

Influence of Preference and Reservation Policy on Procurement Performance in Elgeyo Marakwet County, Kenya

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Abstract: Preference and reservation procurement policy helps in ensuring that women, youth and pwds are engaged in award of tenders in public procurement. PPDA act 2005 provides preference and reservation policy of 30% for women, youth and pwds. Despite existence of this policy, few women, youths and pwds have been able to access government contractual opportunities due to poor sensitization, poor legislative frameworks and culture based organizations. The study sought to assess the influence of preference and reservation policy on procurement performance in Elgeyo Marakwet County. The main objective of the study was to establish the influence of legislative framework on procurement performance in Elgeyo Marakwet County. The study was guided advocacy coalition framework model. Target population were women groups, youth groups and persons with disabilities groups listed in the Elgeyo Marakwet County headquarters. The study used descriptive survey research design. Pilot study was conducted in Baringo County to test validity and reliability of the questionnaires. Questionnaires with both open and close ended questions were used in collecting data. Simple random sampling technique was used to select study respondents. Data analysis was facilitated using SPSS software while reliability was tested using Cronbach alpha 0.7. The study concluded that legislative framework influences procurement performance in Elgeyo Marakwet County. The study recommends that Elgeyo Marakwet County should adopt effective legal environment this is to ensure that all internal procurement procedures according to competitive best practice.

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I. Background of the Study

Procurement performance can be improved through adoption of effective and efficient preference and reservation policies in public procurements. It helps to solve most of the economic and societal challenges facing the country. Public procurement plays a significant role in the successful management of public resources. Most countries have become more aware of the importance of procurement performance as an area vulnerable to mismanagement and corruption. Thus, they have instituted efforts to integrate procurement in a more strategic view of government efforts. The manners in which community services are delivered as well as the governance level of a country are dependent on public procurement efficiency as well as allocation of public resources (Arrowsmith, 2013).

Legislative framework encompasses the laws, regulations and policies that are put in place to govern an organization or an activity. The public procurement legal framework clearly covers the whole scope of public procurement, all stages of the procurement process, methods of procurement, ethics and transparency (Thai, 2001). Good public procurement legal framework is based on the principles of openness and transparency, fair competition, impartiality and integrity (Nyagah & Mugambi, 2014). Procurement laws and rules lead to procurement efficiency or inefficiency depending on the type of government and environment within which the system is operated. Challenges faced by these legislations include persistent complaints directed at the intricacy of specific procurement directives as they are purported to lack flexibility and complex unfeasible terms during procurement process (Mahmood, 2010).

In America and United states, participation of Special Interest Groups in Public procurement is an important function of governments (Blome & Schoenherr, 2011). This has necessitated adoption of progressive legislation in empowering women in accessing public procurement opportunity. However, many countries are yet to adopt public procurement procedures that are transparent, promote fair and equal treatment. This is because women, youth and Pwds particularly women are at greater risk of being unemployed and having no source of livelihood. Nevertheless, the application of gender equality objectives through public procurement remains underdeveloped and under-researched.

Europe faces an estimate of the financial activities of government procurement across the world by the women, youth and Pwds are believed to be in the order of 10% –30 % of the Gross National Product (GNP).

This explains why empowerment programs organized at the national and international levels are increasingly targeting youth and women (Mentzer, *et. al.*, 2011). Rapidly growing social entrepreneurs that tap practical and creative business approaches in solving pressing social and development problems have been equally instrumental around the world in creating opportunity for women, youth and the Pwds. Gender equality, according to the United Nations (2005) is the opportunity sought to narrow gender gaps to support greater equality between women and men.

In Nigeria, despite the existence of procurement process regulatory framework, there are problems that affect execution as well as compliance to the established procurement directives (Jibrin, Ejura & Augustine, 2014). As a panacea to this challenge, the government of Nigeria has purposed to set up a National Council on Public Procurement whose mandate is to reverse the current procurement trend in the country that, a role that is currently executed by different government institutions. Procurement reform process in Africa has not yet fully achieved procurement efficiency and effectiveness of the whole process due to existence of undermining factors such as corruption, incompetence and other destabilizing factors. Despite the concerted efforts of the African countries to reverse the trend, there are still huge amounts of public resources that are wasted due to inefficient and ineffective procurement processes.

