

**FACTORS AFFECTING PROCUREMENT LAW COMPLIANCE IN
PUBLIC SECONDARY SCHOOLS IN KWALE COUNTY OF KENYA**

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**A research project submitted to the School of Business Department of Management
Science in partial fulfilment of the requirement for the award of Master of Science
Degree (Procurement and Supply Chain Management) of Technical University of
Mombasa**

2017

DECLARATION

I hereby declare that this research project is my original work and has not been submitted to any other university before for the award of masters' degree.

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DEDICATION

To my beloved wife, Petra, and my loving angelic son Emmanuel.

You forewent my tender loving care to allow me to spend long hours of family time on my laptop.

To my mentor, hero and darling father, the Late Dalmas Chogo, who now watches me from the skies after bearing me on his gigantic wings that I may soar this high.

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LIST OF ACRONYMS AND ABBREVIATIONS

COMESA	Common Market for East and Southern Africa
EFA	Education for All
GDP	Gross Domestic Product
GoK	Government of Kenya
HPU	Head of Procurement Unit
ICT	Information Communication and Technology
KACC	Kenya Anti-Corruption Commission
KISM	Kenya Institute of Supplies Management
MTC	Ministerial Tender Committee
NBS	National Bureau of Statistics
PPARB	Public Procurement Administrative Review Board
PPDA	Public Procurement and Disposal Act
PPADA	Public Procurement and Asset Disposal Act
PPOA	Public Procurement Oversight Authority
RBV	Resource Based View
SME's	Small Medium Enterprises
TI	Transparency International
VFM	Value for Money

DEFINITION OF TERMS

Culture	Refers to the moral values and principles that guide officials in all aspects of their work (Wee 2012).
Disposal	Refers to the decommissioning and removal of unserviceable, redundant and obsolete assets (Hawkins, 2011).
Green Procurement	This is defined as taking into account environmental criteria for goods and services sourced in order to ensure that the related environmental degradation is minimized (Sobczak, 2012).
Information Communication Technology (ICT)	Is a technology that involves use of computers, software and internet connections infrastructure for supporting information processing and communication functions (Crompton, 2014).
Procurement	The process in which public or private organizations buy supplies or services to fulfill various functions such as shelter, transport and need for infrastructures, among many others (Talluri, 2014).
Procurement Policies	These are rules and regulations for governing procurement procedures in an organization (Bartik, 2013).
Supplier Management	This is a business process that allows a company to adequately select its vendors and negotiate the best prices for goods and services that it purchases. Senior managers also monitor the corporate supply chain to ensure that vendors familiarize themselves with the company's operating activities and manufacturing processes (Arthur, 2009).
Training	Is the process of identifying and developing the necessary knowledge and skills required for doing a given job or task (Armstrong, 2011).

ABSTRACT

The research was carried out to determine factors affecting procurement law compliance in public secondary schools in Kwale County. The specific objectives of the study were to determine the effects of organizational culture, procurement law enforcement by external agencies, staff training on Public Procurement and Asset Disposal Act and procurement procedures on procurement law compliance in public secondary school in Kwale County. The study was grounded on the Agency Theory, Resource Based Theory and legitimacy Theory. Quantitative study design by use of survey was used for the study. The sampling technique used was stratified and simple random sampling. Quantitative data was collected using questionnaires from 70 respondents while qualitative data was collected using interviews. Data was analysed using descriptive statistics and qualitative methods. The relationship between the variables was established using correlation analysis and the test of factors predicting independent variable was done through regression analysis. The study concluded that Organization Culture, Enforcements by the external agency Staff training and procurement procedures affects procurement law compliance in the public secondary schools in Kwale County. The findings indicate that out of the four dependent variables, three of them (Organization Culture, law enforcements by the external agency and Staff training on Public Procurement and Asset Disposal Act) affects procurement law compliance positively. One variable (procurement procedures) was found to be affecting procurement law compliance negatively in public secondary schools. The study recommends that it is important to enact some changes on the procurement procedures of acquisition for goods and services in public secondary schools in order to ensure ultimate objective, accountability, and non-discrimination. Since the research survey was carried on in public schools, the government should train the school principals, heads of procurement units, evaluation committee and suppliers on the proper procurement procedures and practices so as to create consistency and to enhance compliance to the procurement law and/ or Act.

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

In the contemporary world, the economic environment is very turbulent and the need for organizations to be competitive in the global marketplace cannot be overstated (Muturi 2013). The author further stated that firms are under intense pressure from stakeholders for goods and services that meet high service level requirements. According to De-Boer and Telgen (2013), the global marketplace is characterized by intense competition and the constant search for new and innovative ways to reduce costs and improve performance and one sector that has been greatly emphasized in this regard is the function of procurement and that public procurement has its origins in the fiduciary obligation of government administrations to deliver goods, infrastructure and services to the population of a country or a specific geographic region, city or town and made a conclusion that Public procurement system is said to be well functioning if it achieves the objectives of transparency, competition, economy, fairness and accountability.

Lindblom (2013) noted that Public procurement is presumed in all countries to enact laws and/ or regulations so as to protect the interests of the citizens. Unlike procurement in the private sector, procurement in the public sector is considered to be within political control and thus a significant consideration on accountability and integrity by the players must be enhanced through compliance for a national interest to the members of the public. Furthermore, in developing countries and developed countries, a sound and/ good procurement mechanisms has to fulfil policy requirements as well as management requirements and (Thai *et al.*, 2015). Magness (2014) concurred with Thai *et al.* (2015) by noting that management of procurement in the public sector requirements entails quality of the goods/ services, time management and cost analysis while maintaining integrity and compliance to the set policies. Procurement act requirements is majorly based on achievement of economic needs and/ or goals for both local and domestic industries, protection of the environmental (green procurement) and the political perspective goals/ needs such as

assistance of the minority in the society, women and youth owned enterprise, and the larger international or political trade agreements between the countries.

Odhiambo and Kamau (2013) defined public procurement as the purchase of goods and contracting of works and services if such is effected with resources from state budgets, local authority budgets, state foundation funds, domestic loans or foreign loans given by the state, foreign aid and any revenue gotten from the economic activity of the state. In the Public Procurement and Regulatory Authority (PPRA, 2015), procurement is defined as the acquisition by purchase, rental, lease, hire purchase, license, tenancy, franchise or by any other contractual arrangement for any type of works, assets, services or goods including livestock. The procurement Act (PPRA, 2015), has further indicated that Public procurement must be transacted with other considerations like accountability, transparency, non-discrimination with the potential bidders in line with local and international obligations in mind a part from economy alone.

In Kenya, the ambitious vision 2030 development agenda and other government policies (Odhiambo & Kamau, 2013) required procurement in the public sector to be handled in a manner not only in compliance to the established regulations and laws, but a strategic approach so as to realise efficiency and effectiveness of the procurement. This therefore requires a representation of a ‘professional and high skilled procurement management in the top leadership in the country so as to ensure that the nation can leverage on procurement practices and deliver the objectives and goals of vision 2030.

1.1.1 Concept of Public Procurement

Procurement, according to Software Engineering Institute (2013) “is a set of related activities performed so as to fulfil the need”. It involves process and procedure of acquiring goods or, works or services, including either acquisitions from in-house or from third party providers. According to Telgen (2014) public procurement is acquire by either lease or purchase or tenancy franchise or rental or any other contractual arrangements for goods and services by the procuring entity (government) which begins from the time need(s) is identified up to the end of the contract or when useful of an asset life has come to an end. Darrel (2012) described the term ‘procurement’ to mean the purchase of goods or services which are not the main activity of an organization or company. However, other studies (Ngogo, 2013) argued that,

there is the supply-side which is concerned with the production or provision of goods or services to the supplier and the demand side concerned with the usage or consumption in the prescribed manner.

1.1.2 Public Procurement in Kenya

The method used to procure public goods can have a significant impact on participation of newer or smaller businesses (Eagan, 2015). The type and value of the contract are important factors that determine the method of solicitation. Thus, public procurements are generally carried out using different methods.

In Kenya, Odhiambo & Kamau (2013) have discussed on the open tendering and restricted tendering. The open tendering being the most practised tendering in Kenya. It normally happens at two levels: Open national tendering, which is open to participation on standard and equal terms by all bidders on advertisement in an agreed public prescribed manner. It mainly targets domestic firms although foreigners are allowed to participate. Open international tendering is also open to participation on equal terms by all bidders and seeks to attract foreign bidders. It is mainly used where local bidders may not be able to provide favourable or competitive offers/ bids. The open tendering is usually advertised in prescribed national or international newspapers. Another method is restricted tendering, mostly used where the value and condition are not justifiable to the open tendering, whereby bids are obtained directly without sending it out to the public. Here, the procuring entity uses its database of the already pre-qualified bidders who are directly invited to bid. However, procuring agent must demonstrate that open tendering is not applicable.

An invitation for quotation, Odhiambo & Kamau (2013) is another simplified tendering methodology. This is applicable where the procurement agents seek to limit transactions costs, thus preferring to contact the firms that have a proven track record, when calling for quotations. Request for quotations should be addressed to no less than three or more candidates. Finally, direct or single source method is used where circumstances do not allow for competitive bidding. It is applicable for either small quantity of purchases or in cases where time may not allow for competitive bidding. However, as Eagan (2015) argues, this type of contract is conducted through informal networks. The author argues that it is usually more difficult for SME's, compared to larger enterprises, to have informal access to

purchasing agents or departmental heads. Buyers rely on their own lists to solicit vendors in practice, which constitutes a barrier to small businesses, especially the new entrants. This method also makes it difficult to monitor the participation of SMEs as the buyer may not keep records of the purchases.

According to Kenyanya (2013), Kenya has undergone a very significant approaches and developments in the past three decades. The systems in Kenya had no procurement regulations in the 1960s to systems regulated and controlled by the Treasury Circulars in the 1970s, 1980s and 1990s. In 2006, there was the introduction of the Regulations on public Procurement which brought new procurement standards for the public organizations in Kenya. In 2013, in view of the devolved government, the County Governments Procurement Regulations was enacted by parliament. The main aim of the regulation (County Governments Procurement Regulations) was to help operationalize in the application of the Public Procurement and Disposal Act, 2015 in County Governments in Kenya through promotion of the local enterprise initiative, although the spirit of and principle of Public Procurement and disposal remains the still.

1.1.3 Procurement Systems in Public Secondary Schools

The landmark in public procurement reforms came in 2005 when the Public Procurement and Disposal Act (2005), was passed by the Parliament. It established a semi-autonomous oversight body, called the Public Procurement Oversight Authority (PPOA), Public Procurement Oversight Advisory Board (PPOA) and the Public Procurement Administrative Review Board (PPARB). The PPDA (2005) was later replaced by the Public Procurement and Asset Disposal (2015), becoming to law by 7th, January, 2016. The Public procurement agents must aim at ensuring ‘value for money’ to the citizens/ public who have enormous stake in the purchasing related activities in such organizations. This involves client satisfaction, public interest, fair play, honesty, justice and equity (Korosec & Bartle, 2013). A recent study by Schlosser, (2013), has also pointed out the significance of compliance in addition to technical and professional competencies.

In public secondary schools, The Act (PPDA, 2015) has vested procurement activities in the School Evaluation Committee members structured by the Accounting Officer, the school Principal, Chairperson of the Committee, the Deputy Principal, school bursar as the Vice

Chairperson, the officer heading the procurement unit (Storekeeper), being the secretary and Heads of departments (six members) constituting the full membership of the evaluation committee. Evaluation committee is responsible for dealing with financial aspects and the technical view as being the major pillar of procurement transactions in the public sector. In line of the responsibilities are aspects like proposals for prequalification, registration of bidders, evaluation, award and any other roles assigned to it by the school principal but within the jurisdiction of the act (PPAD, 2015).

