

PUBLIC PROCUREMENT OVERSIGHT AUTHORITY
Transforming Procurement

FINAL REPORT

PROCUREMENT REVIEW

OF

COMMUNICATIONS COMMISSION OF KENYA

24 February 2011

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ACRONYMS

AO	Accounting Officer
FY	Financial Year
GOK	Government of Kenya
GRN	Goods Receipt Note
HQTS	Headquarters
IA	Internal Auditor
ICT	Information, Communications and technology
IMIS	Integrated Management Information Systems
KACC	Kenya Anti Corruption Commission
KNAO	Kenya National Audit Office
LPO	Local Purchase Order
LSO	Local Service Order
LTA	Long term arrangement
MD	Minor Deviations
MDD	Moderate Deviations
MDDD	Major Deviations
N/A	Not Applicable
ONT	Open National Tender
PC	Procurement Committee
PE	Procuring Entity
PI	Proforma Invoice
PO	Procurement Officer
PPDA	Public Procurement and Disposal Act
PPDR	Public Procurement and Disposal Regulations
PPOA	Public Procurement Oversight Authority
PR	Procurement Review
PU	Procurement Unit
RFP	Request for Proposal
RFQ	Request for Quotation
RPPSII	Reforming Public Procurement Systems II
SP	Satisfactory Performance
TC	Tender Committee
TP	Threshold Programme
CCK	Communications Commission of Kenya
USAID	United States Agency for International Development
VAT	Value Added Tax

EXECUTIVE SUMMARY

This report presents the findings of the procurement review of the Communications Commission of Kenya (CCK), carried out from 2 December 2009 to 25 January 2010. The main objective of the exercise was to review the status of the Commission's procurement, contracting and implementation processes and systems, in order to determine the Commission's level of compliance with the Public Procurement and Disposal Act 2005 and the associated regulations, circulars, directives issued by PPOA, and generally accepted principles of good practice. Consideration was also given to the relationship between procurement and overall service objectives of the CCK.

The review considered performance of procurement functions for the period 1 July 2008 - 30 June 2009. The review procedures performed included the examination of selected samples of the open tenders, restricted tenders, direct procurement, request for proposals and request for quotations. The review also considered the disposal proceedings undertaken by CCK during the period.

The scope of the review encompassed 27 key performance indicators of the CCK's procurement and disposal procurement cycle from planning to completion. The review expected the Commission to have reached a satisfactory level of compliance (60% and above) with the requirements of the PPDA, PPDR and all directives issued by PPOA in their procurement, disposal and contracting.

The fieldwork included an examination of the files and documents pertaining to the CCK's procurement systems and processes and, where appropriate, was supplemented by discussions with the key persons involved in the functions related to procurement. The work was then finalized in consultation with the Accounting Officer, members of standing committees, Head of Procurement Unit and other persons involved in management and oversight of the procurement functions.

The team also reviewed the implementation of the findings and recommendations of prior ISO evaluation and KNAO audit reports carried out in 2008. The team observed that the Commission is adequately implementing the recommendations of these prior assessments and audit reports that relate to procurement functions.

Key general findings and recommendations as they relate to each of the areas considered in this review are provided in Chapter 3 of the report. An action plan for implementation of the recommendations is provided in Chapter 6 at the end of this report. The PPOA/ARD team will review the implementation of the recommendations in the action plan in Chapter 6 after a three-month period from the date of final report.

A limiting factor in carrying out the review was the inadequate filing system, records, data and documentation relating to the procurement processes selected. This caused some delay in the review fieldwork.

The review team noted the following satisfactory compliant practices from the samples that were examined:

- The contracts are awarded to persons with the legal capacity and the necessary qualifications, capability, experience, resources, equipment and facilities to provide what is being procured;
- CCK is adequately complying with the structures prescribed by PPDA and PPDR;
- The Accounting Officer is adequately carrying out his responsibilities under the Act;
- There is formal training strategy and capacity that links with the PPOA training schedules and is proactive in organising training and expert support for all staff involved in procurement related functions;
- There is a standing list of registered suppliers;
- CCK uses technical specifications that are clear, objective, neutral, functional and conform with the requirements of the PPDR;
- CCK has used open tendering as the main procurement method and adequately follows the requirements of the regulations. Open tendering, both OIT and ONT, together account for some 59% of procurement expenditure;
- CCK has taken such steps as are reasonable to bring the invitation to tender to the attention of those who may wish to participate;
- Fair and impartial procedures were in place in relation to receiving and opening of tenders;
- A secure facility for the receipt of tenders has been provided by CCK;
- The evaluation criteria are the same as those in the tender document and conform with the requirements; and
- The termination of procurement proceedings have been done in accordance with the PPDR.

The review team noted the following areas with minor deviations or weaknesses that need immediate attention of the Procurement Unit or user department:

- The Commission did not liaise with PPOA when preparing the procurement procedures manual currently in operation;
- Absence of award letters in some examined procurement files;
- Absence of invoice copies in the procurement file;
- Absence of LPOs or LSOs in the procurement file;
- Absence of payment voucher copies in the procurement file;
- Absence of procurement requisitions in the procurement files examined;
- Dates of the bid opening missing in isolated cases reviewed;
- There are no copies of performance bond in the procurement file; and
- Procurement records are fragmented in various files.

The review team noted the following areas with moderate deviations or weaknesses that need immediate attention of the senior management:

- The state of procurement filing and contract documentation is often deficient. The procurement records are sometimes fragmented between various files. This made it difficult for records retrieval and caused delays in establishing an audit trail of the procurement processes;
- There is need for more advanced and specialised training in the Act and the associated regulations particularly in General Manual, procurement planning and newly developed procurement guidelines issued by PPOA;
- There are no realistic estimates in all the internal memos used for initiating procurement processes;
- The consolidated procurement plan is not updated regularly;

- The Commission does not file all procurement and disposal reports with PPOA as stipulated in the Regulations;
- CCK have not analysed their recurrent or ongoing requirements for medium to long term needs with a view to making framework contracts. Many common user goods and services currently being procured on RFQ (currently 68%) should be placed under framework contracts in order to obtain the better prices associated with large volume procurements and to reduce administrative costs;
- The prices of common user items have not been compared with the PPOA price index;
- Lack of evidence of commencement certificates for complex projects;
- The bid bonds when required are not recorded in the procurement file;
- No tender committee authorisation for using alternative procurement methods;
- Lack of official standard purchase requisitions for initiating procurement activities;
- There are insufficient documented contract management procedures in place which monitor progress and conformity with the terms of contract; and
- No schedules of duties for initiating, certifying and approving officers.

The review team have noted the following areas with major deviations or weaknesses that need immediate attention of the Accounting Officer:

- CCK needs to improve staff awareness of updated publications, directives, manuals, and standard documents prepared and distributed by PPOA and should prepare operating systems and procedures accordingly;
- The PE has not applied preference and reservations as provided in Section 39 of the PPDA;
- There is no documented complaints mechanism for handling bidders' enquiries and complaints;
- There is no disposal plan that is linked to the budgetary framework and inventory management;
- There is no evidence from the internal memos used to initiate procurement that CCK is adhering to the threshold matrix as provided in the Regulations;
- The Commission does not file procurement and disposal reports with PPOA as stipulated in the Regulations.

We recommend that the CCK management put in place the following:

- CCK should prepare and implement a comprehensive records retention and disposal schedule covering all categories of records as recommended in the Report on the Management of Records of the Communications Commission of Kenya;
- Introduce measurable mechanisms that promote value for money in its procurements;
- Organise training of all management staff on sensitisation, advanced, and specialised aspects of procurement law and regulations;
- Introduce comprehensive purchase requisition forms for user departments to initiate procurement processes;
- Compare all prices of common user items with the PPOA price index;
- Update Consolidated Procurement Plan regularly;
- Prepare a Disposal Plan;
- Develop operating systems and procedures for implementation of the Act and Regulations;
- Improve reporting requirements to PPOA;

- Improve the monitoring of contract management processes and update the procurement files; and
- Improve liaison with PPOA on matters where the law and regulations need clarification and support in interpretation of the law and regulations.

As specified in the Terms of Reference, we used the sample of procurement and disposal proceedings to evaluate the level of compliance with the Public Procurement and Disposal Act, associated regulations and directives issued by PPOA. In so doing, we carefully considered the implications and the significance of individual ratings of the key performance indicators. It is clear that some instances of non-compliance have greater significance than others. This factor has been considered in determining the final compliance level.

The team's overall assessment of the compliance level for Communications Commission of Kenya is calculated to be 60.7% with relevant PPDA, and the regulations and guidelines in respect of the sampled procurement transactions for the period reviewed. This is above the minimum threshold of 60% compliance set in the RPPS II. Thus the overall performance of the Commission in procurement and disposal is satisfactory, though there are significant weaknesses that need to be addressed.

Finally, we would like to take this opportunity to thank CCK staff for their co-operation and assistance during this review.

1 INTRODUCTION

1.1 Purpose

This procurement review is one of 8 reviews to be carried out by ARD, Inc as part of the Reforming the Public Procurement System Phase II project. The Communications Commission of Kenya (CCK) was one of the entities selected by Public Procurement Oversight Authority (PPOA) for review under the current phase of the project.

An entry meeting with the Authority's management team was held on 2 December 2009 to discuss the scope of the review, the review plan, the reviewers' expectations, access to documentation and other administrative issues. Ms Jane Njoroge, the Ag. Director Technical Services, PPOA led the joint ARD/PPOA review team to the entry meeting. The Commission team was led by Mr Charles J.K.Njoroge, the Director General and included Heads of User Departments, Head of the Procurement Unit and members of various standing procurement committees among others.

1.2 Mandate of PPOA

The Authority's procurement review function is derived from Section 49 (1) (a) of the Act, which states that the Director-General or anyone authorized by him may inspect at any reasonable time the records and accounts of a procuring entity and the procuring entity and the contractor shall cooperate with and assist whoever does such an inspection.

1.3 Role of the PE

- Section 27(1) of the Public Procurement and Disposal Act 2005 provides that a public entity shall ensure that this Act, the regulations, and any directions of the PPOA are complied with respect to each of its procurements;
- Section 27 (2) of the Act provides that the Accounting Officer shall be primarily responsible for ensuring that the procuring entity fulfils its obligations in the implementation of the provisions of the Act;
- Section 27 (3) of the Act provides that each employee of the procuring entity and each member of board or committee of the entity shall ensure, within the areas of responsibility of the employee or member, that the Act, regulations or any directions of PPOA are complied with; and
- Section 101 of the Act provides that a public entity shall provide the Authority with such information relating to procurement as the Director-General may require in writing.

1.4 Objectives

The overall objective of the procurement review was to review the status of CCK's procurement contracting, implementation processes and systems, in order to determine the level of compliance with the procurement law, regulations, circulars, and directives issued by the Public Procurement Oversight Authority.

The specific objectives of this procurement review were:

- To verify whether the procurement and contracting procedures, processes and documentation followed by CCK were in accordance with the Public Procurement Act and the associated Regulations;

- To establish CCK adherence to the generally accepted principles of economy and efficiency, equal opportunities, transparency, integrity and fairness and promotion of local industry;
- To determine technical compliance, physical completion and price competitiveness of each contract in the selected representative sample;
- To review the capacity of CCK to handle procurement efficiently; comment on the quality of procurement and contracting, and identify reasons for delays, if any;
- To establish whether adequate systems are in place for procurement planning, implementation and monitoring and whether reliable documentation is maintained, as required by the regulations;
- To establish whether remedial actions taken on recommendations made in the previous reviews have been implemented successfully;
- To make recommendations for improvement in an action plan which will be followed up within 3 months to establish whether these improvements have been implemented;
- To assist in clarification of areas where CCK may have misunderstood the requirements of the legislation; and
- To determine challenges faced by the CCK in the implementation of the Act.

1.5 Expectations

The review expected:

- The Commission to have achieved a satisfactory level of compliance (60% and above) with the requirements of the PPDA, PPDR and all directives issued by PPOA in their procurement, disposal and contracts;
- Adequate systems and procedures put in place by the Commission for implementation of the procurement law, regulations and directives;
- The Commission to have adequate capacity and training to implement the procurement law; and
- Essential procurement records to be maintained with adequate safeguards for procurement records.

1.6 Scope

The CCK undertook a total of 175 procurement proceedings and 18 disposal proceedings during the period under review.

The review covered a sample of transactions selected from the population of transactions executed by the Commission from 1 July 2008 to 30 June 2009 period including works, goods, and services, to the extent possible.

The procurement review preselected 28 procurement proceedings and 13 disposal proceedings carried out by the CCK under the PPDA during the 1 July 2008-30 June 2009 period, as set out in section 1.6.1 and 1.6.2.

	No of proceedings	Value of proceedings
Total procurement proceedings	175	272,013,351.64
Sample of procurement	28	169,440,028.86
Ratio of sample to total	16%	62%
Total on disposal proceedings	18	157,466,699.00
Sample of disposal proceedings	13	138,267,667.00
Percentage of sample to total procurements	72%	50.8%

The review team did not visit any of the CCK physical facilities outside the Headquarters due to time constraint.

The review team also reviewed the CCK inventory reports to determine if the PE does conduct periodic and annual stocktaking in accordance with the PPDR.

