

# Tendering Practices and Performance of Preference Groups in Kisii County, Kenya

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**Purpose** - This study focused at procurement tendering practices and performance of preference groups in Kisii County, Kenya. The general objective of this study sought to determine the relationship between procurement tendering practices and performance of preference groups in Kisii County, Kenya. The specific objectives of this study were; tender planning, tender advertisement, tender evaluation, and tender award on performance of preference groups in the Kisii County, Kenya.

**Index Terms**- Tender planning, tender advertisement, tender evaluation, and tender award on performance of preference groups

## I. INTRODUCTION

Supply chain management has emerged as a critical component in the running entities both in private and public sectors, profit and non-profit organizations. Indeed, supply chains interconnect resources and processes from the source of raw materials and spans through to the final uses of commodities. This is basic in organizations in their pursuit to meet their objectives (Rlaph& Thomas, 2014). For this reason managers presently appreciate the supply chain impacts on performance of individuals and organizations are in hot chase to transform their supply chains so as to improve their value chain and profitability (Javalgi & White, 2018). Supply chain management therefore comes handy in achieving organizational goals. One of the most basic elements in supply chain management elements is procurement which is an operational main stay in organizational performance. According to Basheka and Auriacombe, (2020), procurement as a process extends from need identification to the end of a services contract or the end of an asset's useful life. It includes the design and delivery of those works, products, or services and the quality assessment and evaluations that will lead to additional procurement.

### 1.1.1 Agency Theory

The agency theory is thought to be relevant for this study in order to understand the effect of tender planning on performance of preference groups in Kisii County, Kenya, hence it gives theoretical background of this study. This clarifies reasons why some conduct or choices shift when shown by a group of individuals. The idea was crafted by Berle and Means (1932) when they discovered the issues of the agent and principle. They

researched the ideas of agency and how they applied in the improvement of enormous foundations. They found the interests of managers of a specific firm contrast from those of the proprietor of the firm, and applied the ideas of agency principle to clarify the beginning of those contentions (Murtishaw & Sathaye, 2006). The theory clarifies the connection between the principles that distributes work to someone else who is known as the agent. It clarifies their disparities in practices or choices by understanding that the two gatherings often have various objectives and free of their separate objectives may have various mentalities towards hazards. The theory discloses how to arrange best connections in which one gathering distributes the work while another accomplishes the genuine work. In such a manner, the principle looks for an agent to finish the work they can't do (Ramsay, 2008). According to the theory, all parties are driven by self-interest. Self-interest, it is assumed, dooms agency theory to inevitable inherent disputes. This suggests that if the parties are motivated by self-interest, the contacted actors are likely to be inspired by self-interested purposes which are not in the best interest of the principal, leading to disagreement since their objectives have become too significantly different. The agents are expected to conduct only in the collective interest of their principals. In the informed manner of the risk-sharing research popular in the 1960s and 1970s, Jensen and Meckling formed Berle and Means' work to develop agency theory as a standardized framework. Jensen and Meckling (1976) established a school of thinking by arguing that companies are organized to minimize the cost of having agents to pursue the principals' wishes.

### 1.1.2 Game Theory

Game theory is thought to be relevant for this study in order to understand the effect of tender advertisement on performance of preference groups in Kisii County, Kenya, hence it gives theoretical background of this study. The theory was originally developed by von Neumann and Morgenstern (2007) argue that many economic decisions involving more than one actor ( buyer and a supplier) takes the form of a sequential, strategic game involving anticipation by one player of the other player's actions. Games like Prisoner's Dilemma have been used to show how cooperative behavior comes more likely if two actors interact with one another on a repeated basis. This is because repeated interactions enable them to know each other, build trust and overcome the lack of information available in a one-off

interaction about the party's likely behavior. In one-off interaction, where the other party's intentions are unknown, the model suggests that both actors will behave competitively to maximize their utility.

Based on this theoretical provenance, the underlying assumptions of the integrated supply chain management approach are the actors are rational but may face information problems: and the actors are self-interested utility maximizers but will cooperate through repeated interactions where greater net gains can be had from doing so (Broom, Rychtář, Spears-Gill, 2016). The integrated supply chain management literature has applied this reasoning to understand how buyers and suppliers can be encouraged to cooperate on a long term basis and innovate to create a larger pool of value rather than competing over a static pool of value (Macbeth & Ferguson, 1994) as cited in Musshoff, Hirschauer and Hengel (2011). This theory will be applied in the study in understanding the idea that procuring entities and suppliers should be transparent and trust worthy to each other in terms of sharing information which is vital towards effective and efficient tendering process.