The Act (PPDA, 2015) further gives the school principal power to appoint the committee called, inspection and acceptance, composed by the chairperson and any two other members who are employees of the institution. According to the act(PPDA 2015), the inspection and acceptance committee has, among other duties to inspect, review and verify the goods or works including work in progress or services in order to ensure that there is compliance to the terms and conditions specified in the contract.

1.2 Problem Statement

The concept of compliance to the procurement act by the public organizations has ever been an issue in Kenya (Mhuri 2013). Gelderman (2015) contend that compliance in public procurement is still a major issue not only in the third world countries but also in the European Union. Hui *et al.* (2011) analysed the procurement issues in Malaysia and established that procurement officers were to blame for malpractice and non-compliance to the procurement policies and procedures. Further study by Agaba and Shipman, (2012) noted that many public universities in Uganda were not following the prescribed practices and compliance requirements as laid down by the Ugandan Law and Act (PPDPA) Act of 2003.

In report by the PPOA (2014), it was noted that although organization culture and procedures supporting systematic procurement compliance had been established, there was a low level of compliance in the public Institutions with the law and regulations. Further report by KPMG International (2013) showed that procurement in the public Institutions still suffers from fraud and misconduct even after the introduction of the Regulations of 2015 (PPDA, 2015) due to lack of public goodwill. In a review of public Universities in Kenya by KACC, (2014), External Audit Report (2014), and the PPRA (2015), found out that there were no set policies

entailing cultural behaviour. It was concluded that public Universities' cultural and procedural compliance level is low in major areas of the Act and Regulations.

The Kenyan Procurement Act (PPDA 2005) was aimed to promote a transparent system, exhibit fairness dealings, and avoid any discrimination in to an individual, group of people or companies for the procurement activities in state owned organizations/ institutions/ Parastatals towards ensuring efficient and effective usage of state resources as to contribute towards the economic development of the country by on maximizing efficiency (Muturi, 2013). However, a report by the World Bank (2014), revealed that the goals were not met since there was a gap in staff training and enforcements by agencies were not effective. The Kenyan PPADA of 2015 include public primary schools secondary schools and other state owned higher learning institutions since they are supported by the government funds. The PPADA (2015) vested on teachers as well as non-teaching staff in such institutions the mandate (power) to control and oversee the procurement activities thereby establishing the various committees like the evaluation committee, inspection and acceptance committees to oversee and control the whole process of procurement. The act also aims to decentralize the entire procurement activities and process which initially, was done by the school Principal for over a long period of time. The PPDA (2005) and the PPADA (2015) were meant to give direction towards the economic goals and objectives through ensuring that state procurement comply to the rules and regulations but the objective of public institutions becoming compliant has been achieved (Mukasa, 2014).

From the above studies and reports (Hui *et al.*, 2011; Agaba & Shipman, 2012; KACC 2012; Muturi 2013; KPMG International, 2013; PPOA 2014; and Gelderman 2015;), it is evident that however some studies on the concept of procurement law compliance in the learning institutions has been done, no study has been done linking the procurement law compliance to public secondary schools in remote areas like Kwale County. This therefore leaves a knowledge gap that had necessitated this study. This study thus intended to bridge the knowledge gap by studying the factors affecting procurement law compliance in government secondary schools, with the main focus of public secondary schools in Kwale County as the survey study.

1.3 Research Objectives

1.3.1 General Objective

To determine factors affecting procurement law compliance in public secondary schools in Kwale County.

1.3.2 Specific Objectives

- i. To find out the effects of organization culture on procurement law compliance in the public secondary schools in Kwale County.
- ii. To determine the effects of external agencies' enforcement of procurement law on procurement law compliance in the public secondary schools in Kwale County.
- iii. To analyse the effects of staff training on PPADA 2015 on procurement law compliance in the public secondary schools in Kwale County.
- iv. To determine the effects of procurement procedures on procurement law compliance in public secondary schools in Kwale County.

1.4 The Hypothesis Statement

The following hypothesis were tested for the research findings;

H₀₁ Organization culture does not affect procurement law compliance in the public secondary schools in Kwale County

H₂ Enforcements of procurement law by external agencies affect procurement law compliance in public secondary schools in Kwale County

H₀₃ The level of staff training on PPADA 2015 do not affect procurement law compliance in public secondary schools in Kwale County

H₀₄ Procurement procedures does not affect the procurement law compliance in public secondary school in Kwale County

1.5 Significance of the Study

While a lot has been intended towards the implementation of procedures for the acquisition of goods or services in the state owned institutions, there is very little that has been done to establish and put in place the best practices so as to comply with the procurement regulations in the public secondary schools in Kenya. This study intended to investigate factors affecting procurement law compliance in public secondary schools in Kwale County. It is intended that the findings of this research survey will be useful in to school management in Kwale County or any other public learning institution in strengthening the acquisition, integration and implementation of procurement practices for the administrative objectives. The study will also be useful to government policy makers in designing changes to streamline the acquisition of goods and services in the learning institutions as set by the Public Procurement Act of 2015 and any Act as may be formulated by the Ministry of Education.

1.6 Scope of the Study

The study dealt with factors affecting procurement law compliance in the public secondary schools in Kwale County. This study concentrated on four variables; Organizational Culture, Enforcements by External Agencies, Internal Staff training and/ or awareness to PPADA 2015 and the procurement procedures as factors deemed to affect procurement law compliance in the public secondary schools in Kwale County. The scope of this study was limited to compliance, especially the level to which public secondary schools through the head teachers/ principals and the head of procurement unit comply with the Public Procurement law and Act (PPADA, 2015). This study was conducted through a descriptive survey research design. The target population were head teachers/ principals and the head of procurement units in the selected public secondary schools. Questionnaires and interview guides were used as instruments to collect data. The survey was carried out during October 2016 to January 2017 on the selected public secondary schools in Kwale County.

1.7 Limitations of the Study

The researcher faced challenges among others like financial constraints, some respondents not willing to fill the questionnaire and the geographical disperse of the target public school since some schools were quite in remote areas especially in Kinago Sub-County.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

Public Procurement has been recognized as a function that plays a key role in ensuring a successful public resource management. Many countries have made an immense effort to integrate procurement into a strategic eye of the government (Ambe & Badenhorst, 2012). Procurement is a very crucial and important element functions of the state when it aimed to acquire goods/ services guided by the five right (right source, time, price quantity and quality). This chapter introduces the review of contextual and theoretical literature relating to aspects of non-compliance with the procurement act in the public sector with the aims to document the critical points of knowledge gap. The chapter further discusses the perspectives of public procurement management and attempts made in this line by other scholars.

2.2 Theoretical Framework

According to Mentzer *et al.* (2015), a good research should be grounded in theory. This study was based on Agency Theory, Resource Based Theory and Legitimacy Theory.

2.2.1 The Agency Theory

The principal-agent theory is an agent model developed by economists that deals with situations in which the principal is in a position to induce the agent to perform some tasks in the principal's interest, but not necessarily agents interest (Health & Norman, 2014). This theory explains that procurement managers are agents to the state and the public sector plays a relationship role. According to this theory, procurement managers includes all civil servants concerned with the procurement in any state organ. The theory holds that shrinking is likely to occur when there is some disagreement between the policy makers and the bureaucracy. Soundry (2015) identifies this principal-agent relationship among possible risks whereby procurement managers show apathy towards principal preferred outcomes or even overriding of the principal's preferences thus resulting to a non-compliance. This theory prefigures procurement regulations as an interventions as an intervention whose primary purpose is to arrest non-conformist procurement officials on gamming the system to their own benefit.

Taken in isolation, it paints a picture of a procurement official begrudgingly obeying procurement regulations at the pain of penal consequences, a position which is only partially correct. In the same vein, the procurement agent is seen as the primary initiator of corruption. This theory constituted the road map that guided this research from the formulation of research questions, through formulation of interview questions, data and content analyses to the conclusions.

Eisenhardt (2013) discussed the assumptions of the theory and raised the issue of principals learning about the agents when there is a long term relationship, when there may be less need for outcome-based contracts. This, he argued may be more in the case with procurement in the private sector, where there are fewer regulations than in the public sector, and where tendering is not required. Private businesses are free to have long term relationships with software developers and consulting firms. Jones (2012) suggested that long term relationships with vendors may in the long run lead to higher effectiveness, due to the stability of the relationship being dependent on controlling goal conflicts. Sharma (2014), has extended the agency theory and focuses on the principal-professional relationship, where professionals can include consultants.

2.2.2 Resource based Theory

Penrose, (2012) provided insights of the resource perspective of the organization. However, Resource – based view of the firm (RBV) was postulated by Wernerfelt (1984) and subsequently propagated by Barney’s (1991) work. Other authors such as Zahra & George (2002); Mahoney & Pandian (1992), Dierick & Cool (1989) also made immense contributions to its conceptual development.

The Theory lays a lot of emphasis on the importance of corporate resources and their general influence and impact on performance. The theory postulates that every organisation is endowed with its unique resources that enable it to remain competitive in the dynamic market, by addressing the rapidly changing business environment (Helfat, 2012). Such resources may include financial, human, physical, technological and information and they must be valuable, rare and non-constitutable (Crook, Ketchen, Combs & Todd, 2013). Lopez (2011) criticizes that mere possession of resources does not confer an organisation competitive advantage,

rather, the resources must be planned, organised, coordinated and implemented in a coherent manner. Compliance to the Public Procurement and Asset Disposal Act requires Public Procuring entities to have capabilities in terms of professionally trained staff and competent corporate leaders to direct staff on how to partake the functions of the procurement functions as stipulated in the provisions of the (PPADA, 2015). The study adopted this theory to assess if Procuring Entities employ professionally qualified and trained staff in procurement, corporate and Tender committee levels, level of their competence and the extent to which the staff are familiar with PPADA 2015.

2.2.3 Legitimacy Theory

The legitimacy theory states that the organization has the mandate to state its activities to the stakeholders, more specifically to the public and state the benefits the society will get from it (Wilmshurst & Frost, 1987). Lindblom (2013) contended that state is there when an organization's value system are in line with the value system of the society that the organization exists to offer. Legitimacy is a perception that the organization are acceptable in the constructed system of behavior in the society that it exists in Suchman (2015). Legitimacy theory therefore brings in good understanding in the government procurement systems. The concept of legitimacy strongly suggests that the social contract which is between the government and the public can be eliminated. In government procurement context, there are issues (such as non-compliance to the set laws) that could endanger the legitimacy practice. In accordance to the legitimacy theory, government officers' choices of legitimizing implementation strategies are focused on the interpretation of the local authority or department involved, and different government officers will be likely to have different ideas of what is expected of them from the public and whether the department or agency or local authority is viewed by the society as complying with the expectations that is expected from them (Deegan *et al.*, 2012). The legitimacy theory argues that officers makes the disclosure practice as a way of building a good reputation among the stakeholders and the society at large (Magness, 2014).

2.3 Conceptual Framework

A conceptual framework is a set of broad ideas and principles taken from relevant fields of enquiry and used to structure a subsequent presentation (Baxter, 2014). In conducting this

study, a conceptual framework was developed to show the relationship between the independent variables and dependent variable. In this study, the dependent variable was Institutional compliance and the independent variables were; organizational culture, procurement law enforcements by external Agencies, staff training and awareness on PPADA 2015 and Procurement procedures. The constructs and relationships between research variables are illustrated in Figure 2.3.