Affirmative action by youth, women and persons with disability in Article 21 of the Kenya constitution, who were vulnerable and unable to meet competitive standards of procurement regimes for various reasons. Youth, women and people with disabilities get 30% of the allocation of all procurement in order to enable them create jobs for unemployed (Gatare & Shale, 2014). Kenya's government still face challenge in ensuring youth, people living with disabilities and women groups to participate in public procurement, as they may not have the financial capability (Orodho, 2013). Since the implementation of PPDA 2015, for the four years the procurement law has been in operation, several weaknesses and complaints have been raised with regard to its efficiency and effectiveness.

Women and other marginalized groups are allowed to procure 30% of public goods and services in line with Article 2 of the PPDR Act 2013 and Article 27 of the Constitution of Kenya 2010, on equality and freedom from discrimination. The sole purpose of the AGPO was to ensure that women and discriminated groups actively participate in public procurement. The benefits of registering for the AGPO includes among others: the ability to participate in 30% of government tenders, to qualify for Local Purchase/Service Orders financing from the Youth/Women Enterprise Development Fund, exclusion from bid bonds, and invoice discounting with financial institutions. Kenyan government is very critical in funding Youth, women and persons with disabilities.

Participation of youth and women in public procurement in Kenya plays a major role in the utilization of government resources and achievement of the economic development agenda (Amemba, 2013). Public procurement is core in many sectors of government since goods, services and works needs to be purchased so as to meet the rising demand of its people's needs. Youths have the potential to accelerate productivity growth, but when left idle, they can represent a risk to social stability and in the longer term a risk to development of the nation's economy, (USAID, Micro Enterprise Development, 2013). Motivating youths, women and PWDs to take up tasks in government procurements through participation is a roadmap to move Vision 2030 to a reality that will spur economic development and growth.

Statement of Problem

Procurement performance dictates the ability of an organization to achieve its goals. It is not only a budget implementation strategy; it can also be used to achieve targeted socio-economic goals. Women, youth and pwds empowerment on tender opportunities, information on bids and access to information is still insufficient in most counties. Moreover, not all tenders and contracts are uploaded online on government websites or sent out through mobile phone message alerts to women, youth and pwds. However, the procurement process in Kenya is shrouded in secrecy, inefficiency, corruption and undercutting which results in huge amounts of resources going to waste (Wahu *et. al.*, 2015). Ideally, weaknesses in public procurement, including vulnerability to corruption, bribery and corruption in have affected greatly procurement performance. The requirements for registering and running business are cumbersome; the government procurement tendering process is lengthy, complex, involve voluminous documents; and in most cases the government does not pay its suppliers and contractors on time. Because of this, access and uptake of the public procurement opportunities by women, youth and pwds is low though they have been allocated 30% for special interest groups in public procurement. A 30% of the requests have been set aside for such groups together with the youth. However, this has not been achieved in several counties due to lack of technical skills, financial constraints, negligence insufficient public sensitization, lack of policies and regulations in the entire procurement process. This study therefore seeks to assess the influence of preference and reservation procurement policy on procurement performance in Elgeyo Marakwet County.

Research Hypotheses

H₀₁. There is no significant influence of legislative framework on procurement performance in Elgeyo Marakwet County.

Scope of the Study

The study focused on women, youth and pwds on access to government contract opportunities in Elgeyo Marakwet County. Geographical scope of the study was Keiyo North and South, Marakwet East and West sub-counties as the study areas. An aspect considered in choosing the geographical scope was ease and time when collecting data due to geographical location of the constituencies. The study was conducted from May to Oct 2019 with an estimated budget of ksh 113,000. Academic focus was narrowed to independent variable of legislative framework. The study concentrated on legislative framework only. The study was also limited to people with disability, youth and women who are at the prime age of over 18 years and have legal capacity to contract, are economically productive and are subject to attain growth through hard work.

II. Literature Review

Advocacy Coalition Framework (ACF) Model for Legislative Framework.

The model was developed by Sabatier and Jenkins Smith in 1988 with an aim of resolving conflicts arising from setting goals and technical disputes in policy making process amongst policy making arms of government (Knabler, 2001). Three major underlying assumptions of the model is that individuals are guided by similar goal oriented policies within a system. Secondly, individuals are involved in setting and implementing policies in a system of an organization. These individuals may include government and non-government, interested parties like private sectors, media, academicians and citizens of the resident countries. Thirdly, policies regarding conduct of public or citizen are negotiated and formulated based on the nature of laws governing the organization or country. This is to ensure smooth transition process, enhance satisfaction and avoid aspects of rebellion.