### 1.1.3 Tendering Theory

The tendering theory is thought to be relevant for this study in order to understand the effect of tendering evaluation on performance of preference groups in Kisii County, Kenya, hence it gives theoretical background of this study. According to Gates (1967) referred to tendering theory as a bidding technique. As a result, tendering theory can also be seen as merely a procedural or standard theory rather than a concise or constructive one. Tendering theory, as shown by this claim, is nothing other than a paradigm of rational behavior, and rationality, according to this claim, it is a fundamental principle. The approach of tendering theory, like almost all other social science theories, will be universal theories insensitive to the clarification of real behavior (Rosenberg 1994). In moral theory, however, the "ought to" also includes "being able to." Tendering theory is not only about how tendering can be done, but also about outcomes (Elser, 1989), which if accomplished would have consequence that can be observed, checked, confirmed, or falsified, whether aimed for or postulated as an axiom.

As a result, the a priori statement that theories like tendering theory, which stipulate rationality and can be expressed in a normative manner as decision laws, cannot also be descriptive or optimistic is invalid. Such an assertion must be based on empirical evidence. The reasoning for this statement is that it largely acknowledges that infringements of fair conduct will result in penalties. Only logical behavior or, more precisely, burning sensation, can succeed in the market (Alchian 1950). (Becker, 1962) The main difference between tendering theory and decision analysis theory (or, as it is more commonly known, decision theory) is that tendering theory can help with universal optimization, while decision theory promotes using testing techniques to manipulate any single objective function, regardless of its functional type (Keeney & Raiffa, 1976). This study will use tendering theory to establish the effect of procurement tendering practices and performance of preference groups.

## 2.1 Tender Planning

Tender planning is the process by which an organization invites bids from prospective suppliers or service providers in order to meet its requirements. Tender planning involves careful planning and strategic decisions to ensure a successful tender process. Tender planning helps organizations to get the best value for their money while ensuring transparency and fairness. The tender process is composed of four phases: pre-tender phase, tendering phase, post-tendering phase and post-contract phase (OECD, 2018). According to Allan *et al.*, (2011) prior to the tender planning phase, it is necessary to identify the current position and requirements, the necessary resources and time to plan and budget, and the project preparation, including the specification of requirements and the selection of methods. As such, it is considered to be a critical stage in the procurement process, as the correct planning minimizes the need for contract modifications. The tender stage is the most important part of the tender planning process, as it involves the formal disclosure of tender documents and management of the tendering process. After the tender stage, the subsequent steps typically involve the completion of the contract and the preparation for the purchase. This stage is not directly related to the tender planning stage, but should be taken into account (Andrea, 2009).

Tender preparation and planning is not a static process. The degree of preparation required will vary from project to project, taking into account factors such as scope and complexity. Tender planning is focused on ensuring that the following factors are taken into account at the appropriate point in time: determining procurement objectives, developing a market sounding and engaging strategy, developing a tender strategy, determining key dates and times during the tendering process, developing a tender evaluation and assessment process, managing probity, contracting and governance, and managing resourcing (Ozor, & Nyambane, 2020). There are different types of tendering used by public entities. They include open tendering, restricted tendering and negotiated tendering. Open tendering system is where prospective suppliers are invited to compete for a contract advertised in the press. The lowest tender in terms of price is generally awarded the tender although the entity states that they are not bound to accept the lowest bidder at all times. Restricted Tendering – This is an alternative method of procurement other than Open Tendering. The choice of a tendering method is determined at the tender planning stage (Ting, (2013).

### 2.1.1 Tender Advertisement

During the tender invitation process, most of the time is spent estimating the cost and quality of labour and materials, the construction method, assessing risks, and setting design parameters (Mamiro, (2017)). According to Mrope, Namusonge, and Iravo, (2017), each tendering process has its own set of rules, principles, and priorities. The majority of formal procurement transactions are based on their relatively high values. The general rules are based on a predetermined limit that transactions must adhere to extremely stringent tendering regulations. Concerning various aspects of managing public sector reform in South Africa, tendering activities and their controls have recently been devolved down from centralized arrangements to individual organizations (McCrudden, 2015). After the tender planning activity, the next step in procurement is to invite bidders. This is done in nationally circulating newspapers or any other means to reach the target