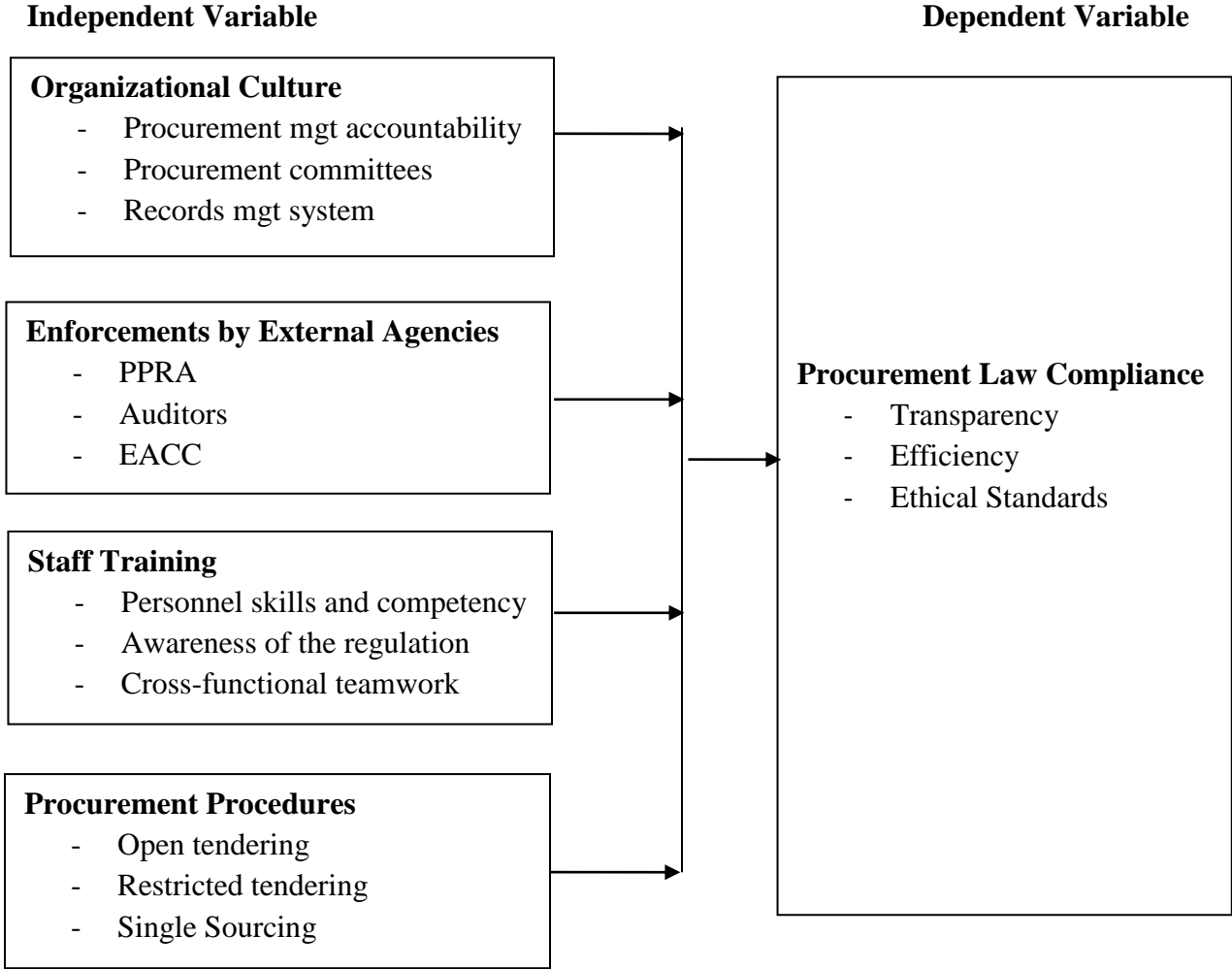


Fig. 2.1 Conceptual Framework

2.3.1. Organizational Culture

Due to regulatory reforms and changing community expectations, the role of culture in organizational compliance has gained momentum (Lisa, 2013). Basing on the competing values model (hierarchical culture), which involves the enforcement of rules, conformity and attention to technical matters, individual conformity and compliance are achieved through enforcement of formerly stated rules and procedures (Zammuto & Krakower, 2012) as cited in Parker & Bradley (2013). This variable is supported by the Legitimacy Theory which hold on the stakeholder's cultural accountability in the public Institutions. Although there is no single definition of culture, one can define it as 'the structure of behaviours, ideas, attitudes, values, habits, beliefs, customs, language, rituals, ceremonies, and practices of a particular group of people that provides them with a general design for living and patterns for interpreting behaviour' (Rice, 2014). Lisa (2013), depicted on a study conducted on effects of cultural activities on public procurement in Uganda that cultural activities was a hindrance to reforms on the public procurement, plays a central role in the compliance process and associated outcomes. It is also contended that in a specific type of culture, characterized by specific values such as openness, trust and honesty (Arjoon, 2013) as cited in Lisa (2013), employees are more likely to engage in compliance behaviours, which collectively will contribute to organizational compliance. Parker & Bradley (2015) further indicated that awareness of the nature of public organizational culture is vital in explaining and assessing the appropriateness and outcome of the current reform process.

According to Wee (2012) culture is the moral principles or values that guide officials in all aspects of their work. Cultural behaviour encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust, respect and consistency to the set principles and law. Implementation of the organizational activities depends on the relationships between and within organizations Odhiambo & Kamau (2013). The principal agency theory best explains this. The theory holds that shrinking is likely to occur when there is disagreement between policy makers and the bureaucracy. Mukasa (2014) stated that school management is the ultimate source of authority and it manages goals and policies for the school by ensuring compliance. Efficient management is one of the most effective preventive mechanisms since it promotes transparency and accountability, facilitates oversight and provides a good basis to prevent corruption (Hui *et al.*, 2012). An organization with genuine commitment to legal

compliance is evidenced by top management's dedication to ethical corporate behavior (Krawiec, 2013). Further study by Rossi (2014) stated that formal controls must first be defined, agreed and applied top down internally within an organization if they are to be effective and that the procurement profession should have good understanding of their organizational culture while implementing public procurement procedures in public secondary schools.

A study by Waters (2014) noted that procurement encompasses the whole process of acquiring property and/or services. It begins when an agency has identified a need and decided on its procurement requirement. Procurement continues through the processes of risk assessment, seeking and evaluating alternative solutions, contract award, delivery of and payment for the property and/or services and, where relevant, the ongoing management of a contract and consideration of options related to the contract. Procurement also extends to the ultimate disposal of property at the end of its useful life and all the set rules and guidelines must be complied with especially in public institutions, while Kippra (2011) noted Sound public procurement policies and practices are among the essential elements of good governance in the public institutions. According to Thai (2012), the basic principles of good procurement practice include accountability, where effective mechanisms and cultural implications must be in place in order to enable procuring entities comply with the regulations. World Bank Report (2013) also consistent with the above findings (Thai, 2012) and further stated that good organizational cultural procedures must be in place in order for Procurement practice to comply with the law.

2.3.2 Enforcement by Relevant External Agencies

According to Zubcic & Sims (2013), enforcement could be broadly viewed as any actions taken by the regulators to ensure compliance. There are mixed opinions regarding the effect of enforcement on compliance. Some scholars such as sparrow (2012) doubted the direct effect of enforcement on compliance. They argue that enforcement may make violators more sophisticated in how to prevent and conceal detection by the authorities. However, other scholars agree that enforcement improves compliance (Cunningham & Kagan, 2015; Imperato, 2014). This variable is supported by Agency Theory which holds that evaluation committee in a public sector procurement are responsible to the government.

Enforcement is the process of making people to obey the law or rule or do something that they do not want to do (English Dictionary, 2013). In Kenya, the PPRA (2015), being the main procurement oversight body conducts investigations on any complaint of non-compliance with the procurement rules and regulations and makes recommendation to the Ethics and Anti-Corruption Commission (EACC), a body established under the Constitution for its assistance in enforcing compliance with the procurement rules by prosecuting suppliers and or procurement or public officers found to have acted corruptly in the public procurement process. Working also in the area of ensuring transparency and compliance to procurement rules in Kenya are the Kenya National Audit Office and the Internal Auditor General (IAG). IAG is responsible for the internal audit function across government especially in the area of procurement. This internal audit is governed by the Public Financial Management Act, and is carried out on an ongoing basis throughout the Fiscal year and in accordance with the required annual work plan thus providing the basis for a sound internal audit mechanism.

In counties with complaint and review mechanisms, bidders are allowed to verify whether the procurement processes conform to the prescribed procedures. The possibility of review is also a strong incentive for procurement officials to abide by the rules (Hui *et al.*, 2011). Hui *et al.* (2011) further stated that firms might choose to implement ineffective compliance systems if legal-violations may be profitable in cases where the legal system under-enforces, either because penalties are set too low or because detection is imperfect or ineffective. Gunningham (2013) argued that the threat of legal sanctions is essential to regulatory compliance and that enforcement action has a cumulative effect on the consciousness of regulated companies and it reminds companies and individuals that violators will be punished and to check their own compliance programs. This is also supported by Kagan (2014) who opined that the outcome of sustained enforcement action instilled a culture of compliance and had a direct impact on corporate compliant behavior. Sutinen & Kuperan, (2015) further argue that coercive enforcement measures remain an essential ingredient in any compliance regime.

Weak enforcement on the other hand creates enormous opportunities for abuse of the system often with total impunity (Hunja, 2013). Public entities will go to great lengths to create

semblance of formal compliance with procedural and other requirements while seriously compromising the intent and spirit of such rules. In several compromised systems even this veneer of formal compliance is not observed mainly because public officials and their private sector accomplices have no fear of retribution. In a review of a public entity's procurement of the Integrated Security Management (ISM) system, the Public Procurement Administrative Review Board (PPARB), had to say the following in its ruling dated 29th November, 2015 "the Board holds that the procurement entity and specifically the tender committee is behaving like an unruly horse and it has to be tamed and calmed". A procurement entity that attempts to run away from the parameters set by the Act and the Regulations must be contained and forced to comply with the Act and the Regulations.

2.3.3. Staff Training

According to Raymond (2012), training in public procurement relates not only to the levels of education and qualifications of the workforce but also to the professional approach in the conduct of business activities. If the workforce is not adequately educated in procurement matters, serious consequences; including, breaches of codes of conduct occur. According to Atkinson (2013) there are approximately 500,000 professional purchasing people in the United States and only 10 per cent of these have been members of a professional body and the rest are not even aware that there are ethical and legal standards involved in procurement. He also linked lack of a high degree of professionalism in public procurement to corruption, which ultimately impedes compliance. This variable is supported by Resource Based Theory which stipulates the unique resources e.g. staff training in an organization for its competitive advantage in compliance.

The procurement process within the public sector in Kenya follows steps as enumerated in the PPADA, 2015. According to Rossi (2013), compliance with formal elements gives an indication of knowledge of the rules. A study by De Boer & Telgen (1998) as quoted by Geldernan *et al.* (2012), one of the factors that causes non - compliance with the procurement regulations is the level of familiarity or awareness with the procurement regulations. Oluka (2012) maintained that public purchasers will comply with the rules if they perceive them as clear. Oluka, 2012 added that the simple fact that the management of a public agency is familiar with the essence of the EU rules could function as an organizational incentive

to comply. Educating and training public purchasers will be an effective tool for increasing the compliance with the directives. In Uganda, a study by Eyaa (2014) found out that lack of familiarity with procurement rules results into poor compliance levels. Other studies from other jurisdictions have also indicated that high levels of non-compliance are partly attributable to inadequate knowledge of the law.