1.6.1 Sampled procurement proceedings

	Tender no.	Method	Type	Value (Ksh)
1	LQ/PROC/06/2008-2009	ONT	Goods/Services	4,296,660.50
2	Restricted	RT	Individual cons.	4,271,760.00
3	LQ/PROC/05/2008-2009	RFQ	Services	2,174,844.56
4	Agency	ONT	Services	32,091,457.00
5	CCK/TC/30/2008-2009	ONT	Goods	5,933,400.00
6	Direct	DP	Goods	167,719.76
7	CCK/RFP/02/2008-2009	RFP OIT	Consultancy	16,289,463.00
8	CCK/TC/26/2007-2008	OIT	Goods	8,619,118.00
9	CCK/TC/15/2008-2009	ONT	Works	12,483,641.60
10	LQ/PROC/42/2008-2009	RFQ	Goods	504,252.00
11	CCK/RFP/04/2008-2009	RFP-ONT	Consultancy	4,244,000.00
12	Restricted	RT	Goods	404,040.00
13	Direct	DP	Goods	691,720.00
14	Agency LTA	RFP-ONT	Consultancy	39,398,735.64
15	CCK/TC/29/2007-2008	DP	Consultancy	3,870,540.00
16	Direct	DP	Goods/Services	885,000.00
17	LQ/PROC/69/2008-2009	RFQ	Goods/Services	8,017,166.00
18	LQ/PROC/71/2008-2009	RFQ	Goods	6,939,722.00
19	CCK/TC/21/2008-2009	ONT	Goods	16,457,248.80
20	Direct	DP	Goods/Services	579,820.00
21	LQ/PROC/40/08	RFQ	Goods	17,400.00
22	LQ/PROC/57/08	RFQ	Services	42,920.00
23	LQ/PROC/54/08	RFQ	Services	84,840.00
24	LQ/PROC/46/08	RFQ	Services	282,000.00
25	LQ/PROC/Contract	RFQ	Services	120,000.00
26	LQ/PROC/34/8-9	RFQ	Goods	380,000.00
27	LQ/PROC/40/8-9	RFQ	Services	157,760.00
28	LQ/PROC/73/09	RFQ	Services	34,800.00
			Total sampled	169,440,028.86

1.6.2 Sample disposal proceedings

Item	Date	Description	Method	Category	Amount (Kshs.)
1	30.07.08	L.R. NO.5/58 - Kabasirani	Priority given to occupier/tenant	Property	26,000,000.00
2	09.07.08	L.R. NO.5/42 - Kabasirani	Priority given to occupier/tenant	Property	34,000,000.00
3	19.08.08	L.R. NO.5/68 - Kabasirani	Priority given to occupier/tenant	Property	31,000,000.00
4	28.11.08	L.R. NO. 330/49 - Hatheru Rd.	Priority given to occupier/tenant	Property	46,000,000.00
10	25.06.09	KAJ 138S Daihatsu Charade	ONT	Goods	211,110.00
11	25.06.09	KAJ 989S Nissan Primera	ONT	Goods	280,000.00
12	25.06.09	KAH 706F Peugeot 405 SRI	ONT	Goods	260,000.00
13	25.06.09	KAG 254F Toyota pick-up	ONT	Goods	516,550.00
			Total sample		138,267,660.00

1.7 Methodology

The review procedures included the examination of selected samples of the open tenders, restricted tenders, direct procurement, request for quotations and disposal proceedings.

1.7.1 Key documents and data collection

Key procurement and disposal documents and data related to the terms of reference were reviewed. The information collected was analyzed to provide an overall picture of the level of compliance in the various stages of the procurement process. The overall risk rating and scoring systems for the procurements handled by CCK over the review period were assessed using the criteria in Chapter 5 of this report.

Other background documents used by the team included but were not limited to the following: PPDA 2005, PPDR 2006, General Manual, CCK Procurement Operational Procedures Manual, and prior internal and external audit reports. The review team also

observed that the CCK staff had undergone sensitization training organised by PPOA/ARD, RIPA International and ESAMI on aspects of Public Procurement management including the implementation of PPDA and PPDR.

Discussions/interviews were held with the following staff/officials of CCK who are directly involved in the procurement process.

	Title	Name
1.	Accounting Officer	Mr. Charles Njoroge
2.	Chairman of PC	Tom Olwero
3.	Chairman of Disposal Committee	Juma Kandie
4.	Member of Inspection & Acceptance	Chispine Ogongo
5.	Chairman of TC	Francis Wangusi
6.	Internal Auditor	Mr. Joseph Kirui
7.	Head of PU	Mrs Joyce Nyanamba

Through interviews and discussions with officials, the review team recorded general and specific information concerning the procurement/disposal process, procedures and existing capacity at the CCK.

1.8 Expected compliance

The team selected an estimated satisfactory compliance level of 60% which was based on the current target for the RPPSII and the probability of non-conformity to be 83% in accordance with the Procurement Review Manual.

1.9 Key Performance Indicators and rating criteria

Procurement review was based on risk assessment methodology that focuses on the issues that pose the greatest threat to the compliance with the procurement law and regulations.

The reviewed procurements are categorized according to the procurement/disposal key performance indicators. These consist of three categories of a risk level assigned to each performance indicator, namely:

- **High Risk (3)** - Procurements where serious weaknesses could cause material financial, regulatory or reputational risks warranting immediate attention by senior management;
- **Moderate Risk (2)** - Procurements where weaknesses, although less likely to lead to material financial, regulatory or reputational risk, warrant timely management action using the existing framework;
- **Low Risk (1)** Procurements with weaknesses where resolution within the normal management framework is considered desirable to improve efficiency and promote best practice. Deviations from laid down procedures would normally be graded “low”, provided that there is sufficient evidence of management action to rectify the deviation and to monitor compliance.

Once a risk level had been assigned to each key performance indicator, review tests were devised to ascertain whether the compliance was working as indicated in the risk assessment. More emphasis, time and tests will be focused on those items with the highest risk

When assigning compliance scores, the review team considered the extent to which compliance procedures were in place for each aspect of the law and regulations. Whole numbers for each item are used:

- 3 indicates full compliance with the stated requirement;
- 2 is for cases in which the system exhibits less than full compliance and needs some improvements in the area being assessed;
- 1 is for those areas where substantive work is needed to bring them into compliance; and
- 0 is the residual indicating a complete failure to comply with the proposed standard.

Each compliance assessment is multiplied by the risk factor to obtain the overall score for each performance indicator. In cases where there are several requirements being evaluated, the scoring was based on the performance range:

61-100%	3
41-60%	2
21-40%	1
0-20%	0

The scores obtained for each performance indicator were then added to arrive at the total score, which was then shown as a percentage of the maximum possible score.

The key performance indicators and the corresponding risk levels used are set out in the Chapter 5.

1.10 Limitation of scope

Our scope was limited by the following:

- Some records, data and documentation relating to the procurement processes selected were not made available and others took time to retrieve;
- Inability to verify the authenticity of most of the documents sampled; and
- Lack of documented internal control manuals relating to initiation, certification and approvals at various levels.

The following tenders/quotations were missing from series provided by the PU:

CCK/TC/01/2008-2009
CCK/TC/04/2008-2009
CCK/TC/05/2008-2009
CCK/TC/07/2008-2009
CCK/TC/08/2008-2009
CCK/TC/09/2008-2009
CCK/TC/10/2008-2009
CCK/TC/11/2008-2009
CCK/TC/16/2008-2009
CCK/TC/19/2008-2009
CCK/TC/22/2008-2009
CCK/TC/23/2008-2009
CCK/TC/25/2008-2009
CCK/TC/27/2008-2009
CCK/TC/28/2008-2009
LQ/PROC/01/2008-2009
LQ/PROC/03/2008-2009

LQ/PROC/04/2008-2009
 LQ/PROC/13/2008-2009
 LQ/PROC/15/2008-2009
 LQ/PROC/16/2008-2009
 LQ/PROC/19/2008-2009
 LQ/PROC/21/2008-2009
 LQ/PROC/22/2008-2009
 LQ/PROC/23/2008-2009
 LQ/PROC/49/2008-2009
 LQ/PROC/50/2008-2009
 LQ/PROC/51/2008-2009
 LQ/PROC/57/2008-2009
 LQ/PROC/58/2008-2009
 LQ/PROC/68/2008-2009
 LQ/PROC/74/2008-2009
 LQ/PROC/76/2008-2009
 LQ/PROC/77/2008-2009

The following procurement proceedings have no tender/quotation numbers. It was therefore not possible for the review team to relate them to any file register.

Tender no.	Item Description	Firm	Contract Value
PI	Renewal of subscription notice	Business Monitor International	64,125.00
PI	Supply of Energy saver bulbs Philips	Kenya Electronics Ltd	49,958.00
PI	Subscription to PERI electronic journals	M/s Nairobi University Research Grant.	215,000.00
PI	Printing and supply of brochures	M/s Lowe Scanad	418,748.40
PI	Purchase of an Orthopaedic Chair	M/s Physical Therapy Services Ltd	32,800.00
PI	Spectrum requirement planning wireless books.	M/s Wiley	413.40
PI	Supply of orthopaedic chair high back	Physical Therapy Services	35,000.00
PI	Supply of orthopaedic chair	Physical Therapy Services	49,000.00
PI	luncheons during ICT people with disability project launch	Machakos Technical Training Institute	285,050.00
PI	Supply of Bulbs	M/s Electrical Supermarket Ltd	944.00
PI	Supply of padlocks and bulbs	M/s Uchumi Supermarket	10,250.00
PI	Supply of bulbs	M/s Vishelectric Ltd	42,920.00

Tender no.	Item Description	Firm	Contract Value
PI	Purchase of a television set for D/F&A	M/s Nakumatt Holdings Westgate	54,996.00
Restricted	Hire of Spectrum Pricing Expert	ITU- Adrian Forster	4,271,760.00
Restricted	Procurement of RSMS spares	Tadiran Electronics	404,040.00
	Maintenance and structured cabling system.	Lantech Africa Ltd	
	provision of photography and videography services	Lowe Scanad	34,800.00
	Supply of velo binding strips	Win comp Services	65,000.00
	Purchase of television sets for MMS monitoring	M/s Nakumatt Holdings Ltd	70,000.00
	Provision of photocopying and binding services	Ms The Copy Cat Ltd	112,800.00
	Copier/printer	M/s The Copy Cat Ltd	33,260.00
	Supply of coloured papers	Computer ways	45,100.00
	Supply of electrical materials	Kenya Electronics Ltd	49,958.00
Agency	Media Placement and TV	Lowe Scanad	32,091,457.00
Agency	Press, media and print production	Lowe Scanad	2,781,370.56
Agency	10 th anniversary celebrations activities	Lowe Scanad	39,398,735.64
Agency	Variation for supply and delivery of plastic cards	Lowe Scanad	17,400.00

1.11 Challenges facing CCK

The review team identified the following challenges faced by CCK in respect of the implementation of the procurement law and regulations:

- Inability to translate procurement law and regulations into everyday language, so that management sees and understands the impact to their compliance;
- Inadequate records management and filing systems;
- Lack of operating ICT systems and applications covering all aspects of procurement;
- Insufficient training in procurement law for the persons involved in the procurement related functions; and
- Insufficient communication and coordination of the user departments on procurement planning and initiation.

2 ORGANIZATION OF CCK

2.1 Mandate

The Kenya Communications Act, 1998 established the Communications Commission of Kenya (CCK) to license and regulate telecommunications, radio communication and postal services in Kenya.

This responsibility translates to the following functions:

- Licensing (telecoms and postal/courier) operators;
- Regulating tariffs for monopoly areas;
- Establishing interconnection principles;
- Type-approving communications equipment;
- Managing the radio frequency spectrum;
- Formulating telecommunication numbering schemes and assigning them to network operators; and
- Implementing Universal Service Obligation for both postal and telecommunication services.

2.2 Vision of CCK

The vision of the Commission is:

“Access to communications services by all in Kenya by 2030.”

2.3 Mission of CCK

“To facilitate access to communications services through enabling regulation and catalyze the country’s socio-economic development”.

2.4 The organisation of CCK

The Accounting Officer for CCK is Mr Charles J.K.Njoroge who is responsible for ensuring that the PPD Act and Regulations are adhered to. In this respect, his duties (PPDA Section.27) include in respect of the procurement law:

- Establishing all standing committees as stipulated in the Act including Tender Committee, Procurement Committee, Disposal Committee and Inspection and Receipt Committee;
- Establishing a Procurement Unit staffed to an appropriate level with procurement professionals;
- Signing contracts for procurement activities on behalf of the procuring entity for contracts entered into in accordance with the terms and conditions of the award as provided under Schedule One of the regulations;
- Ensuring annual procurement plans are prepared; and
- Ensuring that the procuring entity properly documents procurement proceedings and manages records in accordance with the regulations.

The Commission comprises eleven functional departments namely:

- Communications and Public relations;
- Information Technology;
- Internal Audit;

- Procurement;
- Licensing, Compliance & Standards;
- Frequency Spectrum Management;
- Competition;
- Commission Secretary;
- Human resources;
- Finance and Accounts; and
- Consumer Affairs

2.5 Scope of procurement expenditure

During the period under review, CCK undertook 175 procurement proceedings of total value of Ksh 272,013,351.64 and 18 disposal proceedings amounting to Ksh 157,466,699.00.

