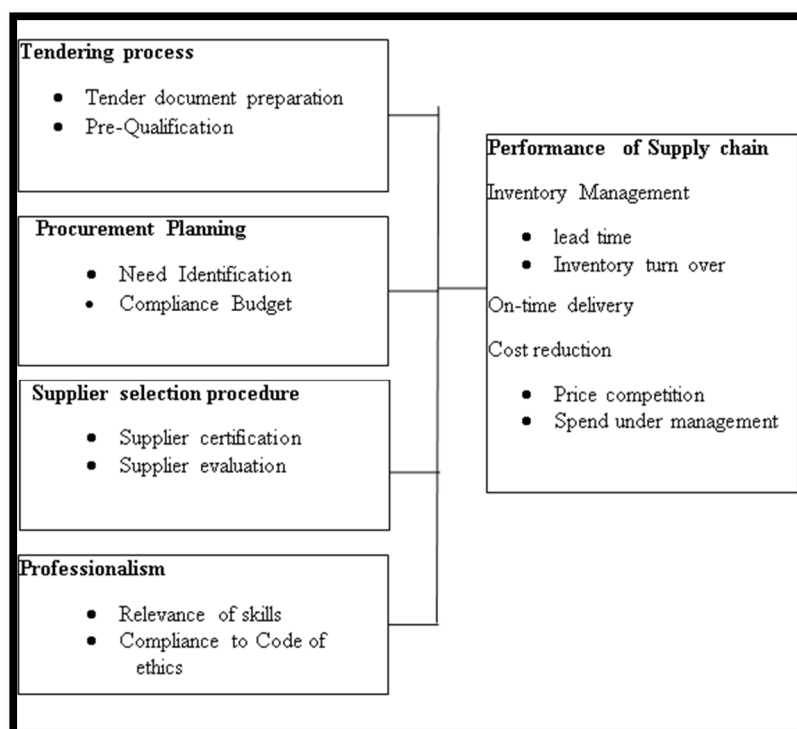


Figure 1: Conceptual Framework

2.4. Research Gaps

However, although regulatory procurement rules are essential, the number of researches that have explored the influence of procurement regulatory practices is still limited. For example, Thomson and Jackson (2017) and Brulhart (2013) focus firmly on the need for successful procurement in developed countries. However, they fail to consider the impact of regulatory procurement procedures in developing countries, as they should.

Talluri (2012) discovered that many government entities in the United States, India, and Malaysia do not have appropriate procurement rules in place to enable the successful execution of procurement activities, according to his research. In addition, according to a research conducted by Moses (2014), the deployment of inadequate sourcing techniques is a significant hindrance to the adoption of good procurement processes in many government organizations in Kenya.

Many procurement managers in African government institutions are not trained on how to implement practical procurement functions, according to a study by Simpson and Power (2017). In these studies, the effect of procurement and asset disposal legislation on the performance of procurement functions was not specifically addressed, resulting in a significant knowledge gap regarding the effect of procurement and asset disposal legislation on the performance of procurement functions in Kenya. The purpose of this research is to close the gaps in knowledge by determining the impact of procurement regulatory policies on the performance of the supply chain department in Machakos County, Kenya.

Methodological gaps need to be addressed in future studies. For example, the legal and procedural procurement literature is rich in revealing contradictions and debates; they rely instead on primary sources related to actual practice. Bridging this particular gap will require wider access to sources like the procurement manual.

3. Research Methodology

This study was based on descriptive research, which was conducted online. By providing direction and making it easy to cross-reference and validate data, the descriptive design was advantageous since it helped the researcher conduct a more focused study that yielded significant information for analysis.

A total of 40 administrators from various sections, 30 directors, and 18 chief officers from several ministries in Machakos County were included in this study's target group. In addition, to ensure that they were fully engaged in the implementation of supply chain management in Machakos, the research population included employees in the supply chain.

4. Results and Discussions

4.1. Inferential Analysis

This section contains information on the correlations between variables, the model summary, the analysis of variance, and the regression coefficients, among other things. The research's goal was to figure out what was going on in the connection between the predictor and the predicted variable. A number of predictor factors were examined, including

the tendering process, procurement planning, procurement professionalism, and supplier selection. The performance of the supply chain department in Machakos County was the variable that was forecasted.

4.2. Regression Analysis

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	0.853 ^a	0.728	0.673	1.673

Table 1: Regression Model

Predictors: (Constant), tendering process, procurement planning, procurement professionalism, and supplier selection. Table 1 is a model fit that establishes how the model equation fits the data. The adjusted R² was used to establish the predictive power of the study model, and it was found to be 0.673, implying that 67.3% of the variations in the performance of the supply chain department in Machakos are explained by a variety of factors that tendering process, procurement planning, procurement professionalism, and supplier selection by the board leaving 32.7% unexplained. Therefore, further studies should be carried out to establish the other contributing factors (32.7%) affecting the performance of the supply chain department in Machakos.

Model	Sum of Squares	df	Mean Square	F	Sig.	
1	Regression	172.152	4	43.038	13.366	.000
	Residual	64.4	20	3.220		
	Total	236.552	24			

Table 2: ANOVA Results of the Regression Analysis

- a. Predictors: (Constant), Tendering Process, Procurement Planning, Procurement Professionalism and Supplier Selection by the Board
 b. Dependent Variable: Performance of the Supply Chain Department in Machakos

The probability value of 0.000 shown in table 2 indicates that the regression relationship was highly significant in predicting how tendering process, procurement planning, procurement professionalism, and supplier selection by the board affected the performance of the supply chain department in Machakos. The F calculated at 5 percent level of significance was 13.366. Since the F calculated is greater than the F critical (value = 2.87), this shows that the overall model was significant.