A study by Fisher (2015), compliance arises from a dynamic and continuous training. A report by the PPOA (2013) and the Kenya Institute of Supplies Management (KISM, 2014) stated that the procurement staffs in many procuring entities suffer from a general lack of information about the legal framework, principles, procedures and processes of procurement. Nonetheless it is also possible that those who are very much aware of the regulations know it so well that they know how to beat the loopholes to their advantage. It is worth noting that the ambiguity in the public procurement procedures may provide a chance for dubious acts including opaque tendering and discriminate supplier selection which may progress into poor compliance levels. Other studies have also noted that deficient awareness of the procurement procedure by all the internal stakeholders may affect compliance. Hui *et al.*, (2013) opined that procurement officers must be trained and made aware of all regulations in relation to procurement and related procedures in public institutions so that they can comply with such rules while undertaking the procurement activities.

The procurement officers must be trained and aware about all regulations in relation to procurement and related procedures (Hui *et al.*, 2011). Rossi, (2010) asserts that ethical code is not only a deterrent of incorrect behavior but also an enabler for all members of the organization to safeguard the ethical legacy of the firm. In Uganda, the PPDA Audit Report (2008) revealed that lack of professionalism caused by lack of training was high amongst public procurement officers. This position is further confirmed by Basheka & Mugabira (2008) who state that the level of training in public procurement in Uganda is low or non-existent. De Boer and Telgen (2013), also attributed non-compliance in public procurement to lack of procurement education and training in the public sector.

According to De Boer & Telgen (2013), one of the poignant factors of procurement law non-conformance is the level of awareness or familiarity with the procurement regulations. De Boer & Telgen (2013) observed that during the early days of the operationalization of procurement regulations in Netherlands, many Municipalities found it difficult to comply with the regulations because they were not familiar with them. Gelderman *et al.* (2012) confirms this observation when they conducted a survey on compliance with EU Procurement directives. Given the fact that the procurement profession is still burgeoning in Kenya having come into force in 2005, it is highly possible that the level of awareness with the procurement regulations is still low. It is also possible from the other hand that those who are familiar with the regulations know it smart enough to beat the loopholes inherent in the regulations to their utter advantage. According to Beer (2011), many non – executive directors in Africa are always used as rubber stamps for decisions taken outside the board and their limited understanding of the procurement regulations often exposes them to manipulation by management and principal shareholders thus playing no meaningful role in ensuring procurement regulations compliance. The PPOA Audit Report (2014) revealed that inadequate training was high amongst public procurement officers in Kenya and this can still be attributed to the fact that the profession is still young in Kenya. The requirements to educate and equip procurement professionals with new and higher-level skills have consequently become urgent (Sauber, 2014).

2.3.4. Procurement Procedures

According to Madara (2011), the public procurement system in Kenya was governed by amorphous legal framework such as Treasury Circulars from 1969; then Government Supplies Manual of 1978. In 1997, Government initiated the Public Procurement Reform and Enhanced Capacity Project following recommendations of two procurement audits. The audit disclosed serious shortcomings. Thus, Government decided to reform existing practices in order to achieve and enhance economy, accountability and transparency (Maina, 2011). It harmonized all rules resulting in the Public Procurement Regulations, 2001. An Independent Procurement Review (IPR), covering selected ministries, state corporations, and educational institutions, carried out in 2005 identified further key weaknesses. This variable is based on the Legitimacy Theory since procurement stakeholders are legitimate to the government.

Muendo (2015), analyzed the public procurement system in public secondary schools in Kenya as governed by the Public Procurement and Asset Disposal Authority (PPADA, 2015). There is a Public Procurement and Regulatory Authority established under the Act mandated to ensure that procurement procedures are complied with, and to generally monitor and assist with the implementation and operation of the public procurement system. In general, the main steps are as follows: invitation to tender, preparation of tender documents in accordance with the PPADA (2015), submission and receipt of tenders before set deadline, opening of tenders and the evaluation of tenders. The invitation to tender must be advertised at least twice in a newspaper of nationwide circulation. Muendo, (2015) concluded that the PPADA (2015) provide a number of rules of conduct for the whole procurement process which all the procuring entities need to comply with. The aims of the directives (Suchman, 2015) are, firstly, to avoid discrimination (for instance, on grounds of nationality) by providing a set of coherent rules (for instance, on objective specifications, types of award procedures and time limits), and secondly to ensure transparency by requiring publication in the publicmedia. Kippra (2012), found out that sound public procurement policies and practices are among the essential elements of good governance. According to Thai (2015), the basic principles of good procurement practice include accountability, where effective mechanisms and must be in place in order to enable procuring entities to comply with the set rules regulations.

2.3.5 Public Procurement Law Compliance

Hunja (2011), stipulated that compliance occurs when the target performs a requested action, but is apathetic about it, rather than enthusiastic, and puts in only a minimal or average effort. However, as an organizational outcome, compliance has traditionally been understood as conformity or obedience to regulations and legislation (Juma, 2012) cited in Lisa (2010). Familiarity with procurement regulations is a significant predictor of compliance with procurement regulations. The implication is that the more procurement personnel are familiar with the regulations, the more compliant they will be.

Procurement encompasses the whole process of acquiring property and/or services. It begins when an agency has identified a need and decided on its procurement requirement. Procurement continues through the processes of risk assessment, seeking and evaluating alternative solutions, contract award, delivery of and payment for the property and/or services

and, where relevant, the ongoing management of a contract and consideration of options related to the contract. Procurement also extends to the ultimate disposal of property at the end of its useful life (Waters, 2014).

The procurement regulations compliance which is contained in Public Procurement and Asset Disposal Act (2015), which is mainly used to govern all the public procurement and disposal process in the public sector was made through the act of parliament to establish procedures for efficient public procurement and for the disposal of unserviceable, obsolete or surplus stores, assets and equipment by public entities and to provide for other related matters. In reference to Kenya Gazzette Supplement for the Act (PPADA2015), the purpose to establish procedures for procurement and the disposal of unserviceable, obsolete or surplus stores and equipment by public entities to achieve the following objectives: to maximize economy and efficiency; to promote competition and ensure that competitions are treated fairly; to promote the integrity and fairness of those procedures; to increase transparency and accountability in those procedures; to increase public confidence in those procedures and to facilitate the promotion of local industry and economic development (Kinyanjui, 2012).

While there have been developments in the compliance to the Public Procurement and Disposal Regulations (Mukasa, 2014), there are still challenges to be addressed in public secondary schools to realize full benefits of compliance to public procurement and Asset Disposal Regulations. Some of the notable challenges include; organizational culture lack of enforcements by the external Agencies, lack of staff training and awareness and procurement procedures. Most of the literature shows that there is an abuse of procurement rules and Regulations, but very little is said in the factors that affect compliance to public procurement which seems to be the missing gist in the abrasive regulations that have been established.

2.4 Empirical Review

The concept of compliance (Raymond, 2013) is developed to bring sanity to the public procurement in state and public owned entities where procurement processes were riddled with corruption and mega kickbacks and subsequent loss of billions of shillings were lost. Raymond (2013) further stated that the procurement systems in public sector agencies aim to maximize overall value for money for citizens. This requires consideration of issues such as

client satisfaction, the public interest, fair play, honesty, justice and equity. The importance of public administration as a moral and ethical concern and recognize that administrative action is permeated by moral choices and are therefore models of not only technical and professional competencies but also of moral behaviour. According to Uyarra & Flanagan (2012), the takeover of goods and services by the public sector which includes the local and central government is known as public procurement and is one of the major economic activities of government. Thai (2011), recommended in his study that difference legislations should be enacted to guide public procurement and such legislations must be complied with.

The major issues that have been established in the research of public procurement includes the significance of public procurement and its impact on the economic activity of the country, as public procurement tend to promote the local companies over foreign suppliers hence enhancing economic growth (Brulhart & Trionfetti, 2014). In addition government procurement can also lead to growth in innovation among companies within a specified region. In recent forums it has been discussed that Public procurement can enhance innovation policy on both European and national levels (Aho *et al.*, 2012). This theme is consistent with research done by Prajogo *et al.* (2012), who stated that in the private sector, the procurement value chain activities affect innovation which is due to the gain gotten in the procurement process in value chain, activities which are aimed at getting greater product quality and innovation.

In the context of the public sector, research in this area has shown that government procurement is a major part of demand created innovation policy (Aschhoff & Sofka, 2014). Reflecting broader concern's to achieve long term maintenance of development, public procurement recently has acquired the policy framework that governs its processes that are being followed by the public entities. Public procurement has been identified as the process in which public entities/ organizations meet the needs for goods, services, works and utilities while also gaining the value for money in totality for all the stakeholders involved, and also putting into consideration the environmental aspect (Klassen, 2015).

In reference to World Bank Report (2012), procurement as quoted by Kipchilat (2014), is broadly defined as the purchasing, hiring or obtaining by any other contractual means of goods, construction works and services by the public sector. It is alternatively defined as the

purchase of commodities and contracting of construction works and services if such acquisition is effected with resources from state budgets, local authority budgets, state foundation funds, domestic loans or foreign loans guaranteed by the state, foreign aid as well as revenue received from the economic activity of state. Public procurement thus means procurement by a procuring entity using public funds. The Report (WBR, 2012), concluded on the importance of public procurement in terms of improving the size relative to world GDP and world trade relationship. In this report, the value of the contestable government procurement market was estimated at over \$2 000 billion in 1998. This is equivalent to 7 per cent of world GDP and 30 per cent of world merchandise trade.

In a related study by Trionfetti (2014) quoted by Odhiambo & Kamau (2013), estimates that the size of public procurement varies between 5 and 8 per cent of GDP in most industrialized countries. For Middle East and Africa, the magnitude of central government purchases ranges between 9 and 13 per cent. Kipchilat (2015) on quoting COMESA report (2014), noted that procurement absorbs 60 percent of government expenditure and this means that accountability at all levels is important. These figures indicate that public procurement is important in the economies of both developed and developing countries.

Klassen (2015) indicated that Public procurement has become an issue of public attention and debate in both developed and developing countries, and has been subjected to reforms, restructuring, rules and regulations. Consequently, various countries both in developed and least developed countries have instituted procurement reforms involving laws and regulations. Klassen, (2015), found out that the major obstacle however, has been inadequate regulatory compliance. De Boer and Telgen (2015) confirm that non-compliance problem affects not only the third world countries but also countries in the European Union. This position is further supported by Gelderman *et al.*(2015) who contend that compliance in public procurement is still a major issue.

Hui (2011) while analyzing procurement issues in Malaysia established that procurement officers were to be blamed for malpractice and non-compliance to the procurement policies and procedures. Yukl (1989) and Gelderman *et al.* (2013) stipulated that compliance occurs

when the target performs a requested action, but is apathetic about it, rather than enthusiastic, and puts in only a minimal or average effort. However, as an organizational outcome, compliance has traditionally been understood as conformity or obedience to regulations and legislation (Snell, 2012) cited in Lisa (2014). Gelderman *et al.* (2014) in his study on compliance with EU observed that many entities do not comply with the procurement regulations because they are not familiar with them or the organizations are still burgeoning.