Operational income and expenditure

Description	2008-2009
Income	4,310,899,000.00
Operating expenditure	1,238,853,000.00
Procurement expenditure	272,013,351.64

Source – CCK *Expenditure estimates budget revision*

Actual expenditure on procurement is approximately 6.31% of total planned operational income.

3 FINDINGS, OBSERVATIONS AND RECOMMENDATIONS

3.1 Functions of Accounting Officer

Finding

The Accounting Officer, Mr Charles Njoroge, is carrying out adequately his responsibilities under Section 27 (2) of the PPDA. However, there are some weaknesses in records management that he should address, having regard to his responsibility at Regulation 7 (e).

Recommendations

The Accounting Officer should ensure that the procuring entity properly documents procurement proceedings and manages records in accordance with these Regulations and the Procurement Records Management Procedures Manual.

Response:

[The Commission will train staff on records management as guided by Regulations and the Procurement Records Management Procedures Manual.](#)

3.1.1 Number of trained persons and sensitized to the Procurement Procedures

Findings

The following personnel from the Commission have undergone PPOA training.

Name	Role	
J.Nyanamba	Secretary to TC	
J. Rotich	Secretary,PC	
J.Imunya	Secretary to PC	
J.Kiminye	Supplies Officer	
J.Muthoka	Procurement dept	
P.Korir	Procurement staff	
P.Kiplangat	Procurement staff	
Matano Ndaro	Member/TC	
Patricia Muchiri	Member TC	
Francis Wangusi	Chairman TC	
Tom Olwero	Chairman PC	
Paul Kiage	Member PC	
Kipnetich Rotich	Member PC	
Silas Maina	Member PC	
Martin Ikumilu	Chairman, IAC	
Jacob Chepchieng	Member PC	
Chispine Ogongo	Member IAC	
Carolyne Murianki	Member IAC	
Daniel Kiprop	Member IAC	

CCK Personnel trained under MCA-TP

Name	Title	Course	Period of Course
Janet Imunya	Procurement Officer	RecordsManagement1	3rd October 2008
Philip K. Korir	Supplies Officer	RecordsManagement2	6th October 2008
Philip Kiplagat	Procurement Assistant	RecordsManagement1	3rd October 2008
Francis Wangusi	D/SP	Framework Contracts	20th - 21st November 2008
Jane Rotich	AM/Procurement	Advanced Procurement 3	19th - 20th May 2009
Joyce Nyanamba	M/Proc	Framework Contracts	20th - 21st November 2008
Philip Kiplagat	Procurement Officer	Advanced Procurement 3	19th - 20th May 2009

Courses which have been attended by various CCK personnel:

- Public Procurement and Disposal Act 2005, Public Procurement and Disposal Regulations 2006;
- Transforming Public Procurement in Eastern Africa:
- Public Procurement for Non-intellectual Services In Kenya: and
- Training of Framework Contracting Guidelines; Impact of the Public Procurement Law in the Professional Services.

Although the Commission has a training policy, strategy and work plan in place to ensure continued development of knowledge and skills in procurement functions, there are some areas where further training needs should be met.

Recommendation

The procuring entity should prioritise their training to include the following:

- Sensitization of new personnel of the PE in requirements of the procurement law and regulations;
- Advanced training to improve skills of senior procurement practitioners in
 - Procurement planning;
 - Writing specifications;
 - Qualifying potential suppliers for complex and specialized services;
 - Evaluating bids; and
 - Contract management;
- Specialized aspects of procurement in areas of:
 - Records management;
 - Framework contracting;
 - ICT Manual;
 - Consultancy manual; and
 - Works manual.

The PE should improve liaise with PPOA to link the Commission's training strategy with PPOA training priorities.

Response

The Commission has been liaising with PPOA on training of staff and has been sending representatives on trainings offered by PPOA e.g. participants were sent to attend the workshops provision of non intellectual services. The Commission liaised with PPOA on training of CCK staff on the Act and Regulations and a consultant was sent by to train the staff in-house. In addition we have two officers who have been trained in planning, preparation of specifications, tender evaluation and contract management by RIPA international. Going forward we will be liaising with and sending our procurement practitioners to attend the courses offered by PPOA when we are notified.

The Commission on annual basis undertakes training needs assessment and train a least each staff on the areas of identified need.

3.2 Functions of Procurement Unit

Findings

CCK established the PU in accordance with the PPDA and PPDR with a total staff of sixteen officers. Ms Joyce Nyanamba, the Head of PU is responsible for day-to-day management of the Procurement Unit and is the Secretary to the TC. Ms Nyanamba is a member of KISM Council and was involved in the preparation of the current Public Procurement and Disposal General Manual.

The Procurement Unit's two top officials (33.3% of the total six of key officials) are procurement professionals with adequate qualification and experience that match the task and the complexities of the Commission's procurement activities while other four key officials are pursuing their CIPS studies.

	Name	Designation	Qualifications	Date of Entry
1	Joyce Nyanamba	Head of PU	MBA,CIPS	01/08/2006
2	Jane Rotich	Asst Head of PU	MBA,MCIPS	19/07/2004
3	Janet Imunya	Procurement Officer	M/IR,CIPS on-going	18/07/2004
4	Joyce Kimiywe	Asst.Proc.Officer	B.com, CIPS on-going	3/10/1994
5	Phillip Kiplagat	Proc. Asst 1	B.com, CIPS on-going	16/12/2002
6	Phillip Korir	Proc. Asst.1	B.Business	1/11/2001

The team noted the following weaknesses in the PU:

- Does not maintain comprehensive procurement and disposal filing systems and records in accordance with Section 45 of PPDA and Regulation 34(3) of PPDR;
- There are instances where approval of the TC is not obtained for choice of alternative procurement methods, namely direct procurement and restricted tender prior to commencing the procurement method in accordance with Section 29(3)(a);

- Does not prepare and submit to the PPOA all reports required under the Act, Regulation 8(3)(s) and directives issued by PPOA;
- Does not update consolidated procurement plans to include changes;
- Does not advise the procuring entity on aggregation of procurement to promote economies of scale in areas of the stationery and office supplies;
- While the unit maintains standing lists of registered tenderers required by the procuring entity, there is no evidence the list is updated annually as provided in Regulation 8(3)(a); and
- Does not prepare disposal plans in accordance with Regulation 8(3) (w).

Recommendation

PU should improve on the following deficient areas:

- In all cases seek approval of the TC for choice of alternative procurement methods namely direct procurement and restricted tender;
- Introduce and maintain a comprehensive single file for each procurement activity in accordance with these PPDA, PPDR, General Manual, Procurement Records Management Procedures Manual and Report on the Management of Records of the Communications Commission of Kenya;
- Prepare and submit to the PPOA all reports required under the Act, Regulations and guidelines of the PPOA;
- Update consolidated procurement and disposal plans to adopt changes;
- Advise the procuring entity on aggregation of procurement to promote economies of scale in areas of the stationery and office supplies;
- Update annually the standing lists of registered tenderers; and
- Prepare disposal plans that are linked to the budgetary framework.

Response:

The unit has been seeking approval of the tender committee for choice of alternative methods namely direct procurement and restricted tender.

Going forward, the Unit shall endeavour to maintain a comprehensive single file for each procurement activity that is undertaken within procurement.

The Commission has been submitting quarterly reports to PPOA as required by the Act, regulations and guidelines from PPOA. The PU will endeavour to prepare and update the disposal plan.

The Commission's budget is reviewed once in a year and in most cases to accommodate reallocation and this therefore do not affect the items budgeted and items planned for in the year.

The procurement of stationery and office supplies is done by the Commission on quarterly basis e.g. photocopying papers; stationery, computers and furniture are aggregated

The Commission has been prequalifying bidders in the category of common user items mainly. Given that the Commission budget in terms of consumables is small and the number

of bidders received is many, the year ends before all bidders are given opportunity to bid and as such it was found necessary to prequalify for two years. Nevertheless, in areas where there are a few bidders prequalified, the Commission has been able to update the list by incorporating some bidders who introducing their services to the Commission and also making references to the yellow pages/stockiest for additional suppliers to enhance competition and value for money.

Disposal plans that are linked to budgetary framework at the Commission, disposal depends on the list of the obsolete items submitted by the user divisions/units. The linking of disposal to budgetary framework is done at divisional/Unit level e.g. disposal of motor vehicles is linked to replacement of the same.

3.3 Tender Committee

Findings

The PE has established a Tender Committee as below and it holds regular meetings with minutes.

Name	Designation
F.K.Wangusi	Chairman
P.Nkongge	V.Chairman
J.Omo	Member
J.Kandie	Member
M.Ndaro	Member
A.Ochola	Member
S.Kibe	Member
M.Katundu	Member
P.Muchiri	Member
J.Nyanamba	Secretary
S.Mochache	Alt.Member
C.Kimei	Alt.Member
M.Wanjau	Alt.Member

However, for all the procurements reviewed, the review team found the TC records are not filed in the procurement file.

The following specific weaknesses were found with the TC records and performance:

- There is no standard form for the evaluation report used for submission to the TC;
- There is no reference of the evaluation report, survey reports, budget line, approved funds availability and if there was any negotiations in the minutes;
- There is no comprehensive list of all matters considered and decisions reached;
- No certified copy of extract of minutes concerning each procurement was maintained on the individual procurement file; and
- Any dissenting opinions were not recorded.

Recommendation

The identified weaknesses in TC operating procedures should be addressed.

Response

The commission has one standard format of preparation of tender committee papers, which complies with PPDR section 9 &10. The Commission do not negotiate with suppliers before contract award because our preferred method of sourcing is open tendering.

After tender committee’s decision, minutes are prepared and extract issued to the respective head of divisions/units are kept in one file considering the economy on paper usage.

All signed minutes are pasted in a minute book but will endeavor to keep minutes in the respective files going forward.

3.4 Functions of the Procurement Committee

Findings

The Procurement Committee is established as below in accordance with Regulation 13 and holds regular meetings with minutes that conform to Regulation 15.

Name	Designation
T.Olwero	Chairman
C.Kimei	Member
J.Chepcheng	Member
C.Wambua	Member
R.Kipngetich	Member
P.Kiage	Member
S.Maina	Member
J.Rotich	Secretary

The review team found the following weaknesses in the minutes of the PC which contravened Regulation 15 (7):

- The minutes of PC meetings are not numbered;
- There is no standard format and price comparison schedule for submissions to PC; and
- The list of all matters considered does not refer to the tender or bid number;

Recommendation

The identified weaknesses in PC operating procedures should be addressed.

Response:

The PU has been numbering the minutes, but in case there were some that were not numbered, we will endeavour to have them numbered.

We have the relevant bid /tender numbers but going forward we would be able to incorporate.

3.5 Functions of the Disposal Committee

Findings

The Disposal Committee is appointed as below and holds regular meetings with minutes.

Name	Designation
J.Kandie	Chairman
P.Nkonge	Member
M.Katundu	Member
S.Kibe	Member
J.Njeru	Member
J.Nyanamba	Secretary

The Commission undertook 18 disposal transactions amounting to Ksh 157,466,699.00. It is important to note that the disposal included the sale to employees of eight non-strategic Commission properties and one vehicle all amounting to Ksh 137,220,000.00 without competition. The first priority was given to the tenants (staff) at the valuation price recommended by the Ministry of Lands.

The following deficiencies were found in the review:

- PU does not prepare disposal plans in accordance with Regulation 8(3)(w);
- There was no evidence that the Committee meets at least once in every quarter as required by Section 128(2);
- There was no evidence that the recommendations of the committee were approved by the Accounting Officer in accordance with Section 129 and Regulation 92(4);
- The PE does not have written disposal operational procedures that set out the valuation, existence and control mechanism and makes allowances for scrap, obsolete, unusable, and slow moving, or overstocked item;
- There are no comprehensive individual files for each disposal proceeding;
- The reserve prices are not disclosed to the potential buyers;
- The PPDA requirements in respect of disposal of stores and equipment that are unserviceable, obsolete or surplus are largely observed in accordance with Section 126 to 131; and
- KNAO audit report of 12 November 2009 reported that the Commission held obsolete equipment, furniture, fittings, and other assorted items valued at Kshs 1,631,515,000.00 that have continued to be depreciated contrary to the PPDA and PPDR. The review team requested the list of all obsolete equipment as highlighted in the audit report but this list was not made available.

Recommendations

Procurement Unit should:

- Develop a disposal plan for all the obsolete equipment, furniture, fittings and other assorted items which were highlighted in the KNAO report of 12 November 2009.

- Disposals should be integral part of planning process. This comprehensive disposal plan should be based on an annual review of assets and related to the procurement plan, as timing of disposal takes place when replacement is scheduled to be delivered;
- Develop written inventory procedures that set out the valuation, existence and control mechanism and make allowances for scrap, obsolete, unusable, slow moving, or overstocked items;
 - Open comprehensive individual files for each disposal activity and where the disposal requirement involves feasibility studies and surveys directly carried out or accepted by the procuring entity in order to prepare the tender documents the reports and other documents resulting from these studies and surveys;
 - Disclose reserve price in the tender sales documents; and
 - Prepare and submit to the PPOA reports of disposals to employees as required under the Regulations and directives of the Authority.

Response

All the identified obsolete items were disposed off in January 2010.
The PU will endeavor to prepare a disposal plan going forward.

The PU will develop written inventory procedures.

The PU will endeavour to open comprehensive individual files for each disposal activity.