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	1.329	0.473		2.825	0.0105
	Tendering process	0.638	0.172	0.205	3.709	0.0139
	Procurement planning	0.576	0.155	0.693	3.716	0.0136
	Professionalism	0.605	0.187	0.222	3.235	0.0415
	supplier selection	0.537	0.159	0.468	3.377	0.0299

Table 3: Coefficients of Regression Equation

- a. Dependent Variable: Performance of the Supply Chain Department in Machakos

The regression findings in table 3 have established that taking all factors into account (tendering process, procurement planning, procurement professionalism, and supplier selection by the board), constant at zero performance of the supply chain department in Machakos will be 1.329. The findings presented also show that taking all other independent variables at zero, a unit increase in the tendering process would lead to a 0.638 increase in performance of the supply chain department in Machakos, and a unit increase in procurement planning would lead to a 0.576 increase in the performance of the supply chain department in Machakos. Further, the findings show that a unit increase in procurement professionalism would lead to a 0.605 increase in the performance of the supply chain department in Machakos, while a unit increase in supplier selection would lead to a 0.537 increase in the performance of the supply chain department in Machakos.

In terms of magnitude, the findings indicated that tendering process had the highest effect on the performance of the supply chain department in Machakos, followed by procurement professionalism, then procurement planning. In contrast, supplier selection had the least effect on the performance of the supply chain department in Machakos. All the variables were significant as their P-values were less than 0.05.

5. Summary

The first objective was to determine the effect of tendering process on the performance of the supply chain department in Machakos County. The results of tendering practices done by the supply chain department in Machakos County indicate that majority of the officers participated in the tendering processes. According to the results of the study, restricted tendering is less common, as shown by a low mean and lower variance. Single sourcing was discovered to be less common than previously thought. It was explicitly stated that the bulk of the bids was open to the general public, and

anybody might participate in them. The tendering process was found to be aided and supported by the Standard Tender Documents from the Public Procurement Officers Association (PPOA).

The second objective was to assess the effect of procurement planning on the performance of the supply chain department in Machakos County. The respondent argued that the county offers satisfactory service delivery to suppliers/people of Machakos, and Procurement plans at the Machakos County government enable efficient use of the available resource. It was evident that failure to comply with procurement strategies results in irregular and biased choices. The respondents indicated that Poor procurement planning is a significant source of error in cost estimates for services and construction projects. The finding further gathered that proper procurement planning contributes to the success of service delivery.

The third objective was to examine the effect of the supplier selection procedure on the performance of the supply chain department in Machakos County. The results indicated that suppliers' capacity greatly affected performance in Machakos County. The respondents contended that the vendors' capacity to produce significant quantities of the products needed by the commission allows it to function at its peak performance. According to the research findings, a competent supplier selection strategy has a beneficial impact on procurement performance. In addition, according to the results, the consistency of suppliers was critical in explaining the system's performance. The results also indicated that corruption influences suppliers' selection procedure and management of suppliers.

The fourth objective was to establish the effect of professionalism on the performance of the supply chain department in Machakos County. The respondent argued that a lack of professionalism mainly caused non-compliance with procurement regulations, and staff training programs on procurement professionalism and procurement process are offered on a regular basis to all employees. It was evident that procurement personnel that get training improve their degree of expertise in the procurement function. The respondents indicated that the absence of ongoing professional training in the procurement function has a negative impact on procurement performance.

5.1. Conclusion

According to the study's summary, the researchers came to the conclusion that there was a positive and statistically significant association between tendering processes and the supply chain department in Machakos County. The quality of a tender has a positive and considerable impact on the quality of the job that is completed. According to the findings of the survey, open tendering procedures were the most often used kind of tendering in Machakos County. Tendering via a limited and single-source was only utilized on rare occasions.

According to the research findings, the association between supply assessment and financial performance in Machakos County was minimal. Consequently, changes in supply assessment have little impact on the financial performance of Machakos County. The descriptive findings of the research led to the conclusion that supplier capacity, supplier competence, supplier consistency, and turn-around time were all significant and essential factors influencing the financial success of Machakos County's suppliers and subcontractors.

The research also came to the conclusion that material control would result in positive marginal unit improvements in the financial performance of Machakos County's enterprises. Conclusion: Inventory quantities, inventory management systems, material handling, and the physical distribution of resources were all shown to be major contributors to financial performance in Machakos County, according to the findings of the research.

5.2. Recommendation of the Study

The following suggestions have been made in light of the study's findings. According to the research findings, the bidding process should consider an open manner of tendering that is fair to all parties. The researcher indicated that the administration in Machakos County should guarantee fairness in the contracting process by using open systems, as proposed by the researcher. As a result, Machakos County's procurement process would be more competitive, which would benefit all parties. Furthermore, the study advises that the government should guarantee that the material control and supplier evaluation process in Machakos County is transparent and that each phase is assigned to a specific unit.

In order to guarantee effective use of the available assets and capacity, the study advises that the County administration, in collaboration with the national government, should work together to ensure proper utilization of the available assets and capacity in the county.

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