

PPRA

**PUBLIC PROCUREMENT
REGULATORY AUTHORITY**

OVERSIGHT OF PUBLIC PROCUREMENT, PRINCIPLES AND COUNTRY EXPERIENCE - KENYA

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Procurement Legal and Regulatory Framework

The Constitution of Kenya, 2010

Public Procurement and Asset Disposal Policy

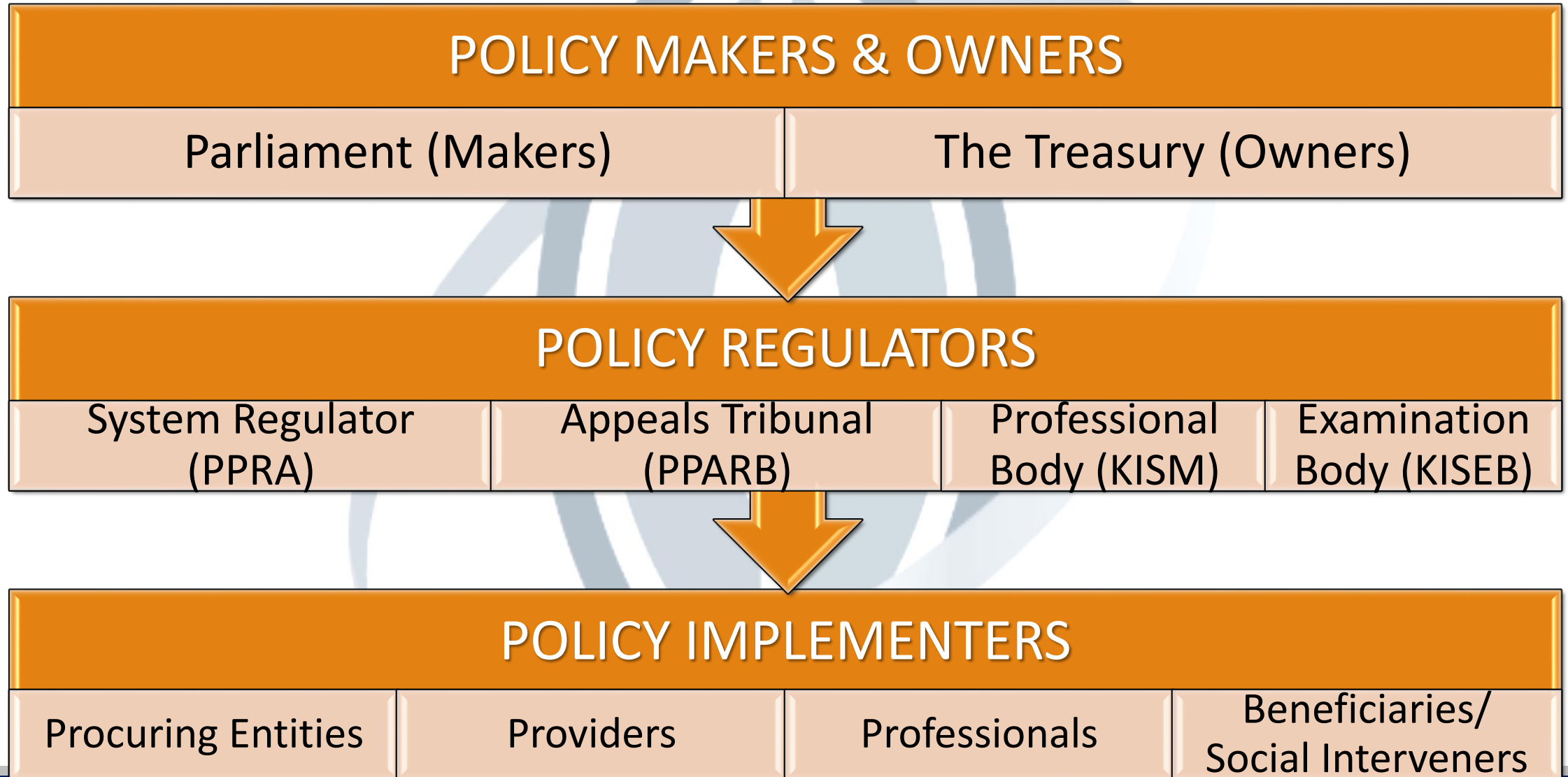
Public Procurement and Asset Disposal Act