The Commission tries to maximize value from disposal of items by open tendering without disclosing the reserve prices for the items. The Commission goes through a two stage process to maximize value from disposals:

- i) Advertise without disclosing the reserve prices
- ii) For items left over; advertize disclosing the reserve prices.

However no sales are done below the reserve prices.

The Commission disposed off non strategic houses with the 1st priority being given to the occupants. The same was reported to PPOA vide our letter: CCK/PPOA/1-2008-09, dated 12/2/2009 to which PPOA sought more clarification vide their letter: PPOA 4/1/VOL.IV(72).

3.6 Functions of Evaluation Committee

Findings

Evaluation committees are established as and when required for each procurement within the threshold of the Regulation 16 for the purposes of carrying out the technical and financial evaluation of the tenders or proposals.

For the tenders reviewed, the following generic weaknesses were found:

- Copies of letters appointing the evaluating teams were not in all the procurement files to ascertain that the team was appointed in accordance with the regulations;
- The evaluation of the following tenders exceeded the period of thirty days after the opening of the tenders as required by Regulation 16(5)(b):

Tender no	Method	Opening date	TC date	Evaluation (days)
CCK/TC/26/2007-2008	ONT	12.03.2008	11.12.2008	254
CCK/TC/30/2008-2009	ONT	30.04.2008	2.10.2008	155
CCK/TC/21/2008-2009	ONT	15.04.2008	11.06.2009	394
CCK/RFP/02/2008-2009	ONT	29.09.2008	11.12.2008	78

- There was no evidence that each member of the technical evaluation committee evaluated the submissions independently from the other members prior to sharing his or her analysis, questions and evaluation including his or her rating with the other members of the technical evaluation committee as required by Regulation 16(6).

Recommendation

- The identified weaknesses in procedures should be addressed;
- The PE must set out the comprehensive evaluation criteria in all tender documents;
- The PU must file copies of the letters nominating and appointing evaluation teams in the procurement files;
- Each individual team member must evaluate the tender independently before sharing the analysis;
- The evaluation committee should ensure that signed original versions of tender documents provide are used as they best guarantee of authenticity; and
- All tenders must be evaluated within the time limits set out in the Regulations.

Response

Every tender document has comprehensive evaluation criteria incorporated which is used to evaluate the submitted bids, if there were areas the evaluation criteria was not included, we will ensure that all the future tenders have an evaluation criteria stipulated.

The letters were filed in a common file for evaluation committees but going forward the same will be filed in respective files.

The correct days taken and reasons are as follows:

<u>Tender No.</u>	<u>Method</u>	<u>Opening date</u>	<u>TC DATE</u>	<u>Evaluation days</u>	<u>Reason for delay</u>
<u>CCK/TC/26/2007-2008</u>	<u>ONT</u>	<u>11.09.07</u>	<u>13.11.07</u>	<u>63</u>	<u>The tender was evaluated within 63 days though non responsive.</u>
<u>CCK/TC/30/2008-2009</u>	<u>ONT</u>	<u>30.04.2008</u>	<u>04.06.2008</u>	<u>155</u>	<u>The tender was evaluated within 32 days and the first</u>

<u>Tender No.</u>	<u>Method</u>	<u>Opening date</u>	<u>TC DATE</u>	<u>Evaluation days</u>	<u>Reason for delay</u>
					<u>firm awarded supplied equipment that did not meet our specifications and therefore were rejected. Bids were reevaluated and another firm was awarded the contract.</u>
<u>CCK/TC/21/2008-2009</u>	<u>ONT</u>	<u>15.04.2009</u>	<u>11.06.09</u>	<u>56</u>	<u>The evaluation was conducted and award was concluded within 56 days and exercise was in 2009 and not 2008</u>
<u>CCK/RFP/02/2008-2009</u>	<u>ONT</u>	<u>12.08.09</u>	<u>7.10.2009</u>	<u>55</u>	<u>The exercise was concluded within 55 days.</u>

Generally, delays in evaluation are caused due to clarification sought in complex tenders and re-evaluation after the 1st award and others are due to being differed by the Tender Committee for more details.

The evaluation of the bids were done independently, however, for equipments where only the specifications are confirmed as per the brochures to check compliance, the evaluation process is done jointly.

The letters were filed in a common file for evaluation committee's but going forward the same will be filled respectively.

The evaluation of the bids were done independently, however, for equipments you were to confirm the specifications as per the brochures to check compliance hence the need to share as the evaluation process is on going.

The evaluation committee uses the original tender documents but for faster evaluation, we request bidders to provided copies but the basis is the original document.

The Commission will endeavour to evaluate the tenders as per the regulations.

3.7 Functions of Inspection and Acceptance committee

Finding

There is one standing committee appointed for all inspection of all activities under Regulation 17.

Name	Designation
P.Ikumilu	Chairman
D.Kiprop	Member
C.Ogongo	Member
C.Murianki	Member
P.Kemei	Member
J.Imunya	Secretary

The committee undertakes all its functions in accordance to the Regulation 17(3) of PPDR but does not make appropriate use of KEBS or other testing organizations where appropriate (Regulation 17(3) (a). A member of the committee complained of the reams of paper, which appear to meet the specifications on the LPO but failed the performance test on the Commission machines. The member also noted the inability for the committee to assess the full range of the commodities being procured by the Commission because of lack of sufficient resources within the committee.

The team did not find any certificate of completion of project or consultancies issued by the inspection and acceptance committee as provided by Regulation 17(4) (a).

Recommendations

- While the review team noted that the standard *Inspection and Acceptance Report Form* will shortly be released by PPOA, the Procurement Unit should meantime develop interim certificates that conform to the requirements of the PPDR, to be certified by the inspection and acceptance committee members after inspection of the complex goods, works and services;
- The PE should consider appointing the inspection and acceptance committee for specific procurements as and required so that the membership has reasonable knowledge of the commodities or services being inspected; and
- Whenever appropriate the committee should undertake test for goods to determine their functionality instead of relying solely on visual and physical examination.

Response

The Commission have an inspection report form which was designed for goods, works and services. The Commission will adopt the PPOA form once complete.

The inspection committee is comprised of all departments but always users are co-opted to the committee during inspection for technical purposes.

The Commission endeavors to test the goods where possible and where economically viable compared to the cost of the goods.

3.8 Systems and procedures for implementation of the procurement law and regulations

Findings

- The Commission has not yet established procedures for implementing procurement decisions in accordance with Section 26(1). The procurement operational manual is still in draft;
- The review team did not find any schedules of duties in the Commission outlining separation of functions. It is therefore difficult to determine whether there is clear separation of powers for those undertaking initiation, processing, and receipt;
- There is limited awareness of updated publications, directives, manuals, and standard documents prepared and distributed by PPOA in accordance with Section 9(c) (i) of the PPDA to be used by procuring entities;
- The majority of the staff involved in the procurement related functions that the team spoke to did know the existence of the following manuals published by PPOA:
 - General Manual;
 - ICT Manual;
 - Insurance Manual;
 - Non-Intellectual Services Manual;
 - Projects Manual;
 - Works Manual;
 - Records Management Manual; and
 - User Guide.

Recommendations

- The Commission should put in place appropriate systems and procedures that distribute procurement information including manuals, guidelines and directives from PPOA to the appropriate people, at the necessary level of detail, on a timely basis and that is accessible to all those involved in procurement related functions; and
- The PE should prepare an operational schedules manual that incorporates the PPDR First Schedule.

Response

The updated ISO 9001:2008 clearly states separation of powers and duties, and indexing and distribution of external documentation is clearly indicated

The PU will prepare an operations manual

3.9 Threshold matrix and segregation of Responsibilities.

Findings

The Commission did not provide schedules of duties to enable the review team to observe and verify if the requirements of First Schedule of PPDR are being followed in the initiation, and approvals of the procurement processes.

Recommendations

Prepare written operational procedures and systems that set out the initiation and approval of the procurement activity in accordance with First Schedule of PPDR.

Response

The PU will endeavour to prepare an operational schedules manual

3.10 Poor record keeping and filing systems of the procurement documents

Findings

The review team identified several gaps in the summary of procurement data provided to the review team.

The procurement files are not complete as they do not contain all the documents used in a procurement activity as provided in the Regulation 34(3).

The procurement records were fragmented and different documents relating to procurement are kept by different offices, e.g. Finance, Accounts, and Stores.

The Commission is currently in the process of installing computerised management information systems. The comprehensive procurement module covers:

- Raise requisition by User Departments;
- Manage quotations, valuations and other procurement committees;
- Stocked items (Consumables);
- Local Purchase Orders (LPOs) awaiting goods delivery;
- Received Requisitions under tendering process;
- Raise GRN and link with LPO and Inspection certificates; and
- Procurement Reports.

Recommendation

- The PE should strengthen the process of collecting, collating classifying and analyzing procurement expenditure data with the purpose of reducing procurement costs, improving efficiency and monitoring compliance. This will also impact in other areas such as inventory management, budgeting and planning, and service delivery. Procurement expenditure analysis can provide answers to such questions as:
 - ✓ What was bought;
 - ✓ When was it bought;
 - ✓ With whom did we buy it; and
 - ✓ How much did we pay for it?
- The Procurement Unit should upgrade the filing systems and records management to conform to the provisions of Section 45, Regulation 34(3), General Manual, Procurement Records Management Procedures Manual and recommendations of in the associated Report on the Management of Records of the Communications Commission of Kenya, prepared by ARD; and

- The PU should ensure that a complete file is maintained for each procurement activity. The file should contain all the relevant documents starting with the purchase requisition, documents for the tendering process, evidence of receipt and payment for goods. As far as possible, these should be original documents, or where not possible, certified copies of the originals.
- The entity needs to consult with the PPOA on the e-procurement systems being considered and to harmonise the IMIS with the PPOA systems on the common areas of the procurement module.
- The entity should ensure they strengthen the procurement modules to include the following, which are not in the present version:
 - ✓ Active suppliers for the last three financial years;
 - ✓ Preparation of departmental and procurement plans;
 - ✓ Current projects and contracts;
 - ✓ Update inspection and acceptance certificates from the systems;
 - ✓ Automate counter requisitions and issue from stores;
 - ✓ Manage inventory transactions;
 - ✓ Track all expenses associated with a project;
 - ✓ Link project and services with their contracts; and
 - ✓ Contract management.

Response

The PU will endeavor to do through from the supplier performance reports and other raw data

The Commission has implemented the filing systems and records management, and will train respective staff on documentation.

The Commission has implemented the filing systems of a complete file for each procurement activity.

All recommendations made will be considered and confirmation will be done when the IMIS system goes life

All recommendations made will be considered and confirmation will be done when the IMIS system goes life

3.11 Procurement Planning

Findings

- There is an annual procurement plan as stipulated in the General Manual and all procurements reviewed were integrated with applicable budget processes and based on indicative or approved budgets in accordance with regulation 20(2);
- There are no individual procurement plans for general services, consultancy services and civil works as provided in the General Manual Chapter 6.5;
- Multi-annual, rolling work plans for procurement are not prepared by each User Department and there is no indication whether the requirements should be procured under single-year or multi-year arrangement (Regulation 20(3));

- The current procurement plan is inadequate both for planning and as a monitoring tool as it is not linked to the contract management process;
- There is no evidence that the procurement plans are regularly updated to accommodate changes during the year;
- The sampled tender for Lowe Scanad Agency for Ksh 37,271,196.00 was processed without adequate funds set aside before commencement of the procurement proceeding (Section 26(6)). The funding provided in the budget was only Ksh 20,200,000.00; and
- The review team were not provided with user departmental annual procurement plans, which were submitted and approved by the Accounting Officer at least thirty days before the close of each financial year (Regulation 20(4)).

Recommendation

- Planning is essential for effective procurement. Procurement planning entails more than the development of estimates for various goods, civil works and services. It combines the legal and institutional frameworks within which procurement must be carried out. The Commission should develop procurement plans that conform with the requirements of the Act, associated regulations and General Manual;
- The PU should conduct procurement planning meetings with User Departments more frequently so that the users can be assisted with technical expertise; and
- The work plan of the Procurement Unit should include preparation and updating of the procurement plan in regular progress reports (giving status of procurement progress, reasons for delay and revised procurement schedule).

Response

The Commission has a consolidated procurement plan which captures all the areas required as per the act and regulations

There are interactions with user departments on all procurement activities on development of specifications. TOR,s evaluation criteria etc.

The PU presents quarterly status reports for the procurement plan activities to the Management, Tender Committee and the Board.

3.12 Purchase requisitions

Findings

- The procurement processes are not initiated by the standard purchasing requisition forms as provided for by Regulation 22(1). Procurement processes are initiated by the internal memos from user departments, which do not indicate that they have been originated by the authorized official and approved by the official within the threshold for procurement being considered (First Schedule of PPDR);
- There is no budget line indicated on the memos to show source, allocation, and availability of funds in the budget for particular procurement, or authority to incur expenditure for the purchases requested; and

- The memos do not indicate that the estimated value of the goods, works or services are realistic and based on up-to-date information on economic and market conditions as provided in Regulation 22 (2).

Recommendation

- ✓ The review team noted that the standard Purchase Requisition Form is expected to be released by PPOA shortly. In the meantime, the Procurement Unit should develop an interim purchase requisition form that conforms to the requirements of the PPDR, General Procurement Manual and directives from PPOA; and
- ✓ The Procurement Unit should put in place a central control register for all requisitions received in the unit in order to put in place sufficient procurement internal control.