Women, youth and Pwds participation in public procurement are governed by policies established like the PPDA Act 2005. Participation of key players in policy making process is one of the benefits articulated by AFC model (Zafonte & Sabatier 2004). Researchers are equally important in the process (Green & Houlihan, 2004). Procurement performance depends on existing procurement policies set by respective organization and extent of implementation. Most organizations have failed to engage women, youth and Pwds that has resulted in stalemate and poor performance (Amayi & Ngugi, 2013). The model lays the emphasis on participants in policymaking process. Participants always seek friendships and connections with people who hold similar core policy beliefs like legislators, agency officials, interest group leaders, judges and researchers in order to explore avenues and paths for participation (Beyers & Kerremans, 2004).

AFC model has been criticized widely first for its free rider problem attributed to relatively low cost of transaction and the too much exaggerated intended benefits of the model. Also, the models fails to distinguish between self-interest and core beliefs of participants. This because behavior is more certain with core policy beliefs than perception of power or self-interest. The model has over time been modified and redefined which makes it unpredictable and lose of the mission and sole objective. Lastly, the models fails to address collective participation problem of policy participants. This model is therefore relevant in addressing the legislative framework variable in the study. Principles grounded in the theory stipulate the importance of engaging women, youth and Pwds in public procurement.

Empirical Review

Raymond (2008) conducted a study on the role of legislative framework on procurement performance in Bangladesh. The study sought to establish the role of legal environment and best practices policies on performance. A correlation design was used. The target population comprised of 659 employees working in public organizations. Simple random sampling technique was used to select 257 respondents while both primary and secondary data were used as research instruments. Study findings revealed that legislative framework positively and significantly influences performance. To improve their procurement performances, firms in Bangladesh adopt legislative framework practices of benchmarking best practices and accessing the existing legal environment. Limitation of the study is that it used a limited sample size of 257 respondents that may not give a true reflection.

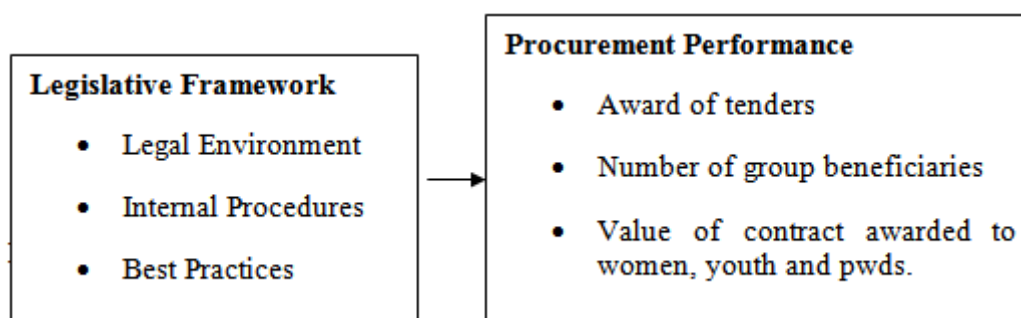
Achuora, Arasa and Ochriri (2010) conducted a study to establish factors affecting procurement audit legislative framework in Kenya. The study used primary data from closed questions. Study findings revealed that no clear procurement regulations exist and that is why there was a problem of adherence. Thairu and Chirchir (2016) analyzed the implementation of preference and reservations policy in public procurements by state owned enterprises in Kenya. The study adopted a descriptive research design. The study concluded that it

is essential that qualified staff perform these activities with high professional and ethical standards using sound procedures anchored in appropriate policies and regulations.

Kiama (2014) conducted a study on organizational factors useful in the implementation of procurement legislative frameworks of SACCOS in Kenya. The study sought to examine the effect of legislative framework policies on procurement performance of SACCOS in Kenya. Questions and interview sessions was used on top management of SACCOS. The findings revealed that legislative frameworks were critical to procurement performance of SACCOS. Recommendation of the study is that top management should pay close attention to organizational culture. This is because employees and staff are motivated more when there exist a suitable organizational culture that improves performance in the end. The study was however limited to SACCOS only. Other sectors may give a different opinion.

Conceptual Framework

Robson (2002) defines the conceptual framework as the system of concepts, assumptions, expectations, beliefs, and theories that supports and informs research as a key part of the research design. The variables of this study comprised of one dependent variable (procurement performance) and three independent variables (legislative framework, organizational culture and government sensitization).



Several studies have been undertaken regarding preference and reservation across the world. Raymond (2008) conducted a study on the role of legislative framework on procurement performance in Bangladesh. Few studies have been conducted on preference and reservation policy in Kenya particularly county government contexts. This therefore displays the existing research gap on preference and reservation policy and procurement performance in counties research studies.