Public Procurement and Asset Disposal Regulations

Circulars, Manuals, Directives, Standard Tender Documents and Formats

Upholding Procurement Standards

THE PUBLIC PROCUREMENT STRUCTURE



PRINCIPLES GOVERNING PUBLIC PROCUREMENT

The Principles are derived from the Constitution of Kenya, 2010 and the Public Procurement and Asset Disposal Act, 2015. They include:

1. Fairness
2. Equity
3. Transparency
4. Competition
5. Cost- effectiveness
6. National values and principles of governance (include patriotism, inclusiveness, human rights, non-discrimination and protection of the marginalized and sustainable development)

PRINCIPLES Cont'd

7. Affirmative action
8. Principles of public finance - Includes openness, accountability, public participation in financial matters and prudent utilization of public funds.
9. Integrity
10. Procurement profession principles and international norms
11. Maximization of value for money
12. Promotion of local industry, sustainable development and protection of the environment.
13. Promotion of citizen contractors

KEY HIGHLIGHTS ON REGULATORY MANDATE

- **Monitor, assess and review** the public procurement & asset disposal system to ensure they respect National values, Constitution, and offer recommendations for improvement.
- Monitor the public procurement system at both the National and County Government level and **report** on its overall function to the CS-NT, CEM Finance and the County Assembly as applicable, for recommendation for improvement.
- **Enforcement of standards** developed under the Act
- Provide **advice & technical** support
- Conduct **investigations** & act on **complaints**.
- Advice CS –NT on setting of **standards** including international best practice

ENFORCEMENT MECHANISMS

- Complaints Handling
- Investigations
- Procurement Assessments & Follow-ups
- Procurement Reviews
- Contract Audits & Special Audits
- Pre-Bid Analysis
- Review of Mandatory Reports
- Debarment (of firms plus their directors)
- Administrative Review Decisions

Major Areas of Non-Compliance

1. Low levels of publication of procurement information in the Public Procurement Information Portal (PPIP);
2. Poor development of specifications;
3. Weak records management;
4. Poor contract formation and management;
5. Delays in payment for delivered contracts;
6. High turnover and transfer of procurement professionals;

CHALLENGES

1. Monitoring challenges:
 - a) Financial constraints
 - b) Inadequate institutional capacity in terms of human resource numbers and multidisciplinary competencies
 - c) Reliance on manual systems
 - d) Failure by procuring entities to comply to the reporting requirements - PPIP
2. Enforcement and implementation gaps - Lack of powers to enforce compliance.
3. Inadequate capacity within the procuring entities – where technical skills required for diverse procurements.
4. Technological, connectivity challenges
5. Low participation of the disadvantaged groups

Ongoing Interventions

1. Roll out of the E-Gp set for 1st July, 2024 for all the Government Ministries, Departments and Agencies.
2. Enhancing of the PPIP – includes features/alerts that will assist the PEs comply to the reporting requirements, development of electronic user support and self-learning module.
3. Automation of the Authority's processes
4. Enhancing the Authority's capacity through recruitment, staff training etc.
5. Bridging the existing knowledge gaps in procurement operations through capacity building – establishment of a Centre for Public Procurement
6. Restructuring – Change of monitoring strategy by conducting e.g pre-bid reviews, online audits

Ongoing Interventions Cont'd

7. Operationalized use of Procuring and Disposal Agents
8. Developed compendium on proposals to amendment of the law to enhance the Authority's powers to enforce compliance
9. Strengthening partnerships/working relationship with other relevant government agencies as a way of enhancing compliance e.g with the Business Registrar Service, the Ethcis and Anti-Corruption Commission.
10. Enhanced stakeholder engagement – donor funded activities of a strategic nature e.g automation of PPRA's processes.



THANK YOU