Response

The Commission has one standard purchase requisition form, however once the PPOA form is released, the Commission will customize for compliance

The register is maintained in the e-format in the Commission intranet, in addition, the Commission will endeavour to open a hard copy

3.13 Prequalification and registration of suppliers

Findings

- ✓ There is an approved standing list of registered suppliers in place developed during the period under review as required by Regulation 8.(3)(a) but there was no evidence that the standing list is being updated annually to allow new bidders to be included and to remove those who are no longer qualified;
- There was no evidence that the entity undertook evaluation of the suppliers to ascertain:
 - ✓ The person being qualified has the necessary qualifications, capacity, experience, resources, equipment and facilities to provide the goods and services if awarded;
 - ✓ The person has legal capacity to enter into legal contracts;
 - ✓ The person is not debarred from participating in procurement proceedings under Section 115 of the Act and Regulations 90 and 91;
 - ✓ The person is solvent; and
 - ✓ The commission is not precluded from entering into the contract with the person under Section 33 of the PPDA.
- There is prequalification undertaken for specialised, complex and high value goods or services required by the entity for solicitation of restricted goods or services.

Recommendation

- Before approving or prequalifying a particular supplier, PU in conjunction with the user department should conduct a supplier evaluation to validate the information provided by the bidders or pre-qualified bidders and to assess whether suppliers' performance meets the expectation or does not meet the expectation in terms of quality of goods and services; and

- There is also need to strengthen supplier performance evaluation The PE should ensure a fair and equal rotation amongst the persons on the standing list of registered suppliers in respect of requests for quotations, as required by Regulation 59 (2) (c).

Response

The Commission will endeavour to conduct a supplier evaluation, where necessary, to validate information

The Commission rotates the list of registered suppliers in respect to request for quotations for each quota as shown in the register.

3.14 Specifications

Findings

- The User Departments prepared the technical specifications and submitted the requests to the Procurement Unit; and
- The PE uses clear, objective, neutral and functional or technical specifications and in accordance with Section 34 of the PPDA.

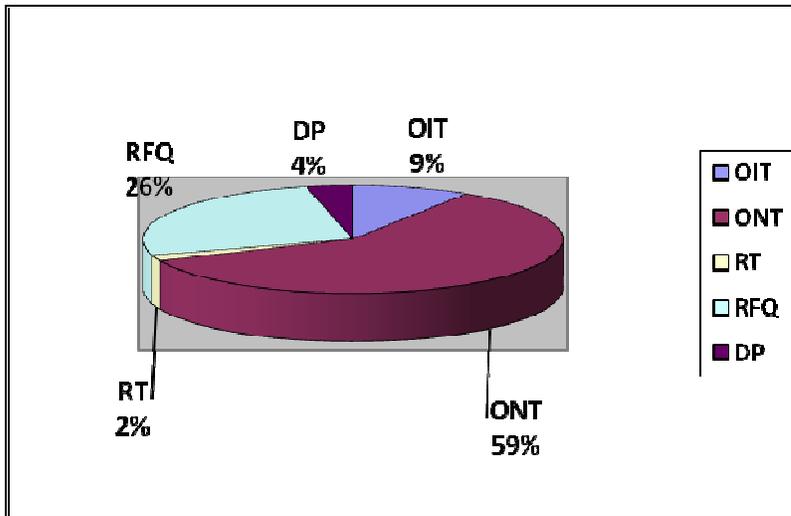
3.15 Choice of procurement method

Findings

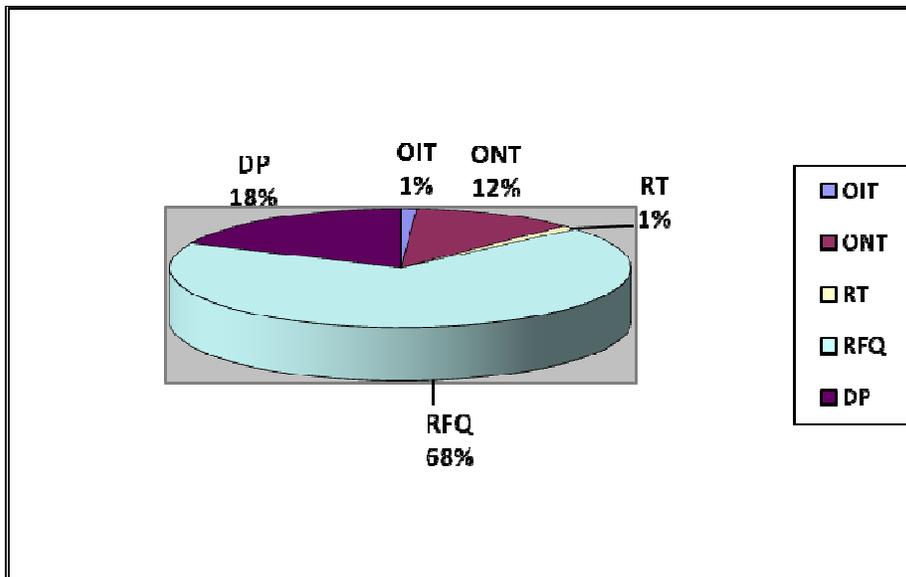
3.15.1 Total Number and value of procurement methods

Type of procurement method	Number	Value(Ksh)
OIT	2	24,908,581.00
ONT	20	161,538,226.00
RT	2	4,675,800.00
RFQ	119	71,753,240.00
DP	32	9,688,154.00
TOTAL	175	272,564,001

3.15.2 Procurement method by Value



3.15.3 Procurement method by No of transactions



Open tendering is the main procurement procedure as stipulated in the PPDA at 59% of the expenditure on procurement for the period under review.

The review did not find any cases where procurements were split to evade the appropriate procurement method provided in the Act. The team observed that many common user goods and services currently being procured on RFQ takes a lot of the level of effort, currently standing at 68%.

There was no evidence that the procurement proceedings using an alternative procurement method (Direct Procurement and Restricted tenders) were commenced after the approval of

the procurement method by the tender committee in accordance with PPDA Section 29 (3) (a) (b) for the following contracts:

Tender No.	Method	Supplier	Goods/Services	Amount
LPO	DP	UUNET	Provision of internet connectivity to 3 rd floor.	167,719.76
LPO	RT	Safaricom,Cel tel	Mobile phones	691,720.00
CCK/TC/26/20 07-2008	DP	Mohamed Mungai and Associates	Consultancy	1,500,000.00
LPO		Hatari Security Service	Security and safety audit	120,000.00

Recommendation

The PU should seek the TC approval for the choice of direct and restricted tendering method before using the methods as required by PPDA.

Response

The Commission seeks approval from the Tender Committee for choice of other methods of procurement other than open tender.

3.16 Preference and reservations

Findings

The PE has not applied preference and reservations as provided in Section 39 (8) of the PPDA for procurements that were 100% funded by the Government of Kenya and below the thresholds prescribed in Regulation 28 (1). The PE did not provide any reason for not applying these preferences.

Recommendations

The PE should apply preference and reservations as provided in Section 39 (8) of the PPDA.

Response

The Commissions tenders are mostly national tenders and hence need for preference and reservations has not arisen

3.17 Preparation of tendering documents

Findings

The appropriate standard tender documents as prescribed in Section 29(4) of PPDA, Third Schedule of the PPDR and General Manual are not used in all procurement processes reviewed. The PE has not adopted some of standard bidding documents as specified in the Third Schedule of the Regulations namely:

- Request for quotation form;
- Procurement requisition form;
- Order amendment form;
- Tender register;
- Application for adjudication of tenders/quotation;
- Board of survey form;
- Standard tender document for disposal;
- Standard tender documents for management contracts;
- Application for adjudication of tenders/quotation;
- Disposal certificate;
- Destruction certificate;
- Order amendment form; and
- Standard tender documents for preference and reservations.

The review team acknowledged that most of the standard tender documents are presently under review by PPOA and that some existing documents do not conform to the present law. The PE should liaise with PPOA to agree how to handle the documents required by Regulations but not operational.

The PE does endeavour to customise correctly the standard tender documents downloaded from the PPOA website.

Recommendations

- The PE should adopt the recommended standard bidding documents and procurement forms that are relevant to its procurement and disposal procedures, once the PPOA's revision of these documents and forms has been completed. In the cases of where the document is still in preparation by PPOA, the Commission should liaise with PPOA and agree on the appropriate form to be used; and
- The PE should take advantage of the ARD training workshops for the revised standard bidding documents currently being organised in collaboration with PPOA.

Response

The Commission has not customized the forms to the requirement, however we endeavour to use the standard forms generated by PPOA once complete.

The PE has from has from time to time sent its staff to some training by ARD, such as framework contracts, documentation, and will continue to expose its staff to such training when notified.

3.18 Advertisement of tender opportunities

Finding

- The PE has taken reasonable steps to bring the invitation to open tender to the attention of those who may wish to submit tenders, in accordance with Section 54 of PPDA. The PE has a dedicated portal for tenders on its website; and
- Advertisements indicate the closing date and time, with an invitation to bidders to attend the bid opening.

3.19 Modification to tender documents

Finding

The tenders reviewed did not have any modification. The PE was therefore not evaluated on this indicator.

3.20 Submission and Receipt of Bids

Finding

- There is a secure facility for the receipt of tenders provided at the designated tender location, with two locks with keys for each lock kept by a different officer.
- Tender opening procedures are carried out in accordance with Section 60 of PPDA and Regulation 45.

3.21 Formation of Contracts

Findings

- Contracts were awarded to qualified bidders who had met the requirements of Section 31 and 66 (4) of PPDA;
- Notifications of award letters were sent out to all the successful bidders in accordance with Section 67 of PPDA and copies filed in the procurement file;
- Signed 'Acceptance of offers' were filed in the procurement files;
- The unsuccessful bidders were notified at the same time when the notification of award was sent out and copies recorded in the procurement file;
- Security bonds were found to be released but not recorded in the procurement file;
- Performance bonds were found to have been requested and filed for all contracts reviewed but not recorded in the procurement file; and
- Contract agreements have been created and signed by the Accounting Officer for all the proceedings reviewed.

Recommendations

- Record copies of the released security bond in the procurement file;
- Record copies of performance bonds in the procurement files;
- Record all advance payment or progress payments secured by the performance bond or bankers guarantee in procurement file.

Response

The Commission will endeavour to put copies of bid bonds in its respective files, however there is a register which is currently being used to record the bid bond.

The Commission will endeavour to put copies of performance bond in its respective files, however there is a register which is currently being used to record the performance bonds.

The Commission will endeavour to put copies of performance bond in its respective files, however there is a register which is currently being used to record the performance bond

3.22 Termination of Proceedings

Findings

During the period under review only one tender was terminated. The PE undertook the termination in accordance with Section 36(1) of the PPDA and informed the PPOA as required by the Section 36(7).

3.23 Notification to PPOA

Finding

The following contracts over Ksh 5 million were not reported to the PPOA as required by directives from PPOA, although the PE maintains that it notified PPOA appropriately. A copy of a memo to PPOA was shown to the review team but PPOA do not acknowledge having received them.

Agency	Open National	Consultancy	39,398,735.64
Agency	Open National	Services	32,091,457.00
CCK/TC/21/2008-2009	Open National	Goods	16,457,248.80
CCK/RFP/02/2008-2009	Open International	Consultancy firms	16,289,463.00
LQ/PROC/45/2008	RFQ	Goods	9,280,000.00
CCK/TC/06/2008-2009	Open National	Goods	8,679,172.00
CCK/TC/26/2007-2008	Open International	Goods	8,619,118.00
LQ/PROC/69/2008-2009	RFQ	Goods/Services	8,017,166.00
LQ/PROC/71/2008-2009	RFQ	Goods	6,939,722.00
CCK/TC/03/2007-2008	Open National	Goods	6,044,182.30
CCK/TC/30/2008-2009	Open National	Goods	5,933,400.00
CCK/TC/02/2008-2009	Open National	Works	5,864,130.00
CCK/TC/14/2008-2009	Open National	Goods	5,273,254.00
Direct	Direct	Goods/Services	885,000.00
CCK/TC/29/2007-2008	Direct	Consultancy	3,870,540.00
Direct	Direct	Goods	691,720.00
Direct	Direct	Goods/Services	579,820.00

The only procurement proceeding traced to the PPOA website was CCK/TC/15/08-09.

Recommendations

The PE should notify PPOA of all the procurement and disposal as directed by the PPOA as follows:

- All procurement contracts of Ksh 5,000,000.00 and above;
- All terminated procurement proceedings;
- All direct procurement of Ksh 500,000.00 and above; and
- All disposals made to employees.

Care should be taken to ensure that communications sent to PPOA are received and acknowledged.

Response

We will endeavour to send two copies of memo and register for PPOA for acknowledgement for our file.

3.24 Enquiries and Complaints Mechanism

Findings

The Commission does not have documented systems and procedures for handling bid complaints and does not keep a complaints/protest log.

Recommendation

Introduce a documented systems and procedures for handling bid enquiries and complaints and keep a complaints/protest log.

Response

The Commission has an overall procedure in place for complaints, however this will be customized to procurement complaints.

3.25 Follow up of ARB decisions and recommendations.

Findings

There was no procurement taken to the review board for the period under review so the PE was not evaluated on this indicator.