III. Research Methodology

Descriptive survey design was used in conducting the study. Descriptive survey design is used mostly in big area where different categories of subjects in the same group are focused to the get different results and solutions to solve the problem (Yin, 2014). The design will provide information on the relationship between preference and reservation policy and procurement performance.

Mugenda and Mugenda (2003) describes the target population as complete set of individual cases or objects with some common characteristic to which the research wants to generalize the result of the study. Population also refers to the larger group from which a sample is taken (Orodho, 2013). This study targeted women groups, youth groups and persons with disabilities groups in the Elgeyo Marakwet County, which was represented by the county headquarters. According to the List of groups from Elgeyo Marakwet County who have registered included, 110 women groups, 137 youth groups and 55 persons with disabilities groups in totaling to 302 groups.

Table 3.1: Accessible Population

Sub-County	Women Groups	Youth Groups	PWDs Groups	Sub Total
Marakwet East	41	46	20	107
Marakwet West	29	37	18	84
Keiyo North	23	31	14	68
Keiyo South	17	23	3	43
Total	110	137	55	302

Sample Size and Sampling Technique

A sample is a portion or a subject of the research population selected to participate in a study as a representative of the research population (Huber, 2008). It refers to a set of observations drawn from a population by a defined procedure. Simple random sampling technique was used to select women, youth and persons with disabilities groups. Sample size for each group was obtained proportionally using simple random

sampling technique for accurate generalization of results. The sample size of target population was calculated using Thomas (2013) formula with a 95% confidence level. Data from the 236 respondents of the target population was selected using stratified random sampling technique. This technique is appropriate because each sampling unit in a given strata has an equal chance of participation.

$$n = \frac{N}{1 + N(e^2)} \dots\dots\dots \text{Equation of 3.1}$$

Where
 n = Sample size
 N = population size
 e = Error rate (0.05)

Table 3.2: Sample Size

Groups	Accessible Population	Sample Size
Women Groups	110	86
Youth Groups	137	102
PWDs Groups	55	48
Total	302	236

Research Instrument

Questionnaire was used in collection of data from respondents. The nature of data collected by this instrument was quantitative data. Fraenkel & Wallen (2000) argue that a questionnaire is efficient as a research tool because the researcher is likely to obtain personal ideas from a respondent. The researcher issued questionnaires to the respondents and give them ample time to complete the copies of the questionnaires before collecting them for analysis.

Pre-testing of Research Instrument

The researcher conducted a pilot study to ascertain the reliability of the instruments before the study is done. A pilot study was done in Baringo County, which has similar characteristics as the area of study. Reliability is the degree to which tests agree with itself and free from random errors which normally occur through chance. As random error in the data decreases, reliability of the data increases (Mugenda, 2003). In order to ascertain the reliability of the research instruments, the results from the pilot study was subjected to Cronbach Coefficient Alpha. The reliability coefficient reflects the extent to which items measure the same characteristics. Coefficient Alpha is calculated using the variance of the total test score and the variance of the individual item scores. Correlations achieved here are expected to be above 0.7 to signify a high reliability. Ten (10) percent of the anticipated sample size of the population under study is convenient for conducting a pilot study (Hertzog, 2008). Twenty four (24) questionnaires were piloted in Baringo County.

Data Processing and Analysis

After data collection, the researcher will code the items ready for analysis. Statistical Package for Social Sciences (SPSS) software was used to aid in data analysis. Data was analyzed using quantitative data analysis with both descriptive and inferential statistics. Descriptive statistics like frequencies, percentages, means and cross tabulation was used. Pearson moment of correlation was used to establish correlation between the variables. Multiple regression analysis was conducted in the study. ANOVA was used to determine the influence of independent variables on the dependent variable, it was used to measure the relative influence of each independent variable based on its covariance dependent variable and is useful in forecasting. Multiple linear regression model was used in testing the significance and influence of the predictor variables on the dependent variable. The regression equation assumed the following form:

$$Y = \beta_0 + \beta_1 X_1 + \epsilon \dots\dots\dots \text{Equation 3.2}$$

Where
 Y represents procurement performance
 β_0 represents the y-intercept
 β_1 represent regression coefficient of legislative framework
 X_1 represent legislative framework
 ϵ represents error term

Assumptions of Regression Model

According to Kumar (2013), multiple regression model assumptions include existence of linear relationship between independent and dependent variables where the residuals are normally distributed. The study used Shapiro-wilk test-to-test normality. Homoscedasticity assumption is met when there is existence of

unknown but finite variance in the error term of a linear regression model. Levine’s statistic was used to test this assumption. There is no multicollinearity of data where tolerance values are above 0.2.