In Uganda, a wave of procurement reforms that begun in 1997, culminated into the enactment of the Public Procurement and Disposal of Public Assets (PPDA) Act 2003, and regulations 2003. Unfortunately, many central government ministries and agencies have since then not followed prescribed practices (Agaba & Shipman, 2014). The procurement audits carried out by the PPDA in Uganda (2013), revealed that out of 322 contracts audited at the end of 2005, only 7 (2%) were assessed as compliant. Other successive audit checks reveal that compliance in public procurement in Uganda is still inadequate (PPDA compliance reports, 2009; World Bank Country Procurement Assessment Report, 2010; PPDA Baseline survey report, 2010; PPDA Capacity Building Strategy Report, 2011-2014), as cited by Tukamuhabwa B. R (2015).

In another further study done by Kipchilat (2015), on the level of compliance in Parastatal Organizations, the major findings of the studies was that public procurement was not operating efficiently and that the state was losing a lot of money through shoddy deals due to non-compliance. According to Wanyama, (2012), The Principal reason for the enactment of any procurement Act was to have a legal regime that weeds out inefficiencies in the procurement process, remove patterns of abuse, and the failure of the public purchaser to obtain adequate value in return for the expenditure of public funds. However, these objectives have never been fully achieved in practice. Wanyama, (2010) noted further that key provisions of the Act and the Regulations are replete with textual weaknesses that have often been abused by procuring entities. The author found out that regulations do not envisage contemporary market realities hence the need to continuously revise them to keep pace with these developments.

In a study by Aschhoff & Sofka (2015), the introduction of the legal and regulatory procurement framework; the establishment of the PPOA as an oversight body; the

development of a framework for contract administration and the new appeals mechanism were among those aspects of the procurement system rated as having been positively affected by the Regulations to enhance procurement compliance. In contrast, the existing institutional development capacity in procuring entities and functioning of the procurement market were assessed as being among the weakest aspects of the system. The study (Aschhoff & Sofka, 2015) noted that although procedures supporting systematic procurement planning have been established, research showed that these are far from always being complied with. It was found out, for example, that there was a low share of procurements that were done through open tendering. This indicated that most of the procurements were done on an *ad hoc* basis, by quotations and direct procurements, thus suggesting lack of procurement planning in most of the surveyed government departments. In a report by KPMG (2015), it was concluded that however one of the strong points about the Regulations was that procurement decision making had been fully delegated, it was yet found out that public procurement still suffered from fraud and misconduct. It was noted that public officials distort the Regulations to restrict the participation of interested firms in procurement, or still direct the outcome of others.

2.5 Critique of Existing Literature

Gelderman *et al.*, (2014) in his study on compliance with EU observed that many entities do not comply with the procurement regulations because they are not familiar with them or the organizations are still burgeoning. The researcher of this project agrees that familiarity to procurement regulations can affect compliance but disagrees on the lifecycle of an organization being a reason enough for organizations not to comply with the regulations. Sims (2012), dwelt into enforcement mechanisms to enhance compliance to Public procurement regulations. According to a study done by (Sims 2012), enforcement actions and increased penalties lead to greater levels of compliance with procurement laws. In countries with strong bidding mechanisms, bidders are allowed to participate in all procurement process and can lodge review complaint if they deem that the process was not in consonance with the provisions of the regulations. Such bidder participative mechanisms are a strong force for procurement officials to abide by the regulations (Hui *et al.*, 2013). That much said, the researcher did not delve into how effective are bidder review mechanisms in enhancing compliance levels to procurement regulations compliance. Lastly, the theoretical and the empirical literature demonstrate that, the existing literature on the factors affecting

procurement compliance has forecasted much on other public entities and little has been addressed to public secondary school (Gelderman *et al.*, 2014)

2.6 Research Gap in the Literature Review

From the analysis of the literature on procurement law compliance in the learning institutions, the researcher has identified that there is need for the research on factors affecting procurement law compliance and how such factor impact on the institutional compliance. The previous research studies missed on how organization culture and enforcements by the external agencies affect compliance to procurement regulations. Furthermore, the studies did not consider on how the staff training/ awareness and the procurement procedures affects procurement law compliance in the public institutions. The main aim of the Public Procurement law and/ or Public Procurement Act is to ensure that the purchasing entities adhered to the set regulations. Moreover, the literature review showed that there was still low level of compliance to the procurement law by the public institutions.

2.7 Summary

Many public procurement activities suffer from neglect, lack of direction, poor co-ordination, lack of open competition and transparency, differing levels of corruption and most importantly not having a cadre of trained and qualified procurement specialists, who are competent to conduct and manage such procurements, in a professional, timely and cost effective manner. Inflexible and bureaucratic systems of procurement contribute to unacceptable contract delays, increased costs, the potential for manipulation of contract awards and lack of fair competition, all of which create the perception in the population at large, that public expenditure is slow, ineffective, expensive and often corrupt. In improving public procurement in Kenya as well as reform initiatives have centered on making the acquisition process more efficient, essentially by blocking legal and procedural loopholes believed to be avenues for waste and corruption in the system. Consequently, much effort has been devoted in bringing together existing procurement regulations, including directives, into a single document the Public Procurement and Assets Disposal Authority (2015). While there have been developments in the compliance to the Public Procurement and Disposal Regulations, there are still challenges to be addressed to realize full benefits of compliance to public procurement and Disposal Regulations. Some of the notable challenges include;

institutional and professional capacity challenges (PPOA, 2007), political interference with the implementation of the regulations (CCG, 2207) and the low level implementation of Information Communication (ICT) tools (KIPPRA, 2010). Most of the literature shows that there is an abuse of procurement rules and Regulations, but very little is said in the factors that affect compliance to public procurement and Disposal Regulations which seems to be the missing gist in the abrasive regulations that have been established.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This section will be dealing with research design, target population, sample and sampling procedures, data collection instruments, validity and reliability of the instruments, procedure for data collection and data analysis techniques.

3.2 Research Design

This study was conducted through a descriptive survey research design. According to Mugenda & Mugenda (2012) a descriptive survey is an attempt to collect data from members of a population in order to determine the current status of that population with respect to one or more variables. Skinner (2013) stated that a descriptive survey research is suitable since it considers issues such as economy of the design, rapid turnaround in data collection and it is suitable for extensive research. The descriptive research design helped to investigate factors affecting procurement law compliance in Public Secondary Schools in Kwale County. The descriptive survey design was appropriate for this study as it allowed the researcher to use few objects to explain the influence of organizational culture, staff training, and enforcements by the external agencies and procurement procedures to the compliance in public secondary schools in Kwale County.

3.3 Target Population

Target population is the specific population on which information is desired (Mugenda & Mugenda, 2010). According to Ngechu (2014) population is a well-defined or set of people, services, elements, events, group of things e.g. households that are being investigated. The target population of this study were all school principals and head of procurement unit in public secondary schools in Kwale County. Kwale County has three Sub-Counties, which are Msambweni sub-county having 13 public secondary Schools, Kwale sub-county having 16 public secondary schools and Kinango sub-county having 13 public secondary schools totalling to 42 Public secondary schools in the entire Kwale County (Appendix IV). Each public secondary school has one head teacher/ principal and one head of procurement unit

(NBS, 2013), thus made the total target population of this study to be 84 members as shown in Table 3.1 below.

Table 3.1 Total Population

Job Title	Total Population
Principal	42
Head of Procurement Unit	42
Total	84

3.4 Sample Size and Sampling Technique

According to Baily *et al.* (2013), the ideal sample size should be large number to serve as adequate representatives of the population, small enough to be selected economically and effective, that is in terms of subject availability. In this research a sample size was selected from the population of 84 members (42 public secondary schools). A stratified random sampling technique was used to stratify the 42 public secondary schools in Kwale County. Out of the 42 public secondary schools, each sub-county had an equal representation since 14 schools were selected among the three Sub-Counties (Msambweni Sub-county 14 schools, Kwale Sub-county 14 schools and Kinago Sub-County 14) as this ensured equal distribution of the respondents through stratified random sampling technique. Furthermore for the purpose of this study, from each school selected, the school principal and the head of procurement unit were the target population. The importance of the stratified random sampling (Mugenda & Mugenda, 2013) is that it provides the maximum sample size and it is very effective.

The sample size was calculated using Krejcie & Morgan formula (1960).

$$S = \frac{X^2 NP (1 - P)}{d^2 (N - 1) + X^2 P (1 - P)}$$

S= Required Sample size.

X² = The table value of chi-square for 1 degree of freedom at the desired confidence level (3.841).

N= The population size.

P= The population proportion (assumed to be .50 since this would provide the maximum sample size).

d= The degree of accuracy expressed as a proportion (.05).

Table 3.2 Sample Size

Job Title	Sample Size
Principal	35
Head of Procurement Unit	35
Total	70

In this study, a sample size of 70 respondents was selected for the study. The sample size represents a 95 percent confidence level. According to Wilmshurst & Frost, (2012), the sample size is considered appropriate when the sample size is larger than 30 and less than 500 respondents is appropriate to satisfy most quantitative research requirements for accuracy, validity and repeatability of the range of the wider cluster.

3.5 Data Collection Methods

In order to achieve the intended objectives, both primary and secondary data were used in this research study. Secondary sources included Internets, Text books, Africana found at TUM, Documented Reports like the purchasing journals. These helped the researcher with rich documented facts, ideas and theories that were developed by different scholars. The secondary data contributed towards background information, while primary data was collected by administering the research instruments after sought permission from the relevant authority, mainly from the school head teachers and letter of introduction from Technical University of Mombasa. The researcher administered questionnaire and conducted interview schedules to the sampled respondents and the respondents were assured the confidentiality of the information that they gave. Finally, the researcher allowed adequate time to the respondents to respond to the questionnaires.

3.6 Data Collection Procedures

The methods chosen for data collection (Wittig, 2013), should provide high accuracy and convenience in obtaining data from the respondents. In this study, the researcher used interviews and Questionnaires as instruments to collect data. According to Mugenda & Mugenda (2013), the questionnaires are used to collect written information from literate respondents, and those quite able to answer items adequately. In this study questionnaire was

used to collect information on factors affecting procurement law compliance in public secondary schools in Kwale County. The questionnaires formed the main instrument for data collection and contain both closed and open ended questions. Administration of the questionnaire was on a drop and pick basis. Another method the researcher used was the interview schedules. Mugenda & Mugenda (2013) defined the interview schedule as “a set of questions that the interviewer asks when interviewing. That interview schedules involved face to face meetings with the interviewees.” Open-ended interviews were carried out to supplement the questionnaires which were used to collect information from the school principals and head of procurement unit members in public secondary schools.

3.7 Pilot Study

According to De-Boer & Telgen (2012), validity is the degree to which a test measures what it purports to measure. To enhance validity, the researcher exposed the instruments to experts like project supervisors and conducts a test-retest technique in research for judgment. The researcher also conducted a pilot study whereby inappropriate questionnaire items were discarded, rephrased and/ or merged. The piloting and validity was selected and conducted randomly from three school principals and three heads of procurement units each one from among the three Sub-counties (Msambweni, Kwale and Kinango Sub-counties), but are not among the list of sample for the study. The scores from Time 1 and Time 2 was then be correlated in order to evaluate the test for stability over time.

Reliability on the other hand is a measure of the degree to which a research instrument yields consistent results or data after repeated trials, (Mugenda & Mugenda, 2014). Mugenda further stated that reliability in research is influenced by random error, of which if it is high, reliability becomes low. To assess the reliability of instruments, test-retest technique was used. The research instruments was presented to the three school principals and heads of procurement units selected for a pilot study, result was recorded, the same instruments was again presented to the same group after two weeks and the results for both tests was checked and found out to correlate.