3.26 Value for Money

Finding

The PE does not compare their prices for common user items with the PPOA index.

Recommendations

The PE should seek to enhance value for money.

Response

The Commission compares prices of common user items with PPOA index. Going forward, we will be reflecting this in the approval papers.

3.27 Contract Management

Findings

The team observed the following weakness in the contract management:

- Contract file were opened for the contracts reviewed;
- There is no contract management plan;
- There is no file record relating to the release of bond security;
- Performance bond raised before the contract is approved but not filed in the procurement file;
- Advance payment are not reflected in the procurement file;
- Inception report for projects delivered not filed in the procurement file;
- Progress reports/works complete/time period completed are produced but not filed in the procurement file;
- Final report/completion of works/installation and commissioning not filed in the procurement files;
- Final payment records made are not recorded in the file; and
- There is no contract register maintained by PU.

Recommendations

PU to enhance management and administration of procurement contracts as provided in Chapter 9 of the General Manual.

Response

The contracts are assigned to the users who from time to time give status reports of the projects. A Contract Manager is needed on full time basis to follow up the contracts

4 SPECIFIC FINDINGS

4.1 Tender no. LQ/PROC/34/2009

Supply of Photocopying Papers – Kshs.380,000.00

We noted that contrary to Procurement Committee award during their 79th meeting, LPO 003859 dated 16/2/09 for the supply of photocopying papers for Kshs.380,000.00 was placed with M/S Image Plus Limited. The committee had awarded the tender to M/S Dolphin stationery for Kshs.314,000.00. The evaluation team had recommended to PC to award the tender to M/S Image Plus due to the technical preference for Xerox paper though the price was higher. While the Head of Procurement Unit accepted that this was an error, it appears that the PC did not act in accordance with Regulation 11 (2) (a) and (b) and 11 (3).

4.2 Tender No CCK/RFP/11/2005

This long-term advertising agency contract was entered into between CCK and Lowe Scanad Kenya Limited on 1/3/2007 for two years. Because of the agreement Lowe Scanad was awarded a number of tenders during the period 2008/2009, these included the sampled tenders Nos:

- LQ/PROC/06/2008-2009 - Design and production of CEO Launch Ksh.4,296,660.50;
- Agency Media placement and TV Commercial Product Ksh.32,091,457.00;
- Agency Press, media print production for Consumer Education Programme.Ksh.2,781,370.56;
- CCK/7C/03/2007-2008 Procurement of items for the Consumer Education Programme. Kshs.6,044,182.30;
- LQ/PROC/25/2008-2009 - Supply and delivery of snapper frames Kshs.338,764.08;
- Agency -Variation of supply and delivery of plastic cards Kshs.17,400.00;
- Agency 10th anniversary celebrations activities media placement, print and collateral Kshs.39,398,735.64;
- LQ/PROC/72/2008-2009 - Industry Expo Kshs.4,858,950.00; and
- LQ/PROC/69/2008-2009 - Staff event and galadinne Kshs.8,017,166.00

While the secretariat paper to the Tender Committee indicates that nine bidders were requested to bid and two responded; the review team were not provided with the following information:

- Requisition;
- Invitations for submission of expression of interest (EOI);
- Request for proposal sent to the bidders;
- Tender Opening Committee minutes;
- Evaluation records completed by each evaluating committee member.

In view of the above, the team was not able to determine whether the process of awarding Lowe Scanad Kenya was done in compliance with the Act and the Regulations.

4.3 Tender no. CCK/TC/21/2008-2009 -

Supply and Installation of LAN, Computer Hardware and Software in Eight Centres – Kshs.16,457,248.80

The above tender was awarded to M/S Bell Atlantic as per minute No. 718/06/09 of the 92nd Tender Committee meeting of 11/6/09 for Kshs.16,457,248.80. The contract was signed on 29/7/2009 and as per Clause 2, commencement date was on the date of signing the contract. The completion date was one month after the commencement date, hence 28/8/2009. Clause 6 of the agreement provides that if the work is not completed within a month, then 0.5% per month of the undelivered services per month up to a maximum of 10% will be recovered from the contractor. The Director CTMA as per internal memo dated 09/12/09 drew the attention of the commission secretary to the failure of the contractor to comply with contract obligations with respect to the implementation of the ICT for people with disabilities. No further action was available on this issue. However there was no evidence that the project has been completed. The Commission secretary should therefore invoke the relevant clause of the contract and call the performance bond.

4.4 Tender no. CCK/TC/15/2008-2009

Repair and Replacement of Falling Cladding Tiles at the CCK Building Kshs.12,483,641.60

The bidder was awarded the tender vide minute No. 661/02/09 of the 85th Tender Committee meeting of 13/02/2009. The contract was signed on 16/4/09 for the project to last 14 weeks. The project was delayed for 6½weeks, hence the clause on the liquidated damages as per the bid document (Clause 43.1 of the contract) should have been invoked. As per his letter ref. CCK/HRA/552/UTB (40) to the contractor, the Director HRA notified the contractor that Kshs.364,000.00 will be recovered from payment due. No further action on this issue was made available to the review team. It cannot therefore be established whether the appropriate sum was recovered.

5 COMPLIANCE RATING

Item	Performance Indicator	Indicates aspect of the procurement	Scores				Max score	Actual score
			3	2	1	0		
1	Functions of Accounting Officer (1)	The Accounting Officer is carrying out his responsibilities under Section 27 (2) of the PPDA and has ensured that the procuring entity fulfils its obligations by ensuring that all provisions of the PPDA, the PPDR and directives of PPOA are complied with		2			3	2
2	Functions of Procurement Unit (3)	The key procurement officials have professional qualifications in procurement and supply management from a recognised institution (<i>Only two key officials out of six staff (33.3%) possesses professional qualifications in procurement</i>)			1		9	3
		The Head of Procurement Unit and key staff with procurement responsibilities have received training in PPDA, PPDR, and General Manual.	3			3	9	9
		The key procurement officials are members of a recognised institute of purchasing and supply.			1		9	3
		The functions of the Procurement Unit as set out in Regulation 8 of the PPDR are satisfactorily complied with		2			9	6
3	Functions of Tender Committee (3)	Tender Committee is established in accordance with PPDA and PPDR and holds regular meetings with minutes that conform to Regulation 12	3				9	9
		The functions of the Tender Committee as set out in Regulations 10 of the PPDR and Chapter 4.5 of the General Manual are satisfactorily complied with.		2			9	6
		The approvals by Tender Committee conform to Regulation 11.	3				9	9
4	Functions of Procurement	Procurement Committee is established in accordance with Regulation 13 and holds regular meetings with minutes		2			9	6

	Committee (3)	that conform to Regulation 15						
		The functions of the Procurement Committee as set out in Regulations 14 of the PPDR and Chapter 4.4 of the General Manual are satisfactorily complied with.		2			9	6
		The Procurement Committee has submitted quarterly reports to the Tender Committee on contracts it has awarded		2			9	6
5	Functions of the Disposal Committee (3)	The Disposal Committee is established in accordance with Section 128 and holds regular meetings with minutes.	3				9	9
		The functions of the Disposal Committee as set out in the PPDA, PPDR and Chapter 12 of the General Manual are satisfactorily complied with.		2			9	6
6	Functions of Evaluation Committees (3)	Evaluation committees have been appointed as and when required within the threshold of the Tender Committee	3				9	9
		The evaluation committees have undertaken technical and financial evaluation of tenders or proposals strictly in accordance with the compliance and evaluation criteria set out in the tender documents		2			9	6
		No person has been appointed to serve in the Evaluation Committee if that person is a member of the Tender Committee of the procuring entity	3				9	9
		Each member of the technical evaluation committee has evaluated independently from the other members prior to sharing his or her analysis in accordance with Regulation 16 (6)		2			9	6
		Evaluation committees have prepared a report analysing the tenders received and final ratings assigned to each tender and submitted the report to the Tender Committee in accordance with Regulation 16 (9)	3				9	9
		Tender evaluation has been completed within 30 days of tender opening (with a further 5 days allowed where there is separate financial evaluation)		2			9	6

7	Functions of Inspection and Acceptance Committee (3)	The Inspection and Acceptance Committee has been established and undertakes its functions in accordance with Regulation 17 of PPDR and Chapter 4.7 of the General Manual and makes appropriate use of quality assurance organisations or specialists where appropriate.		2			9	6
8	Systems and procedures for implementation of the procurement law and regulations (3)	There are comprehensive and written operational procedures and systems which are updated regularly, setting out how the PPDA, PPDR and directives are being implemented in the PE, as stipulated in Section 26(1)				0	9	0
		The Head of the Procurement Unit is generally aware of updated publications, directives, manuals, and standard documents prepared and distributed by PPOA	3				9	9
		The procurement publications are in a central location that is accessible to all persons who want to refer to them, as provided in Chapter 1.8 of the General Manual				0	9	0
		Manuals including the General Manual and guidelines are available to all persons involved in procurement related functions				0	9	0
9	Threshold matrix and segregation of responsibilities (3)	The threshold applied conforms to Section 26 of PPDA and the category determined by Gazette Notice No. 719 of 24 January 2007 and the First Schedule of Regulations.		2			9	6
		The person responsible for procurement initiation for each procurement method and threshold is as provided for in the First Schedule of the PPDR		2			9	6
10	Record keeping of the procurement activities (3)	Adequate and comprehensive procurement records are maintained in accordance with relevant provisions of PPDA, PPDR and the Procurement Records Management Procedures Manual throughout the procurement process and provide sufficient information to enable an audit or independent review		2			9	6
		The procuring entity maintains a comprehensive and individual file for each procurement requirement		2			9	6

		containing all information, documents and communications relating to that procurement proceeding with such files being marked with the relevant procurement reference number.						
11	Procurement planning (3)	All procurements have been undertaken within the approved budget of the procuring entity and have been planned by the procuring entity through an annual procurement plan, as stipulated in Section 26 of PPDA		2			9	6
		The Heads of User Departments have submitted annual departmental plans to the Accounting Officer at least thirty days before the close of each financial year as stipulated in Regulation 20 (4)				0	9	0
		Where appropriate every significant procurement has an individual procurement plan in accordance with Chapter 6.5 of General Manual				0	9	0
		All procurements are undertaken on the basis of the consolidated procurement plan which is regularly updated and linked to the approved budget of the procuring entity and approved by the Head of the procuring entity and where applicable by the board of directors or a similar body		2			9	6
12	Purchase requisition (2)	Each procurement proceeding is initiated using an official procurement requisition form containing all necessary information pertaining to the procurement in accordance with Regulation 22				0	6	0
		The requisitions are generated from the consolidated procurement plan	3				6	6
13	Prequalification and registration of suppliers (3)	There is a standing list of registered suppliers prepared in accordance with Regulation 8 (3) (a)	3				9	9
		Prequalification for works, goods and services of complex and specialized nature is carried out in accordance with the	3				9	9

		procedures in Section 32 and Regulations 23-25 and the PE has ensured that tenders are sent to all pre-qualified suppliers and contractors							
		Qualification to perform a contract is determined based on possession of the necessary qualifications, capability, experience, resources, equipment and facilities to provide what is being procured		2			9		6
		The PE has ensured a fair and equal rotation amongst the persons on the standing list of registered suppliers in respect of requests for quotations, as required by Regulation 59 (2) (c).				0	9		0
14	Specifications (3)	The procuring entity uses clear, objective, neutral and functional or technical specifications and in accordance with Section 34	3				9		9
15	Choice of procurement method (3)	Open tendering is the main procurement procedure as stipulated in Section 29	3				9		9
		Alternative procurement methods used by the PE are chosen in accordance with the criteria in Part VI of the PPDA		2			9		6
		Procurements are not split to evade the appropriate procurement method, in accordance with Section 30	3				9		9
16	Preference and reservations (3)	The PE has applied preferences and reservations in accordance with Section 39 and Regulation 28 and any Guidelines which may be issued				0	9		0
17	Standard Tendering Documents (3)	The prescribed procurement documents are used in accordance with Section 29 (4), Regulation 33 and the Third Schedule of the PPDR		2			9		6
18	Advertisement of tender opportunities (3)	The procuring entity has taken such steps as are reasonable to bring the invitation to tender to the attention of those who may wish to submit tenders, in accordance with Section 54	3				9		9