bidders. The interested bidders are issued with tender documents and are returned for evaluation after the invitation period. The objective of advertising is to adequately and timely inform bidders of the tendering opportunity so as to obtain maximum competition from all qualifying and eligible tenderers (Ongeri & Osoro, 2021). Oteki, (2018) opines that tender advertisement is fundamental in facilitating appropriate competition and develop markets inform of telling the market of an opportunity that should be tapped. It is also a good mechanism of challenging the embedded corruption in procurement sector. The tenders can be advertised in print media, electronic media, business journals or any other relevant and applicable medium of informing bidders. E-tender advertisement is fast gaining traction in Kenya and it's now embedded in the e-tender management system to enable the business world to get to know the tendering opportunities (Rotich & Okello, 2015). Tender advertisement is the main goal of Access to Government Procurement opportunities (AGPO) in facilitating preference groups such as women, youth and people living with disabilities participate in government procurement (RoK, 2013).

### 2.1.2 Tender Evaluation

Tender evaluation committees are formed per Section 46 of the PPADA 2015 and should be made up of staff members with relevant expertise; where technical expertise is required from outside the organization, this expertise can be obtained from other procured or procuring entities (PPADA, 2015). A committee of evaluation established under section 46 (1) will deal with the financial and technical procurement aspects, as well as the process negotiation, including proposals for prequalification, bids evaluation, registration lists, interest expression, and any other roles assigned to it, and will assume a process that will ensure the process of evaluation used adheres to 227 (1) and Articles 201(d) of the Constitution, which states that public money shall be used in a fair and equitable manner. Emily (2017)) investigated the impact of evaluation committees on public sector operation and effectiveness in Kenya and concluded that tender evaluation should be carried out by competent and qualified personnel with high ethical and professional standards, as well as using procedures that are sound and anchored in appropriate regulations and policies. Procurement quality and procurement-related personnel influence procurement efficiency and compliance with procurement regulations, policies, and laws (Thai, 2011).

Professionalism in public procurement refers to personnel education and qualifications and a professional approach to business activities (Flynn, & Davis, 2015). If personnel are not adequately educated in procurement matters, severe consequences such as code of conduct violations occur. However, to perform their jobs effectively, procurement professionals must be well-equipped with various competencies and skills. Professionals must be equipped with procurement methods and techniques and process management skills relevant to their job. According to procurement literature, core procurement techniques and methods required by procurement professionals include price analysis, negotiation skills, procurement cycles, and cost analysis (Imaidi & Ngugi, 2021). It has been observed that if the rules are perceived to be clear, public purchasers will follow them. It has been widely reported that the mere fact that the public agency management is familiar with the essence of the rule incentivizes an organization to conform (Gelderman *et al.*, 2017). The

evaluation of bids is a particularly vulnerable point in the procurement process. A lot of things occur at this point, so keep that in mind. Evaluation committees are sometimes pressured to reject the most competitive tender in favour of the favourites of politicians or other powerful people, and corrupt bidders are sometimes able to buy their way into the evaluation process and use any means necessary to gain an unfair advantage over their competitors (Ameyaw *et al.*, 2013).

### 2.1.3 Tender Award

After considering quality, price, timeliness, and costs where applicable, the evaluation team can proceed with awarding the contract to the bidder who offers the best overall value for money. The majority of Kenya's state-owned enterprises have policies and practices in place that are compliant with the guidelines set forth by Kenya's public procurement oversight authority (PPOA) (Njoki *et al.*, 2021). Decisions regarding the award of the contract can be made by the team within a predetermined budgetary framework, which is defined by these procedures. According to Jorge, (2015) the best supplier is chosen based on responses from potential partners. Suppliers are chosen based on a variety of criteria, including price, quality, availability, and reliability, as noted by Lysons, & Farrington, (2012). When a supplier falls short on quality, delivery, or dependability, it can drive up costs for the company that orders from them. The company's available resources are immediately affected by the additional costs, direct overhead, and subsequent loss. Contract management and other factors were found to have the greatest impact on project performance, accounting for 66% of the variation in project performance. The study also concluded that contract management was critical for successful project delivery, citing project acceptance criteria and a dispute resolution mechanism as important contractual devices.