3.8 Data Analysis and Presentation

The responses that were received from the questionnaires and interview schedules conducted were organized and analyzed. Data was presented in a descriptive form supported by tables, charts and graph. The researcher used likert-scale as a parameter to formulate questionnaire. The researcher then exported the data from Survey Monkey database to IBM Statistical Package for Social Sciences (SPSS v.20). Data was then analyzed descriptively using IBM Statistical Package for Social Sciences (SPSS v.20). To test the relationship between variables, Spearman rank correlation was used. Regression analysis model was then computed to determine the statistical relationship between the independent variable and the dependent variables hence multiple regression model that was used in the study is;

$$\hat{Y} = \hat{\beta}_0 + \hat{\beta}_1 X_1 + \hat{\beta}_2 X_2 + \hat{\beta}_3 X_3 + \hat{\beta}_4 X_4$$

Where:

\hat{Y} = Procurement Law Compliance (Dependent Variable)

β_0 = Intercept or constant

X_1 = Organizational Culture (Independent Variable)

X_2 = Enforcement by External Agencies (Independent Variable)

X_3 = Staff Training and Awareness (Independent Variable)

X_4 = Procurement Procedures (Independent Variable)

CHAPTER FOUR

FINDINGS AND DISCUSSION

4.1 Introduction

This section presents analysis and findings of the study as set out in the research objectives and methodology. The study findings and discussions are presented on the factors affecting procurement law compliance in public secondary schools, a case study of Kwale County.

4.1.1 Response Rate

The study targeted a sample of 70 respondents. Prior to the actual study, pilot study was done and the questionnaire was found to be reliable. The researcher distributed 70 questionnaires of which 64 of them were properly filled and returned. This represented a 91% response rate which was characterized as being very good. This commendable response rate was made a reality after the researcher made personal visits to remind the respondent to fill-in and return the questionnaires and giving the respondents ample time to respond to the instrument. This response rate was good, representative of the study and conforms to Mugenda & Mugenda (2013) who stipulated that a response rate of 50% is adequate for analysis and reporting; a rate of 60% is good and a response rate of 70% and over is excellent. The non-response was 12% which was attributed to the fact that some respondents were away from their various stations of work on an official duty though some denied their response for unclear reasons as shown in the table below.

Table 4.1 Response Rate

Response	Frequency	Percentage (%)
Response	64	88
Non-response	6	12
Total	70	100

4.2 Demographic Information

The researcher used four demographic items in the questionnaire; Gender, Age, Job title, Work experience and Educational level. The respondent's responses were as below.

4.2.1 Gender of the Respondents

Respondents were asked to state their gender (male or female). Table 4.2 shows that majority of the respondents were male comprising 51.60 percent while female were 48.4 percent. The margin however is minor (3.2%), implies that more males are employed as either school principals or head of procurement unit than females.

Table 4.2 Gender of the Respondents

Gender	Frequency	Percent
Female	31	48.4
Male	33	51.6
Total	64	100.0

4.2.2 Age of the Respondents

Respondents were asked to state their age brackets. Table 4.3 shows that most respondents were in the age bracket of 21-30 yrs comprising 43.8% followed by age bracket of 31-40 yrs with 35.9% and lastly 41-50 yrs with 20.3%. This implies that many school principals or head of procurement units were in the age bracket of 21-30 yrs and the percentage decreases as they grow to the age of 50 years, the employees either retire or go to other disciplines/ organizations.

Table 4.3 Age of the Respondents

Age (Years)	Frequency	Percent
21-30 years	28	43.8
31-40 years	23	35.9
41-50 years	13	20.3
Total	64	100.0

4.2.3 Job Title of the Respondents

Respondents were asked to state as either school principal or head of the procurement unit. Table 4.4 shows that most respondents were Head of Procurement Units with a percentage of 50. The school principals had 48.4%. There was one respondent who denied stating his/ her job title. This shows that the head of the procurement units were willing to respond to the procurement related questions than the school principle. This can be vested to the fact that the heads of procurement unit are discipline oriented to the procurement issues than the school principles.

Table 4.4 Job Title of the Respondents

Job Title	Frequency	Percent
Principal	31	48.4
Head of Procurement Unit	32	50.0
Non-response	1	1.6
Total	64	100.0

4.2.4 Respondent's Work Experience

Respondents were asked to select from the list given, the number of years they have worked at their respective work stations. Table 4.5 shows the number of years the respondents have worked for the school. 42.2 percent have worked there for 10 years and below, 26.6 percent have worked for the school between 11 -20 years while 31.3 percent have worked for the school between 21-30 years. This shows that most of either school principal or head of the procurement unit work on one station for a period of 0-10 years.

Table 4.5: Respondent's Work Experience

Work Experience(years)	Frequency	Percent
<10	27	42.2
11-20	17	26.6
21-30	20	31.3
Total	64	100.0

4.2.5 Respondent's Educational Qualifications

Respondents were asked to select from the list given, the level of their educational qualification. Table 4.6 below shows that the level of education was as follows; 5.0 percent were diploma holders, 34.4 percent were undergraduates while majority of the respondents were master's degrees with 40.6 percent. None of the respondent was a PhD holder. This implies that the majority of either school principal or head of procurement unit is a master's holder. This has been enhanced by the increases of university institutions and the unique programmes that they offer (holiday and evening programmes). However, none of the respondent was a PhD holder contributed by the fact that individuals who are PhD holders are considered over-qualified in public secondary schools and cannot receive an equivalent remunerations to the PhD qualification.

Table 4.6 Respondent's Educational Qualifications

Educational Qualifications	Frequency	Percent
Diploma	16	25.0
Undergraduate	22	34.4
Master's	26	40.6
PhD	0	0
Total	64	100.0

4.3 Response on the Factors Affecting Procurement Law Compliance

The respondents were asked to answer questions on the factors affecting procurement law compliance in public secondary schools in Kenya, specifically in Kwale County. Using four items (Organizational Culture, Procurement Procedures, Staff Training/ Awareness and Enforcements by External Agencies) in the questionnaire. The findings were analysed using SPSS and are discussed as shown below;

4.3.1 Response on the Organization Culture

Table 4.7 shows that none of the respondents strongly disagree, 14.1 percent disagree, 26.6 percent are uncertain, 45.3 percent agree and 14.1 percent strongly agree that organizational culture affects procurement law compliance. According to Wee (2012) culture is the moral principles or values that guide officials in all aspects of their work. Cultural behaviour encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust, respect and consistency to the set principles and law. Odhiambo & Kamau (2013) has stated that implementation of the organizational activities depends on the relationships between and within organizations. The principal agency theory best explains this. The theory holds that shrinking is likely to occur when there is disagreement between policy makers and the bureaucracy. It is evident that since school management is the ultimate source of authority and it manages goals and policies for the school, their moral principles or values will ensure procurement law compliance. The response can be shown on the Table 4.7.

Table 4.7 Organization Culture

Organization Culture	Frequency	Percent
Disagree	9	14.1
Uncertain	17	26.6
Agree	29	45.3
Strongly Agree	9	14.1
Total	64	100.0

4.3.2 Response on Enforcement by External Agents

Table 4.8 shows that 4.7 percent strongly disagree, none agree, 9.4 percent are uncertain, 53.1 percent agree and 32.8 percent strongly agree that enforcement by the external agents affects procurement law compliance. In referring to Zubcic & Sims (2013), who stated that enforcement could be broadly viewed as any actions taken by the regulators to ensure compliance. There are mixed opinions regarding the effect of enforcement on compliance. Some scholars such as sparrow (2012) doubted the direct effect of enforcement on compliance. They argue that enforcement may make violators more sophisticated in how to prevent and conceal detection by the authorities. However, other scholars agree that enforcement improves compliance (Cunningham & Kagan, 2015; Imperato, 2014). In Kenya, the PPRA (2015), being the main procurement oversight body conducts investigations on any complaint of non-compliance with the procurement rules and regulations and makes recommendation to the Ethics and Anti-Corruption Commission (EACC). Working also in the area of ensuring transparency and compliance to procurement rules in Kenya are the Kenya National Audit Office and the Internal Auditor General (IAG). IAG is responsible for the internal audit function across government especially in the area of procurement. From the findings of this study, it is evident there must be a strong enforcement by the external government agents on the compliance to the procurement law/ act.

Table 4.8 Enforcement by External Agents

Enforcement	Frequency	Percent
Strongly Disagree	3	4.7
Uncertain	6	9.4
Agree	34	53.1
Strongly Agree	21	32.8
Total	64	100.0

4.3.3 Response on Staff Training

Table 4.9 shows that 7.8 percent disagree, 20.3 percent are uncertain, 57.8 percent agree and 14.1 percent strongly agree that level of staff training on PPADA, 2015 affects procurement law compliance. This response is quite interesting since any other public procurement stakeholder would expect it otherwise. According to Raymond (2012), training in public procurement relates not only to the levels of education and qualifications of the workforce but also to the professional approach in the conduct of business activities. If the workforce is not adequately educated in procurement matters, serious consequences; including, breaches of codes of conduct occur. The procurement process within the public sector in Kenya follows steps as enumerated in the PPADA (2015). According to Rossi (2013), compliance with formal elements gives an indication of knowledge of the rules. Oluka (2012) maintained that public purchasers will comply with the rules if they perceive them as clear. Nonetheless it is also possible that those who are very much aware of the regulations know it so well that they know how to beat the loopholes to their advantage. It is worth noting that the ambiguity in the public procurement procedures may provide a chance for dubious acts including opaque tendering and discriminate supplier selection which may progress into poor compliance levels.

Table 4.9 Staff Training on PPADA, 2015

Staff Training	Frequency	Percent
Disagree	5	7.8
Uncertain	13	20.3
Agree	37	57.8
Strongly Agree	9	14.1
Total	64	100.0

4.3.4 Response on Procurement Procedures

Table 4.10 shows that 3.1 percent strongly disagree, 21.9 percent disagree, 40.0 percent are uncertain, 29.7 percent agree and 4.7 percent strongly agree that procurement procedures affects procurement law compliance. The correlation analysis in Table 4.3.2 showed that procurement procedures affects law compliance negatively. Muendo, (2015) analyzed the public procurement system in public secondary schools in Kenya as governed by the Public Procurement and Asset Disposal Authority, (PPADA, 2015). There is a Public Procurement and Regulatory Authority established under the Act mandated to ensure that procurement procedures are complied with, and to generally monitor and assist with the implementation and operation of the public procurement system. In general, the main steps are as follows: invitation to tender, preparation of tender documents in accordance with the PPADA, (2015), submission and receipt of tenders before set deadline, opening of tenders and the evaluation of tenders. The invitation to tender must be advertised at least twice in a newspaper of nationwide circulation. However, in the PPAD (2015) there are exceptional cases of handling emergency procurement requirements, the public procurement procedures are so lengthy. This is the major reason as per why procurement procedures affect compliance negatively.