		Advertisements indicate the closing date, and time, with an invitation to bidders to attend the bid opening	3				9	9
19	Modifications to tender documents (2)	Any modification to tender documents are set out in an addendum which is promptly provided to each person who obtained the tender documents, as required by Section 53 (3)					N.A.	N.A.
20	Submission and receipt of bids (2)	A secure facility for the receipt of tenders has been provided at the designated tender location, with two locks with keys for each lock kept by a different officer and box remaining locked until the time for tender opening.	3				6	6
		Tender opening procedures are carried out in accordance with Section 60 and Regulation 45	3				6	6
21	Formation of contract (2)	Notification of acceptance of tender is given to successful and unsuccessful tenderers in accordance with Section 67	3				6	6
		Written contract is entered into in accordance with Sections 68-70	3				6	6
		Bond security released and recorded in procurement file				0	6	0
		Performance bond raised and recorded in procurement file				0	6	0
		Any advance payment is adequately secured by the performance bond or bankers guarantee and recorded in procurement file				0	6	0
22	Termination of proceedings (2)	Any termination of procurement proceedings has been carried out in accordance with Section 36 and approved by the Tender Committee	3				6	6
23	Notification to PPOA (1)	Notification is provided to PPOA of				0	3	0
		(a) Contracts over Ksh 5 million				0	3	0
		(b) Direct procurement over Ksh 500,000				0	3	0
		(c) Termination of procurement proceedings				0	3	0
24	Enquiries and Complaints	(d) Disposals to employees				0	3	0
		There are systems and procedures for handling bidders' enquiries and complaints				0	3	0

	mechanism (1)							
25	Follow up of ARB decisions and recommendations (2)	The PE has taken adequate remedial action on any ARB decisions and observations made following appeal					N.A.	N.A.
26	Value for money (3)	The PE has sought to maximize economy and efficiency and to obtain value for money in its procurements				0	9	0
		The PE has compared prices of common user items with the PPOA price index and Supplies Branch long-term contracted prices, where appropriate, and has procured standard goods, services and works with known market prices at the prevailing real market price, as required by Section 30 (3)				0	9	0
27	Contract management (2)	Contract management, including amendments and variations, is carried out in accordance with Section 47, Regulation 31 and Chapter 9 of the General Manual		2		0	6	4
	Total						489	297

Compliance level $297/489*100=60.7\%$

6 ACTION PLAN

TASK	BY	TIMELINE
The PE should upgrade the filing systems and records management to conform to the provisions of Section 45, Regulation 34(3), General Manual, Procurement Records Management Procedures Manual and recommendations of in the associated Report on the Management of Records of the Communications Commission of Kenya, prepared by ARD. Where possible the record keeping system should be computerised. The integrated management information system modules being installed should adopt the requirements of PPDA and PPDR including standard tender documents as stipulated in Third Schedule of PPDR.	AO/PU	Done
Introduce the use of preference and reservations schemes as provided in the PPDA	A0/PU	To be done with effect from February, 2011
Prioritise their training to include the following: <ul style="list-style-type: none"> • Sensitization of new personnel of the PE in requirements of the procurement law and regulations; and • Advanced training to improve skills of senior procurement practitioners in specialized aspects of procurement for those involved in procurement management. 	AO/PU	Done according to the Commission's training need analysis (TNA). This is a continuous process.
The PE should introduce and maintain a comprehensive single file for each procurement activity in accordance with these PPDA, PPDR, General Manual, Procurement Records Management Procedures Manual and Report on the Management of Records of the Communications Commission of Kenya	PU	Done
PE to address all the identified weaknesses in TC operating procedures	PU/TC	Done
PE to address all the identified weaknesses in TC operating procedures	PU/PC	Done
Update consolidated procurement plan regularly	PU	February, 2011
Prepare individual procurement plans as provided in the General Manual	PU	To be done by March, 2011
Prepare a disposal plan for the Commission	PU	To be done by June, 2011
PU in conjunction with the user department should conduct a supplier evaluation to	PU	Done

validate the information provided by the bidders or pre-qualified bidders and to assess whether suppliers' performance meets the expectation or does not meet the expectation in terms of quality of goods and services;		
Undertake a fair and equal rotation amongst the persons on the standing list of registered suppliers in respect of requests for quotations, as required by Regulation 59 (2) (c).	PU	Done
Evaluate all tenders within the time limits set out in the Regulations	PU	Done
Liaise with the PPOA for proper interpretation of the PPDA and further guidance on matters relating to disposal of Commission's property to employees.	PU	Done
Develop systems and procedures that will produce measurable value for money in the procurement systems		Done
Compare prices of common user items with the PPOA price index and Supplies Branch long-term contracted prices, where appropriate	PU	Done
Initiate consultation with PPOA on the current procurement operational procedures manual to ensure that it conforms to the requirements of the PPDA and PPDR.	PU	Done
The Commission should put in place appropriate systems and procedures that ensure regulatory procurement information including manuals, guidelines and directives from PPOA are distributed to the appropriate people.	PU	Done
Seek approval of the TC for choice of alternative procurement methods prior to commencing the procurement.	PU	Done
Develop interim certificates that conform to the requirements of the PPDA and PPDR, to be certified by the inspection and acceptance committee members after inspection of the complex goods, works and services.	PU	March, 2011
Introduce the use of the recommended standard bidding documents and procurement forms as provided in the Third Schedule of the PPDR.	PU	Done
The procurement publications from PPOA should be placed in a central location that is accessible to all persons who want to refer to them.	AO/PU	Done
Dispose of all obsolete equipment, furniture, fittings and other items the items in accordance with the PPDA and PPDR.	AO/PU	June , 2011
The PE should appoint specific inspection and acceptance as and required whose members	AO/PU	Complied as per PPDR clause 17.

have reasonable knowledge of the commodities or services being inspected. Whenever appropriate the committee should undertake test for goods to determine their functionality instead of visual and physical evaluation.		The committee is a standing committee and is free to co-opt any member with the necessary expertise.
The secretary should develop standard template for TC submissions and reporting with comprehensive pertinent information including budget lines to guide the members in making informed decisions conforming to the Act and regulations.	PU	Complied as per the Act and Regulation.
Open comprehensive contract filing systems and control registers.	PU	Done
Introduce documented systems and procedures for handling bid complaints and keep a complaints/protest log for providing necessary information internally as well as to all interested stakeholders		July, 2011
The PC should start submitting quarterly reports to the tender committee as required by the PPDR.	PU	Done
Submit all notification reports for procurement and disposal proceedings to PPOA as required by the PPDA, PPDR, and directives from PPOA.	PU	Done

7 CONCLUSION

We have reviewed procurement functions and procedures to verify whether they conform to the Public Procurement and Disposal Act 2005 and the related regulations. We have also assessed whether the functions comply with generally accepted good practices. We have identified deviations in general areas and procurement stages and attached ratings to them. The major challenges in the Commission are in the area of recordkeeping, data and documentation controls and inadequate contract management. Retrieving records for review purposes was slow, time consuming and even for the files made available, some records pertaining to fulfilment of the procurement process were incomplete, limiting the review scope.

We have included an action plan for follow-up in our recommendations to ensure that the corrective measures are carried out in order to improve compliance, efficiency, and effectiveness in procurement management.

The office of the internal auditor needs to be strengthened through capacity building to verify, examine, and determine that individual transactions comply with the Act and regulations.

We are pleased that the Communications Commission of Kenya management welcomed the review exercise as a mechanism to identify and address any shortcomings and weaknesses in the compliance with Act and associated regulations.

Overall, CCK has demonstrated a satisfactory level of compliance at 60.7% (against the minimum threshold of 60%) with relevant PPDA, and the regulations and guidelines in respect of sampled procurement transactions. This is commendable and the procurement team should be praised for their good work.

Although the CCK has taken a number of reasonable steps to comply with the provisions of the procurement law, there remain a number of issues that need to be addressed. The issues raised are important and warrant immediate attention by the procuring entity.

8 APPENDIX

8.1 The functions of the Procurement Unit

	Description	Fully done	Partially done	Not done
1	Maintain and update annually standing lists of registered tenderers required by the procuring entity and liaise with the Authority in respect of the Authority's register of suppliers	X		
2	Prepare, publish and distribute procurement and disposal opportunities including invitations to tender, pre-qualification documents and invitations for expressions of interest	X		
3	Coordinate the receiving and opening of tender documents;	X		
4	Maintain and safeguard procurement and disposal documents and records in accordance with the Regulations		X	
5	Submit shortlists and lists of pre-qualified tenderers to the tender committee or procurement committee for approval		X	
6	Issue procurement and disposal documents to candidates in accordance with the Act and these Regulations	X		
7	Propose the membership of evaluation committee to the accounting officer for approval	X		
8	Coordinate the evaluation of tenders, quotations and proposals;	X		
9	Recommend a negotiating team for appointment by the accounting officer where negotiations are allowed by the Act and these Regulations and participate in negotiations	X		
10	Prepare and publish notices of award and notices of tender acceptance	X		
11	Prepare contract documents, in line with the award decision	X		
12	Prepare and issue rejection and debriefing letters	X		
13	Prepare contract variations and modifications to documents	X		
14	Maintain and archiving documents and records of the procurement and disposal activities for the required period		X	
15	Provide information, as required, for any petition or investigation to debar a tenderer or contractor or any investigation under review	X		

	procedures			
16	Implement the decisions of the procurement, tender and disposal committees including coordinating all activities of these committees	X		
17	Act as a secretariat to the tender, procurement and disposal committees	X		
18	Liaise with the Authority and other bodies on matters related to procurement and disposal		X	
19	Prepare and submit to the Authority reports required under the Act, these Regulations and guidelines of the Authority		X	
20	Monitor contract management by user departments to ensure implementation of contracts in accordance with the terms and conditions of the contracts		X	
21	Report any significant departures from the terms and conditions of the contract to the head of the procuring entity		N/A	
22	Recommend for delegation of a procurement or disposal function to another procuring entity by the head of the procuring entity whenever a need arises		N/A	
23	Prepare consolidated procurement and disposal plans		X	
24	Advise the procuring entity on aggregation of procurement to promote economies of scale		X	
25	Co-ordinate internal monitoring and evaluation of the supply chain function		X	
26	Carry out periodic market surveys to inform the placing of orders or adjudication by the relevant award committee		X	
27	Conduct periodic and annual stock taking		X	
28	Certify the invoices and payment vouchers to suppliers		X	
29	Approve extension of the tender validity period		X	
30	Verify that the available stock levels warrant initiating a procurement process		X	
31	Carry out any other functions and duties as are provided under the Act and these Regulations and any other functions that might be stipulated by the Authority		N/A	

Summary:

Fully done	14
Partially done	14
Not done	0
Not applicable	2

8.2 The functions of the Tender Committee

	Functions set out in Regulations	Fully done for the sample selected	Partially done for the sample selected	Not done at all for the sample selected
1	To review, verify and ascertain that all procurement and disposal has been undertaken in accordance with the Act, the Regulations and the terms set out in the tender documents		X	
2	To approve the selection of the successful tender or proposal	X		
3	to award procurement contracts where the value exceeds the threshold prescribed in First Schedule	X		
4	to ensure that funds are available for the procurement under consideration;			X
5	to ensure that the procuring entity does not pay in excess of prevailing market prices;			X
6	where aggregation of procurements has been proposed, to review and approve such aggregation			X
7	where packaging into lots has been proposed to review and approve for the use of such lots			X
8	to review the selection of procurement method and where a procurement method other than open tender has been proposed, to ensure that the adoption of the other procurement method is in accordance with the Act , these Regulations and any guidelines stipulated by the Authority			X
9	to approve the list of tenderers in cases of restricted tendering pursuant to regulation 54(3)		X	
10	to approve the list of persons qualified to submit proposals pursuant to section 80 of the Act	X		
11	to approve the list of persons to be given requests for quotations	X		

	pursuant to Regulation 59(2)			
12	to approve negotiations under the Act ,these Regulations and as may be stipulated by the Authority	N/A		
13	to approve the amendment of contracts previously awarded by the tender committee, in accordance with the Act and these Regulations	X		
14	To review the quarterly reports on quotations that have been awarded by the procurement committee.	X		
15	to undertake any other functions and duties as are provided under the Act ,these Regulations or as may be stipulated by the Authority	NA		
		7	2	5

Summary:

Fully done	7	
Partially done	2	
Not done	4	
Not applicable	2	
Fully and partially done	9	69%

8.3 The approvals by the TC

	Functions set out in Regulations	Fully done for the sample selected	Partially done for the sample selected	Not done at all for the sample selected
1	In considering submissions made by the procurement unit or evaluation committees, the tender committee may approve a submission	X		
2	In considering submissions made by the procurement unit or evaluation committees, the tender committee may reject a submission with reasons;	X		
3	In considering submissions made by the procurement unit or evaluation committees, the tender committee may approve a submission, subject to minor clarifications by the procurement unit or evaluation committee	X		
4	The tender committee shall not modify any	X		

	submission with respect to the recommendations for contract award or in any other respect			
5	The tender committee shall not reject any submission without justifiable and objective reasons	X		
6	where the tender committee rejects the recommendation of the evaluation committee, the decision shall be reported to the head of the procuring entity or to the accounting officer	N/A		

Summary:

Fully done	5	
Not done	0	
Fully done	5	100%

8.4 The functions of the Disposal Committee

	Functions set out in Regulations	Fully done for the sample selected	Partially done for the sample selected	Not done at all for the sample selected
1	Committee comprising of at least five members	X		
2	The officer in charge of finance	X		
3	the head of the procurement unit who shall be the Secretary			X
4	The head of the accounting department	X		
5	two heads of end user departments, of whom one shall be the head of the end-user department disposing of the stores or equipment	X		
6	Disposal committee shall select a chairperson from amongst its members.	X		
7	Disposal committee shall pursuant to section 128(2) of the Act, first meet within fourteen days of its appointment and subsequently at least once in every quarter.			X
8	Accounting officer shall, pursuant to section 129(4) of the Act, give the disposal committee a written notice as to whether he accepts or rejects the recommendations of the disposal			X

	committee within fourteen days of receipt of the recommendations.			