IV. Research Findings And Discussions

The study sampled 236 respondents to participate in the study. 189 questionnaires were successfully filled and returned by the respondents representing a response rate of 80.08%. The remaining 19.92% is due to failure of turn up by some groups during data collection. This implies that data collected was sufficient for making a conclusion on preference and reservation policy in Elgeyo Marakwet County. Response rate above 50% contributes towards gathering of sufficient data that could be generalized to represent the opinions of respondents (Orodho, 2013).

Descriptive Findings and Discussions

Respondents were given questionnaires to fill using a 5-point likert scale. Data was collected on dependent variable of procurement performance in Elgeyo Marakwet County and independent variables of legislative framework, organizational culture and government sensitization.

Legislative Framework Findings

The first objective of the study sought to establish the influence of legislative framework on procurement performance in Elgeyo Marakwet County. Table 4.7 shows legislative framework results.

Table 4.7 Descriptive Statistics for Legislative Framework

Statements		SA	A	N	D	SD	Mean	Max	Min	Std. D
i. Existence of legal environment has led to fair and transparent award of tenders.	F	30	147	2	5	5	4.19	5.00	1.00	0.78
	%	15.9	77.8	1.1	2.6	2.6				
ii. Internal procedures guide during award of tenders.	F	69	97	11	7	5	4.15	5.00	1.00	0.73
	%	36.5	51.4	5.8	3.7	2.6				
ii. Benchmarking of best has improved value of contract.	F	51	126	2	6	4	4.14	5.00	2.00	0.70
	%	26.9	66.8	1.1	3.1	2.1				
Valid N		189								

Majority of the respondents 177(93.7%) agreed that existence of legal environment has led to fair and transparent award of tenders while 10(5.2%) disagreed (M=4.19, Std D=0.78). Majority agreed 166(87.9%) while 12(6.3%) disagreed that internal procedures guide during award of tenders (M=4.15, Std D=0.73). Benchmarking of best has improved value of contract had majority 177(93.7%) agreeing while 10(5.2%) disagreed (M=4.14, Std D=0.70). Conclusion of this study finding is that of legislative framework statements provided in the questionnaire influences procurement performance in Elgeyo Marakwet County. Study findings of Kiama (2014) resemble this study findings. He noted that legislative frameworks were not only important, but also very critical to procurement performance of SACCOS. Implication of this study finding is that legislative framework plays an important role in improving procurement performance in Elgeyo Marakwet County.

Procurement Performance Findings

The researcher sought to assess the influence of preference and reservation procurement policy on procurement performance in Elgeyo Marakwet County. The results are presented in Table 4.10.

Table 4.10 Descriptive Statistics for Procurement Performance.

Statements		SA	A	N	D	SD	M	Max	Min	Std. D
v. Award of tenders is done in accordance with the existing legislative framework.	F	42	103	12	27	5	4.00	5.00	3.00	1.08
	%	22.3	54.6	6.3	14.2	2.6				
v. Several women and youth groups have benefited due to sufficient government sensitization to the public.	F	73	90	7	12	7	4.13	5.00	2.00	1.25
	%	38.6	47.7	3.7	6.3	3.7				
i. Contract awards based on value of contract and legislative framework.	F	78	96	3	7	5	3.96	5.00	3.00	1.13
	%	41.2	50.8	1.6	3.8	2.6				
ii. Budgetary allocations through government sensitization in accordance with legislative framework.	F	132	12	4	20	21	4.07	5.00	2.00	1.07
	%	69.8	6.3	2.1	10.7	11.1				
Valid N		189								

Majority 145(76.9%) of the respondents agreed that the award of tenders is done in accordance with the existing legislative framework (M=4.00, Std. D=1.08). Several women and youth groups having benefited due to sufficient government sensitization to the public statement had majority 163(86.3%) agreeing while 19(10%)

disagreed (M= 4.13, Std. D=1.25). Regarding contract awards being based on value of contract and legislative framework, majority agreed 174(92 %) while 12(6.4%) disagreed (M=3.96, Std.D=1.13). Finally, 144(76.1%) agreed while 41(21.8%) disagreed that budgetary allocations through government sensitization (M=4.07, Std. D=1.07). These findings concur with the findings of Arrowsmith (2013) who noted that adoption of preference and reservation policy helps improve procurement performance. This implies that procurement performance is dependent on preference and reservation policy adoption.