Table 4.10 Procurement Procedures

Procurement Procedures	Frequency	Percent
Strongly Disagree	2	3.1
Disagree	14	21.9
Uncertain	26	40.6
Agree	19	29.7
Strongly Agree	3	4.7
Total	64	100.0

4.3.5 Response on Dependent Variables (Procurement Law Compliance)

Table 4.11 shows that 1.6 percent strongly disagree, 6.3 percent disagree, 9.4 percent are uncertain, 57.8 percent agree and 25 percent strongly agree organizational culture, enforcement by the external agents and Staff training on PPADA, 2015 have improved the performance of the organization (public school). The response can be shown on Table 4.11

Table 4.11 Procurement Law Compliance

Procurement Law Compliance	Frequency	Percent
Strongly Disagree	1	1.6
Disagree	4	6.3
Uncertain	6	9.4
Agree	37	57.8
Strongly Agree	16	25.0
Total	64	100.0

4.4 The Analysis

The researcher used Correlation and multiple regressions to analyse the findings. The data were first fed to the SPSS and the researcher could analyse to examine the relationship between the variables. Before the correlation and multiple analyses, the researcher summarizes the variables to see the validity of the data. The results can be seen on Table 4.12

Table 4.12 Summary of Statistics, Mean, Standard Deviation and Variance

Statistics	Culture	Enforcement	Staff Training	Procedures	Proc. Law Compliance
N	Valid 64	64	64	64	64
	Missing 0	0	0	0	0
Mean	3.5573	4.0885	3.7135	3.1875	3.9531
Std. Deviation	0.86690	0.86320	0.66896	0.72466	0.77861
Variance	0.752	0.745	0.448	0.525	0.606

Table 4.12 summarizes the descriptive statistics and analysis results. As can be seen, all the variables were found to be valid. The mean, Std. Deviation and Variance of the variables were all positive.

4.4.1 The Correlation Analysis

The summary of the correlation analysis was done to establish the relationship between the variables. An examination of correlation (Table 4.4.2) revealed that all the variable were significant at the 0.05 level (1-tailed). However, as the collinearity statistics were all within the accepted limits. The assumption of multicollinearity was deemed to have been met (Vagstad, 2015). Extreme univariate outliers were identified in the initial data screening were modified. An examination of the Mahalanobis distance scores were indicated no multivariate outliers. Residual and scatter degree indicated the assumptions of normality, linearity and homoscedasticity were all satisfied (Hair *et al.*, 2013; Pollant; 2014 & Suchman, 2015). Table 4.13 shows the result.

Table 4.13 Correlation Analysis between the Variables

Variables	Variable					
	Culture	Enforcement	Staff Training	Procedures	Procurement Law Compliance	
CULTURE	Pearson Correlation	1				
	Sig. (1-tailed)					
	N	64				
ENFORCEMENT	Pearson Correlation	0.027	1			
	Sig. (1-tailed)	0.415				
	N	64	64			
STAFFTRAINING	Pearson Correlation	0.027	0.542**	1		
	Sig. (1-tailed)	0.415	0.000			
	N	64	64	64		
PROCEDURES	Pearson Correlation	0.179	0.114	0.163	1	
	Sig. (1-tailed)	0.078	0.185	0.098		
	N	64	64	64	64	
PERFORMANCE	Pearson Correlation	0.230*	0.303**	-0.006	-0.209*	1
	Sig. (1-tailed)	0.034	0.008	0.482	0.049	
	N	64	64	64	64	64

The correlation between the dependent variable (Institutional Compliance) and the independent variable Enforcements (0.303) and Culture (0.230) exhibited a positive correlation while staff training (-0.006) procurement procedure (-0.209) (Correlation is significant at the 0.01 level 1-tailed). In the correlation scale of $(-1 \leq X \leq 1)$ between the dependent variable (institutional compliance) and the independent factors, there was a strong

correlation in enforcements as the determiner of the institutional compliance while the correlation between dependent variable (procurement procedures) was a negative value.

4.4.2 The Regression Analysis

The test of factors predicting the independent variable was done through regression analysis as shown on the Table 4.14

Table 4.14 Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics				
					R Square Change	F Change	df1	df2	Sig. F Change
1	0.504 ^a	0.254	0.204	0.69483	0.254	5.027	4	59	0.001

a. Predictors: (Constant), Procedures, Enforcement, Culture, Staff Training

The table shows the coefficient of correlation (R) and the coefficient of determination (R^2). The adjusted R square value of 0.204 implied that the 37.3% of the institutional compliance were influenced by the 4 variables leaving 62.7% to be influenced by other factors. A similar analysis can also be illustrated in the table below.

Table 4.15 Inter-Item Regression Matrix

Variables	Culture	Enforcement	Staff Training	Procedures	Procurement Law Compliance
Culture	1.000	-0.068	-0.015	0.267	0.195
Enforcement	-0.068	1.000	0.533	0.120	0.281
Staff Training	-0.015	0.533	1.000	0.300	0.042
Procedures	0.267	0.120	0.300	1.000	-0.159
Performance	0.195	0.281	0.042	-0.159	1.000

The Inter-item regression matrix in Table 4.16 shows a strong relationship between the variables and the independent variable. A related analysis can also be illustrated by an Analysis of the Variance (ANOVA) in Table 4.16 below.

Table 4.16 ANOVA Table

Source of Variable	Sum of Squares	Df	Mean Square	F	Sig.
Regression	9.709	4	2.427	5.027	0.001 ^b
Residual	28.484	59	0.483		
Total	38.193	63			

a. Dependent Variable: Procurement Law Compliance

b. Predictors: (Constant), Procedures, Enforcement, Culture, Staff Training

The result shows that the outcome of analysis of variance (ANOVA) indicates that, the F value is positive (5.027) statistics with a significant change of 0.001%. This implied that the impact of compliance level is statistical significant.

4.4.3 Coefficients of the Variables

The summary of coefficients in Table 4.15 shows that out of the four variables, two of the variables (enforcement and culture) have a positive effect on the institutional compliance. The most influential variable is the enforcement with a regression coefficient of 0.367, followed by culture at 0.450 (all at upper bond) while two of the variables were negatively influencing compliance with a coefficient of staff training at – 0.074 and procurement procedures at 0.046 in the upper bond.

Table 4.17 Summary of the Coefficients of variables

Variables	95.0% Confidence Interval		Collinearity Statistics	
	Lower Bound	Upper Bound	Tolerance	VIF
(Constant)	1.945	4.646		
Culture	0.040	0.450	0.968	1.033
Enforcement	0.154	0.637	0.705	1.418
Staff Training	-0.554	0.074	0.695	1.438
Procedures	-0.544	-0.046	0.942	1.062

a. Dependent Variable: Procurement Law Compliance

Using multiple linear regression and step wise model selection, it can be seen that out of the four factors affecting procurement law compliance, two of them are statistically significant at 5% level at a 95.0% confidence interval (1-tailed) (Table 4.15). The factors that the researchers used are organizational culture; Enforcements by External Agencies, Staff training on PPAD, 2015 and Procurement procedures. Organizational Culture, Enforcement by External Agencies affects procurement compliance positively. Staff training on PPAD, 2015 and Procurement procedures affects procurement compliance negatively.

The coefficient of the variables can also be presented in the Table below;

Table 4.18 Summary of the Coefficients of variables

Variables	Unstandardized Coefficients		Standardized Coefficients	t	Sig.	95.0% Confidence Interval for B	
	B	Std. Error	Beta			Lower Bound	Upper Bound
	(Constant)	1.188	0.451			0.264	2.575
Culture	0.258	0.139	0.288	2.07	0.048	0.040	0.450
Enforcement	0.044	0.144	0.053	0.375	0.708	0.154	0.637
Staff Training	0.386	0.177	0.284	2.104	0.039	-0.554	0.074
Procedures	0.428	0.138	0.322	2.485	0.042	-0.544	-0.046

Dependent Variable: Procurement law compliance

Step wise factors selection method takes care of the problems of multi-collinearity (Table 4.17). Using the coefficients in Table 4.1, the regression model can be expressed by equation 4.1;

$$Y = 1.188 + 0.258x_1 + 0.044x_2 - 0.386x_3 - 0.428x_4 \dots\dots\dots 4.1$$

\hat{Y} = Procurement Law Compliance (Dependent Variable)

X_1 = Organizational Culture (Independent Variable)

X_2 = Enforcement by External Agencies (Independent Variable)

X_3 = Staff Training and Awareness (Independent Variable)

X_4 = Procurement Procedures (Independent Variable)

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

Under this section, the researcher summarized the findings, conclusion and recommendation as per the study objectives and the research hypothesis in chapter one. The researcher made conclusions and recommendations from a successful questionnaire administered.

5.2 Research Findings

The discussion of the findings were done in the form of hypothesis and the results were as follows;

5.2.1Hypothesis 1

H_0 : Organization culture does not affect procurement law compliance in the public secondary schools in Kwale County

H_1 : Organization culture affect procurement law compliance in the public secondary schools in Kwale County

From Table 4.18, the P value of the coefficients of the organization culture is less than 0.05 at 95% confidence interval. This means that the null hypothesis was rejected and thus deduced that organization culture affects procurement law compliance in the public secondary schools in Kwale County.

5.2.2Hypothesis 2

H_2 Enforcements of procurement law by external agencies affect procurement law compliance in public secondary schools in Kwale County

H_0 Enforcements of procurement law by external agencies does not affect procurement law compliance in public secondary schools in Kwale County

The observations made from Table 4.18, shows that the P value of the coefficients of the enforcement by the external agencies is less than 0.05 at 95% confidence interval. This implies that the null hypothesis was rejected and therefore conclusions made was that enforcement by the external agencies affect procurement law compliance in the public secondary schools in Kwale County.

5.2.3Hypothesis 3

H_0 The level of staff training on PPADA, 2015 do not affect procurement law compliance in public secondary schools in Kwale County

H_3 The level of staff training on PPADA, 2015 do affect procurement law compliance in public secondary schools in Kwale County

From Table 4.18, the P value of the coefficients of the staff training is less than 0.05 at 95% confidence interval. This means that the null hypothesis was rejected and thus deduction was that staff training affects procurement law compliance in the public secondary schools in Kwale County.

5.2.4Hypothesis 4

H_0 Procurement procedures does not affect the procurement law compliance in public secondary school in Kwale County

H_1 Procurement procedures do affect the procurement law compliance in public secondary school in Kwale County

Since the P value of the coefficients of enforcement by the external agencies is less than 0.05 at 95% confidence interval as shown in Table 4.18, this implication is that the null hypothesis was rejected and therefore conclusions made was that enforcement by the external agencies affect procurement law compliance in the public secondary schools in Kwale County.

5.3Conclusion

The study was conducted to find out the factors affecting procurement law compliance in public secondary schools in Kenya, a case study of public secondary schools in Kwale County, Coast Region. The study involved 42 public secondary schools in Kwale County. The sample size was 42 School Principles and 42 Heads of Procurement Unit (84 people). This study was guided by the following specific objectives; 1) To determine the effects of organizational culture on procurement law compliance in the public secondary schools in Kwale County, 2) To determine the effects of external agencies' enforcement of procurement law on procurement law compliance in the public secondary schools in Kwale County, 3) To determine the effects of staff training on PPADA, 2015 on procurement law compliance in the public secondary schools in Kwale County and 4) To determine the effects of procurement procedures on procurement law compliance in public secondary school in Kwale County.

The first objective of the study was to determine the effects of organizational culture on procurement law compliance in the public secondary schools in Kwale County. The findings revealed that the organization (school) culture affects procurement law compliance in public secondary schools. Among the respondents, a bigger number (45.3%) revealed that the school culture affects procurement law compliance positively. Thus there is a relationship between culture and procurement law compliance in that a school that remains to comply with the procurement law must adapt to the culture that supports compliance.

The second objective of the study was to determine the effects of external agencies' enforcement of procurement law on procurement law compliance in the public secondary schools in Kwale County. The findings revealed that enforcements of procurement law by external agencies' of procurement law on compliance in the public secondary schools in Kwale County regulations are related to the procurement performance in public secondary schools. The findings also revealed that majority of the respondents (53.1%) agreed that when external agents of the procurement law enforcer's act accordingly, the school will, through the principal, head of procurement unit and the evaluation committee have to comply with the set procurement law and/ or Act.