Summary:

Fully done	5	
Partially done	0	
Not done	3	
Not applicable	0	
Fully and partially done	5	62.5%

8.5 The functions of the Inspection and Acceptance Committee

	Functions set out in Regulations	Fully done for the sample selected	Partially done for the sample selected	Not done at all for the sample selected
1	Procuring entity shall establish an inspection and acceptance committee	X		
2	The inspection and acceptance committee shall be composed of a chairman and at least two other members appointed by the accounting officer or the head of the procuring entity on the recommendation of the procurement unit.	X		
3	Inspect and where necessary, test goods received		X	
4	Inspect and review goods, works or services in order to ensure compliance with the terms and specifications of the contract;		X	
5	Accept or reject, on behalf of the procuring entity, the delivered goods, works or services.			X
6	Ensure that the correct quantity has been received	X		
7	Ensure that the goods, works or services meet the technical standards defined in the contract;			X
8	Ensure that the goods, works or services have been delivered or completed on time, or that any delay has been noted			X
9	Ensure that all required manuals or documentation have been received			X
10	issue interim or completion certificates or goods received notes, as appropriate and in accordance with the contract			X

Summary:

Fully done	3	
Partially done	2	
Not done	5	
Not applicable	0	
Fully and partially done	5	50%

8.6 The Evaluation of records and filing systems

	Functions set out in Regulations	Fully done for the sample selected	Partially done for the sample selected	Not done at all for the sample selected
1	Adequate and accurate records to be maintained		x	
2	Procurement file		x	
3	Evaluation records		x	
4	Tender committee records		x	
5	Procurement committee records		x	
6	Records of other committees		x	
7	Financial records relating to procurement			x
8	Maintenance of records by user department		x	
9	All records on the performance of the record shall be placed in the file			x
10	The Contract File			x
11	Proper maintenance of the contract administration records			x

Summary:

Fully done	0	
Partially done	7	
Not done	4	
Not applicable	0	
Partially done	7	63.6%

8.7 Summary of Procurements undertaken during YR 2008-2009

Tender no.	Method	Type	Value(Ksh)
Agency	ONT	Services	39,398,735.64
Agency	ONT	Services	32,091,457.00
CCK/TC/21/2008-2009	ONT	Goods	16,457,248.80
CCK/RFP/02/2008-2009	OIT	Services	16,289,463.00
CCK/TC/15/2008-2009	ONT	Works	12,483,641.60
LQ/PROC/45/2008	RFQ	Goods	9,280,000.00
CCK/TC/06/2008-2009	ONT	Goods	8,679,172.00

Tender no.	Method	Type	Value(Ksh)
CCK/TC/26/2007-2008	OIT	Goods	8,619,118.00
LQ/PROC/69/2008-2009	RFQ	Goods/Services	8,017,166.00
LQ/PROC/71/2008-2009	RFQ	Goods	6,939,722.00
CCK/TC/03/2007-2008	ONT	Goods	6,044,182.30
CCK/TC/30/2008-2009	ONT	Goods	5,933,400.00
CCK/TC/02/2008-2009	ONT	Works	5,864,130.00
CCK/TC/14/2008-2009	ONT	Goods	5,273,254.00
LQ/PROC/72/2008-2009	RFQ	Goods/services	4,858,950.00
CCK/TC/26/2007-2008	OIT	Goods	4,800,000.00
LQ/PROC/06/2008-2009	ONT	Goods/Services	4,296,660.50
RT	RT	Services	4,271,760.00
CCK/RFP/04/2008-2009	ONT	Services	4,244,000.00
CCK/TC/13/2008-2009	ONT	Service	4,042,416.00
CCK/TC/29/2007-2008	DP	Services	3,870,540.00
CCK/TC/14/2008-2009	RFQ	Goods	3,722,800.00
CCK/TC/12/2008-2009	ONT	Service	3,478,596.00
CCK/TC/14/2008-2009	RFQ	Goods	2,933,945.00
LQ/PROC/25/2008-2009	RFQ	Goods	2,864,157.00
Agency	ONT	Goods/Services	2,781,370.56
LQ/PROC/10/2008-2009	RFQ	Goods/Services	2,563,000.00
LQ/PROC/05/2008-2009	RFQ	Services	2,174,844.56
LQ/PROC/05/2008-2009	RFQ	Good/Services	2,035,650.00
LQ/PROC/55/2008-2009	RFQ	Goods	1,632,000.00
LQ/PROC/70/2008-2009	RFQ	Goods/Services	1,625,404.00
CCK/TC/18/2008-2009	RFQ	Works	1,527,720.00
CCK/TC/24/2008-2009	RFQ	Works	1,436,570.00
CCK/TC/24/2008-2009	RFQ	Works	1,436,570.00
CCK/TC/17/2008-2009	RFQ	Goods	1,320,000.00
CCK/RFP/03/2008-2009	ONT	Services	1,289,340.00
LQ/PROC/07/2008-2009	RFQ	Goods	1,180,000.00
LQ/PROC/05/2008-2009	ONT	Services	1,024,889.00
CCK/TC/26/2007-2008	ONT	Services	1,000,000.00
CCK/TC/2008-2009	ONT	Goods	977,733.07
LQ/PROC/30/2008-2009	RFQ	Goods	969,000.00
LQ/PROC/08/2008-2009	RFQ	Services	956,720.00
DP	DP	Goods/Services	885,000.00
LQ/PROC/14/2008-2009	ONT	Goods	876,000.00
LQ/PROC/02/2008-2009	RFQ	Goods	798,025.00

Tender no.	Method	Type	Value(Ksh)
DP	DP	Goods	691,720.00
LQ/PROC/43/2008-2009	RFQ	Works	632,784.00
LQ/PROC/44/2008-2009	RFQ	Works	632,784.00
DP	DP	Goods/Services	579,820.00
LQ/PROC/20/2008-2009	RFQ	Services	532,000.00
LQ/PROC/09/2008-2009	RFQ	Goods	508,000.00
LQ/PROC/42/2008-2009	RFQ	Goods	504,252.00
CCK/RFP/01/2008-2009	ONT	Services	502,000.00
PI	DP	Services	418,748.40
RT	RT	Goods	404,040.00
LQ/PROC/35/8-9	RFQ	Goods/Service	399,620.00
LQ/PROC/34/8-9	RFQ	Goods	380,000.00
LQ/PROC/30/8-9	RFQ	Goods	365,400.00
LQ/PROC/25/2008-2009	RFQ	Goods	338,764.08
LQ/PROC/61/8-9	RFQ	Goods	338,764.08
LQ/PROC/48/8-9	RFQ	Goods	310,648.00
LQ/PROC/45/09	RFQ	Goods / Service	301,200.00
PI	DP	Service	285,050.00
LQ/PROC/46/2008	RFQ	Goods	282,000.00
LQ/PROC/53/08	RFQ	Goods	282,000.00
LQ/PROC/31/8-9	RFQ	Goods	274,176.00
LQ/PROC/04/8-9	RFQ	Goods	265,374.00
LQ/PROC/42/8-9	RFQ	Goods	252,126.00
CONTRACT	DP	Service	247,500.00
Dealers/suppliers	DP	Service	244,550.00
CONTRACT	DP	Service	241,338.00
LQ/PROC/26/8-9	RFQ	Goods	231,000.00
LQ/PROC/36/8-9	RFQ	Service	229,205.75
LQ/PROC/24/8-9	RFQ	Goods	217,326.00
PROFOMA INVOICE	DP	Service	215,000.00
LQ/PROC/33/8-9	RFQ	Goods	210,000.00
CONTRACT	DP	Service	207,241.00
LQ/PROC/65/08	RFQ	Goods	205,552.00
LQ/PROC/78/09	RFQ	Goods	195,000.00
LQ/PROC/52/2008	RFQ		194,720.00
CONTRACT	DP	Service	191,261.00
LQ/PROC/36/08	RFQ		189,000.00
CONTRACT	RFQ	Goods	188,616.00
CONTRACT	DP	Goods	188,616.00
LQ/PROC/53/08	DP	Goods	184,000.00
LQ/PROC/40/08	RFQ		174,000.00

Tender no.	Method	Type	Value(Ksh)
DP	DP	Goods	167,719.76
LQ/PROC/38/8-9	RFQ	Service	166,067.00
LQ/PROC/07/8-9	RFQ	Goods	159,300.00
LQ/PROC/40/8-9	RFQ	Service	157,760.00
LQ/PROC/78/09	RFQ	Goods	155,800.00
LQ/PROC/18/08	RFQ	Goods	153,816.00
LQ/PROC/17/08	RFQ	Service	148,340.00
LQ/PROC/60/2008	RFQ	Goods /Service	136,200.00
LQ/PROC/62/8-9	RFQ	Service / Goods	130,494.00
CONTRACT	DP	Goods	124,189.79
LQ/PROC/44/08	RFQ	Works	120,442.80
CONTRACT	DP	Service	120,000.00
LQ/PROC/64/09	RFQ	Goods	119,500.00
LQ/PROC/75/8-9	RFQ	Goods	119,433.60
	RFQ	Goods	112,800.00
LQ/PROC/26/8-9	RFQ	Goods	99,000.00
CONTRACT	DP	Goods	96,600.00
CONTRACT	DP	Goods	92,800.00
LQ/PROC/41/8-9	RFQ	Goods	86,250.00
LQ/PROC/54/2008	RFQ	Service	84,840.00
LQ/PROC/12/8-9	RFQ	Goods	82,940.00
LQ/PROC/26/8-9	RFQ	Goods	82,500.00
LQ/PROC/26/8-9	RFQ	Goods	82,500.00
LQ/PROC/54/09	RFQ	Goods	80,840.00
LQ/PROC/31/8-9	RFQ	Goods	80,640.00
LQ/PROC/66/8-9	RFQ	Goods	74,704.00
CONTRACT	DP	Service	74,008.00
	RFQ	Goods	70,000.00
LQ/PROC/12/08	RFQ	Goods	69,870.00
LQ/PROC/12/08	RFQ	Goods	69,110.00
LQ/PROC/64/8-9	RFQ	Goods	66,205.00
	RFQ	Goods	65,000.00
PROFOM AINVOICE	DP	Service	64,125.00
LQ/PROC/12/08	RFQ	Goods	62,153.60
LQ/PROC/32/7-8	RFQ	Goods	61,950.00
LQ/PROC/36/2009	RFQ	Service	61,346.25
LQ/PROC/65/08	RFQ	Goods	55,281.20
PI	RFQ	Goods	54,996.00
LQ/PROC/48/09	RFQ	Goods	52,500.00
LQ/PROC/60/09	RFQ	Goods	51,504.00

Tender no.	Method	Type	Value(Ksh)
PROFOM AINVOICE	RFQ	Goods	49,958.00
	RFQ	Service	49,958.00
LQ/PROC/26/8-9	RFQ	Goods	49,500.00
PI	DP	Goods	49,000.00
CONTRACT	DP	Goods	47,386.00
LQ/PROC/64/8-9	RFQ	Goods	45,675.00
	RFQ	Goods	45,100.00
LQ/PROC/12/8-9	RFQ	Goods	44,850.00
LQ/PROC/73/09	DP	Service	44,000.00
LQ/PROC/29/08	RFQ	Goods	42,920.00
LQ/PROC/63/7-8	RFQ	Service	41,818.00
LQ/PROC/31/8-9	RFQ	Goods	40,320.00
CONTRACT	DP	Services	39,440.00
LQ/PROC/67/8-9	RFQ	Goods / Service	39,000.00
LQ/PROC/11/08	RFQ	Goods	37,500.00
LQ/PROC/63/8-9	RFQ	Service	37,236.00
LQ/PROC/28/08-09	RFQ	Service	35,496.00
LQ/PROC/12/8-9	RFQ	Goods	35,280.00
PI	DP	Goods	35,000.00
	DP	Service	34,800.00
	RFQ	Goods	33,260.00
PI	DP	Goods	32,800.00
LQ/PROC/31/8-9	RFQ	Service	32,256.00
LQ/PROC/12/08	RFQ	Goods	31,905.00
LQ/PROC/12/08	RFQ	Goods	30,020.00
CONTRACT	DP	Service	22,562.00
LQ/PROC/47/08	RFQ	Goods	22,040.00
LQ/PROC/12/08	RFQ	Good	19,600.00
LQ/PROC/27/08	RFQ	Goods	18,900.00
Agency	RFQ	Goods	17,400.00
LQ/PROC/35/8-9	RFQ		17,400.00
LQ/PROC/59/08	RFQ	Service	16,240.00
LQ/PROC/12/08	RFQ	Good	14,727.50
LQ/PROC/12/08	RFQ	Good	12,680.00
LQ/PROC/56/2008	RFQ	Goods	12,180.00
PI	RFQ	Goods	10,250.00
LQ/PROC/12/08	RFQ	Goods	10,204.00
LQ/PROC/12/8-9	RFQ	Goods	10,092.00
LQ/PROC/12/08	RFQ	Goods	3,300.00
LQ/PROC/12/8-9	RFQ	Goods	3,124.40

Tender no.	Method	Type	Value(Ksh)
LQ/PROC/12/08	RFQ	Goods	1,620.00
LQ/PROC/12/08	RFQ	Goods	1,500.00
LQ/PROC/65/08	RFQ	Goods	850.00
PI	DP	Goods	413.40
LQ/PROC/56/8-9	RFQ	Goods	75,000.00
LQ/PROC/12/08	RFQ	Goods	38,452.00
LQ/PROC/65/08	RFQ	Goods	18,095.00
PI	RFQ	Goods	944.00
PI	RFQ	Goods	42,920.00
CONTRACT	DP	Service	115,740.00



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