Inferential Analysis

This section outlines correlation and inferential analysis results of the study. This is to establish relationship between preference and reservation procurement policy and procurement performance in Elgeyo Marakwet County. Multiple regression analysis and person product moment of correlation are discussed in this section. The study used correlation analysis and regression analysis as its inferential statistics. Regression model assumption was tested in the study.

Table 4.15 Pearson’s Correlations Coefficient Results

	Procurement Performance	Legislative Framework
Procurement performance.	1	
Legislative Framework	.464**	1
	.000	
** . Correlation is significant at the 0.01 level (2-tailed).		
* . Correlation is significant at the 0.05 level (2-tailed).		

Pearson correlation coefficient results confirmed that there exist a positive correlation between legislative framework and procurement performance in Elgeyo Marakwet County.

Multiple Regression Analysis

Multiple Regression Model analysis model to determine relationship between preference and reservation procurement policy and procurement performance in Elgeyo Marakwet County. Independent variables were regressed on dependent variable of procurement performance. The model results are shown in Table 4.16.

Table 4.16 Multiple Regression Analysis Results

R	R Square	Adjusted R Square	Std. Error of the Estimate
.657 ^a	.4316	.409	.46136

a. Dependent Variable: Procurement performance

b. Predictors: (Constant) legal framework, organizational culture and government sensitization.

From the results, multiple regression analysis results had R= 0.657, R-Square= 0.4316, adjusted R-Square= 0.409 and standard error = 0.46136. The degree of association between the dependent and independent variable is measured by R=0.657. This shows there is close association between legislative framework and procurement performance in Elgeyo Marakwet County. R-Squared is used in measuring goodness of fit of the model. R square coefficient is used to statistically measure how well the regression line approximates the real data. It measures the proportion of the variation in dependent variable well explained by independent variable. Coefficient of determination (R square) for independent variables of the study was 0.4316. This value indicates that there are 43.16% variations in procurement performance in Elgeyo Marakwet County. This implies that the difference of 56.84 % of the variations is because of other factors not included in the study.

V. Summary, Conclusions And Recommendations

Legislative Framework and Procurement Performance

Influence of legislative framework on procurement performance in Elgeyo Marakwet County was first tested by the study. Descriptive analysis findings results confirmed that legislative framework influences procurement performance in Elgeyo Marakwet County Key. Majority of the respondents in the study agreed. Similarly, inferential and correlation results revealed that legislative framework positively and significantly influences procurement performance in Elgeyo Marakwet County. In addition, regression model coefficient results confirmed the positive and significant influence that legislative framework has on procurement performance in Elgeyo Marakwet County. Null hypothesis that legislative framework has no significant influence on procurement performance in Elgeyo Marakwet County was therefore rejected. Key performance

measures relevant to legislative framework used in the study include legal environment, internal procedures and best practices.

Procurement Performance in Elgeyo Marakwet County

Measurements of procurement performance used in the study include award of tenders, number of beneficiaries, contract value and budgetary allocations made by the county. Descriptive findings had majority of respondents agreeing on the statements provided in the questionnaire. This finding implies that procurement performance is largely attributed to preference and reservation policy adherence and implementation by governments.

Conclusions of the Study

The study concludes that legal environment, internal procures and best practices play an important role in improving procurement performance. Elgeyo Marakwet County has set out to improve their procurement performance through creating an effective and efficient legal environment, well laid internal procedures within the procurement system and benchmarking procurement best practices with other counties. This implies that an overall improvement in key performance indicators of legislative framework such as establishment of clear internal preference and reservation policies, bringing together best practices regulations, policies with the already established legal environment results in improved procurement performance in counties.

Recommendations of the Study

From the study result, findings and conclusions, the study recommends that Elgeyo Marakwet County should adopt effective preference and reservation procurement policies. This is to ensure that all internal procurement procedures are done according to competitive best practices. Head of procurement department should that organizational structure adopts ethical and bureaucratic policies to ensure improved performance.

Suggestions for Further Studies

Future studies on preservation and reservation procurement policy should be conducted in other counties. The study also found that preservation and reservation procurement policy explains 43.16% of procurement performance in Elgeyo Marakwet County. Future studies should incorporate other relevant theories and models in conducting the study. Future research studies should also exploit the influence of other variables not captured in the study.

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