The third objective of the study was to determine the effects of staff training on PPADA, 2015 on procurement law compliance in the public secondary schools in Kwale County. The findings revealed that the majority of the respondents (57.8%) agree that level of staff training on PPADA, 2015 affects procurement law compliance. This shows a positive strong relationship between staff training on procurement activities and the procurement law compliance in public secondary schools.

The fourth objective of the study was to determine the effects of procurement procedures on procurement law compliance in public secondary school in Kwale County. The findings revealed that the majority of the respondents (40.0%) were uncertain on whether the procurement procedure affects procurement law compliance in public secondary schools. Thus the procurement procedure is insignificant to the procurement law compliance in public secondary schools. This implies that whichever the procurement procedure the public school may use (open tendering, restricted tendering or single Sourcing), it will have no significant

of the compliance since compliance must be hastened by the parties involved in the procurement process.

From the above findings it was concluded that Organization Culture, Enforcements by the external agency, Staff training on PPADA, 2015 and procurement procedure affects procurement law compliance in public secondary schools. A larger percentage (57.8%) of the respondents agreed that culture, enforcements, staff training and procurement procedures affects procurement law compliance in the public secondary schools. The study acknowledges the importance of organization culture, Enforcements by the external agency, Staff training on PPADA, 2015 and procurement procedure however; a lot needs to be done to improve Procurement procedures because the study revealed procurement procedures affects compliance negatively. When all the four variables are brought together, the school will experience transparency efficiency and ethical Standards will improve among those who are involved in the procurement process in public schools.

Suppliers to the public schools also needs to be enlightened on the PPADA, 2015 since they play a crucial role in ensuring compliance in the fact that school principals and head of procurement units deals with them directly thus creating inducement for compliance to the procurement regulation and/ or law. The other factors discovered in field included; improve the effects of compliance on quality of goods and services, improving the challenges facing the enforcement of public procurement regulations in public secondary schools. Transparency and accountability should be enhanced.

5.4 Recommendation

As a result of these study findings, the researcher put forward the following recommendations: It is important to enact some changes on the procurement procedures of acquisition for goods and services in public secondary schools in order to ensure they serve in ultimate objectivity, accountability, and non-discrimination. Since the research study was carried on in public schools, the government should train the school principals, heads of procurement units, (evaluation committee), suppliers / bidders on the proper procurement procedures and practices so as to create consistency and to induce compliance to the procurement laws since this will ensure that all purchases made are consistently comply with the Act and law of procurement.

5.5 Areas for Further Research

Further research should be undertaken on the effects of compliance on quality of goods and services procured in public secondary schools.

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APPENDICES

APPENDIX I: LETTER SEEKING AN AUTHORITY

The COD, School of Business, Department of Management Science

Through the Dean of Studies, School of Business,

Through The Director of Post Graduate Studies,

Technical University of Mombasa.

To the Secretary, BOM,

..... Secondary School

P.O. BOX.....

Dear Sir/Madam

REF: REQUEST FOR AUTHORITY TO CARRY OUT ACADEMIC RESEARCH

The bearer of this document (CHARLES KISIENGO CHOGO, REG. NO MPSM/0452/15) is a student of Technical University of Mombasa, department of Management Science currently pursuing Masters of Science in procurement and supply chain management. As part of the requirements for the award of this his degree, he is expected to carry out a research and present a report to the university. His research topic factors affecting procurement law compliance in public secondary school which a special interest of Msambweni Sub-County, Kwale County.

The information provided shall be analyzed to determine the factors affecting procurement law compliance in public secondary school. All information provided will be treated strictly as confidential and purely for academic purpose.

Yours faithfully,

DIRECTOR.

APPENDIX II: LETTER TO RESPONDENTS

CHARLES KISIENGO CHOGO

P.O Box 1224,

Ukunda.

Dear Respondent,

RE: RESEARCH SURVEY QUESTIONNAIRE

Mr. Chogo is a student of Technical University of Mombasa, department of Management Science currently pursuing Masters of Science in procurement and supply chain management. As part of the requirements for the award of this degree, I am expected to carry out a research and present a report to the university. My research interests are the factors affecting procurement law compliance in public secondary school.

Kindly am requesting for your support to enable me achieve this endeavour by allowing all the procurement staff members participate in answering the questionnaires. All information provided will be treated strictly as confidential and purely for academic purpose.

Thank you.

Yours faithfully,

Charles Chogo

Reg.No. MPSM/0452/2015

APPENDIX III: QUESTIONNAIRE

The purpose of this questionnaire is to assist the researcher in gathering the information for the concept being carried out as a partial fulfilment of the award of his Master of Science Degree in Procurement and Supply Chain Management at the Technical University of Mombasa. The researcher would wish to seek for your assistance to help him in achieving his goal by filling the questionnaires as honestly as possible.

The researcher would like to guarantee you that the information gathered through the questionnaire will be purely used for academic purposes by the Technical University of Mombasa and no unauthorized person will have access to the information.

Name of the School

Address

Name of the respondents (optional).....

Part A: General Questions

Instructions

Please tick where applicable appropriate.

1. What is your gender? Female (1) Male (2)
2. What is your age bracket? 21 – 30yrs (1) 31-40yrs (2) 41 -50yrs (3)
3. What is your Job Title? Principal (1) Head of Procurement Unit (2)
4. How long have you been working in this School?
1-10years (1) 11-20 years (2) 21-30 years (3)
5. What is your educational level?
Diploma (1) Undergraduate (2) Master' Degree (3) PhD (4)

Part B: Factors Affecting Procurement Law Compliance in Public Secondary Schools

Kindly indicate the extent to which you consider the following factors affecting procurement law compliance in public secondary schools. You are kindly requested to choose the answer that best describes the situation in your institution. 1= SD=Strongly Disagree, 2=D=Disagree 3=U=Uncertain 4=A=Agree 5=SA=Strongly Agree.

Organizational (school) Culture	1	2	3	4	5
The head of procurement unit is (are) held accountable for the procurement activities in the school					
The procurement committees e.g. evaluation committee usually comply with the procurement law and regulation when awarding tenders					
Procurement records are properly kept and can be easily retrieved when needed					

Enforcements by External Agencies	1	2	3	4	5
The school can comply well with the procurement law if the Public Procurement and Review Authority stipulates harsh measures to non-compliant in the school					
The school can comply well with the procurement law if the external agents like Auditors frequently inspects/ audits the school					
The school can comply well with the procurement law if the Anti-corruption agents once get an information of gross-misconduct, inspects the school and report cases of non-compliant to court of law					

Staff Training on the Procurement Law	1	2	3	4	5
High level of skills and competency of the school principal and head of procurement unit will ensure compliance to the procurement law					
Awareness of the procurement regulation by the school principal and head of procurement unit will ensure compliance to the procurement law					
Cross functional team-work by the school principal, head of procurement unit and other employees of the school will ensure compliance to the procurement law					

Procurement Procedures	1	2	3	4	5
The open tendering procedure if used by the school will ensure compliance to the procurement law					
The restricted tendering procedure if used by the school will ensure compliance to the procurement law					
The single sourcing tendering procedure if used by the school will ensure compliance to the procurement law					

Part C: Procurement Law Compliance

This section aims on finding out whether the mentioned dependent variable has any effect on organizational performance. Please indicate to what extent you agree or disagree with the statements using the following scale: 1=SD=Strongly Disagree, 2=D=Disagree 3=U=Uncertain 4=A=Agree 5=SA=Strongly Agree.

Procurement Law Compliance	1	2	3	4	5
There is increased transparency of organizational (school) performance due to procurement law compliance					
The school experiences efficiency in procurement due to compliance by the public procurement laws and act					
The school has achieved ethical behaviour and sound procurement management due to compliance by the procurement law					

END

THANK YOU.

APPENDIX IV: LIST OF SCHOOLS

KWALE SUB-COUNTY

1. 2105102 MATUGA GIRLS HIGH SCHOOL – Girls Boarding
2. 2105101 KWALE HIGH SCHOOL – Boys Boarding
3. 2105108 WAA GIRLS SECONDARY SCHOOL – Girls Boarding
4. 2105108 WAA BOYS SECONDARY SCHOOL – Boys Boarding
5. 2105501 SHIMBA HILLS SECONDARY SCHOOL – Mixed Boarding
6. 2105503 KICHAKASIMBA GIRLS SECONDARY SCHOOL – Girls Boarding
7. 2105107 GOLINI SECONDARY SCHOOL – Mixed Boarding
8. 2105502 LUKORE SECONDARY SCHOOL – Mixed Boarding
9. 2105508 AMBASSADOR MWAKWERE HIGH SCHOOL – Mixed Boarding
10. 2105505 MWALUPHAMBA SECONDARY SCHOOL – Mixed Boarding
11. 2105506 MANGAWANI SECONDARY SCHOOL – Mixed Boarding
12. 2105110 TSIMBA SECONDARY SCHOOL – Mixed Boarding
13. 2105504 MKONGANI SECONDARY SCHOOL – Mixed Boarding
14. 2105105 NG'OMBENI SECONDARY SCHOOL – Mixed Boarding
15. 2106107 TUMAINI SECONDARY SCHOOL – Mixed Day
16. 2106508 MWALUVANGA SECONDARY SCHOOL – Mixed Day
17. 2105106 TSEREZANI SECONDARY SCHOOL – Mixed Day

MSAMBWENI SUB-COUNTY

18. 2110210 KINGWEDE MIXED SECONDARY SCHOOL – Mixed Boarding
19. 2110202 MIVUMONI SECONDARY SCHOOL – Mixed Day & Boarding
20. 2110301 LUNGALUNGA SECONDARY SCHOOL – Mixed Day
21. 2110204 DIANI SECONDARY SCHOOL – Mixed Day & Boarding
22. 2110303 MWANANYAMALA SECONDARY SCHOOL – Mixed Day
23. 2110305 MWERENI SECONDARY SCHOOL – Mixed Day & Boarding
24. 2110205 KINONDO SECONDARY SCHOOL – Mixed Day
25. 2110203 RAMISI SECONDARY SCHOOL – Mixed Day & Boarding
26. 2110302 KIKONENI SECONDARY SCHOOL – Mixed Day & Boarding
27. 2110201 MSAMBWENI SECONDARY SCHOOL – Mixed Day & Boarding

28. 2110307 MUKAKA SECONDARY SCHOOL – Mixed Day
29. 2110204 MWAMZANDI SECONDARY SCHOOL – Girls Boarding
30. 2110308 GOMBATO SECONDARY SCHOOL – Mixed Day

KINANGO SUB-COUNTY

31. 2109208 KINAGONI SECONDARY SCHOOL – Mixed Boarding
32. 2109206 SAMBURU SECONDARY SCHOOL – Mixed Boarding
33. 2105507 STEPHEN KANJA SECONDARY SCHOOL – Mixed Boarding
34. 2109203 MAZERAS GIRLS MEMORIAL SECONDARY SCHOOL- Girls Boarding
35. 2109207 MACKINNON ROAD SECONDARY SCHOOL – Mixed Boarding
36. 2109102 NDAVAYA SECONDARY SCHOOL – Mixed Boarding
37. 2109104 VIGURUNGANI SECONDARY SCHOOL – Mixed Boarding
38. 2109204 MWAVUMBO SECONDARY SCHOOL – Mixed Boarding
39. 2109101 KINANGO SECONDARY SCHOOL – Mixed Boarding
40. 2109103 MOYENI SECONDARY SCHOOL – Mixed Boarding
41. 2109205 MNYENZENI SECONDARY SCHOOL – Mixed Boarding
42. 2109209 MATUMBI SECONDARY SCHOOL – Mixed Boarding
43. 2109108 MOYENI SECONDARY SCHOOL – Mixed Day