Contract awarding to suppliers is an essential step in the procurement process (Mokogi, Mairura & Ombui, 2015). Tenders may, however, be awarded to contractors who, due to policy objectives or imposed constraints relating to socioeconomic objectives, are unable to deliver on time and to the required quality (Muraguri, 2013). Preference groups are many at times shortchanged at this stage despite the AGPO action in government. At this stage preference groups are disadvantaged and given a low deal in government procurement despite that them getting the awards results in direct and wider economic development (Kendo, 2016). Ayoti (2012) recognized that tender award is riddled with ill practices such as favoritism, nepotism, tribalism and many other unprofessional and unethical conducts. Those who bear the brunt of malpractice are preference groups. Oluka and Basheka (2012) did a study titled "challenges of procurement contract management and their implication on delivery of public services." The review strongly opines that contract management is strongly influenced by the activities at tendering and award phase. Challenges of contract management such as highlighted by Muri (2013) as untimely deliveries, uncontrolled variations in contracts, dysfunctional professionalism, cost and quality variances, dispute are all issues that should be managed during tender award. Oluka and Bashela (2012) proposes that during and after award, there should follow extensive post award contract negotiations to streamline any possible challenges that will strain the

implementation of the contract awarded for the benefit of both parties.

### 2.3.5 Performance of Preference Groups

Lagat, Namusonge and Berut, (2016) carried a study to determine the factors affecting youth, women & persons with disabilities on accessing procurement opportunities in Trans Nzoia County Government. The objectives of the study were to determine the effect of availability financial resources by youth, women and persons with disabilities on accessing procurement opportunities in Trans Nzoia county government, to establish the effect of procurement procedures on youth, women and persons with disabilities in accessing procurement opportunities in Trans Nzoia county government and to ascertain the effects of enforcement and compliance on youth, women and persons with disabilities in accessing procurement opportunities in Trans Nzoia county government (Njoki et al., 2021). The study adopted descriptive research design with target population of the twenty (20) Procurement Practitioners working under supply chain department and one hundred and twenty five (125) youth, women & persons with disabilities' enterprises in Trans Nzoia County Government. A questionnaire was the primary source of collection of data from the respondents. The study employed descriptive analysis to determine the factors and factor analysis was used to identify the underlying factors. By identifying the factors affecting youth, women and persons with disabilities in accessing procurement opportunities in Trans Nzoia County Government (Ongeri & Osoro,2021).

The study revealed that availability of financial resources, procurement procedures and enforcement and compliance contributes to accessing procurement opportunities in Trans Nzoia County Government. Special groups account for more than 85% of the total population, but they account for less than 10% of public procurement participation, impeding economic growth and the achievement of Vision 2030 as per Transparency International, 2010. According to Ongeri and Osoro (2021) current statistics, special groups have the highest unemployment rate of 67% in 2013. Youth received \$200 billion (30% of government procurement) in the fiscal year 2013/2014. However, an examination of the Women Enterprise Fund's expenditures on special group access during the fiscal year 2013/2014 reveals that only Ksh. 2.8B was expended against an allocation of Kshs.200B, indicating that only 1.4% of the allocation was actually spent on access to government procurement opportunities rather than the mandatory 30%.

### 3.1 Research Design

According to Lewis, (2015) research design is the scheme; outline or plan that is used to generate answers to research problems. The cross-sectional descriptive research is concerned with determining the frequency with which something happens or the relationship between the variables (Cooper & Schindler, 2013). The researcher adopted cross-sectional descriptive research design for the purpose of this study. This method was suitable for this study, as the researcher aimed to gather detailed information through descriptions and was useful for the identification of variables and hypothetical constructs.

#### 3.1.1 Reliability Test

Reliability and validity are both about how well a method measures something: Reliability refers to the consistency of a measure whether the results can be reproduced under the same conditions. Validity refers to the accuracy of a measure. Reliability is the extent to which results are consistent over time and are accurate representation of the total population under study (Crossman, 2020). Reliability of the research instrument was tested by use of Cronbach's alpha with an acceptance level of  $>.7$  as guided by Castilio (2009) Reliability test results for the variables; tender planning, tender advertisement tender evaluation , tender award, and performance of preference groups in Kisii County, Kenya was .745; .783; .705; .715 and .734 respectively as shown in table 41.1 .All the variables recorded a Cronbach's alpha figure of  $>.7$  which implies that internal consistency was adequate and the data can statistically be processed further.

**Table 1.1 Reliability Test**

Variables	Cronbach's Alpha	N of Items Comments
Tender planning	.746	5
Tender Advertisement	.783	Acceptable
Tender Evaluation	.705	5
Tender Award	.715	Acceptable
performance of preference groups in Kisii County	.734	5 Acceptable 5 Acceptable

#### 3. 1.2 Content Validity Test

Content validity assesses whether a test is representative of all aspects of the construct. To produce valid results, the content of a test, survey or measurement method must cover all relevant parts of the subject it aims to measure. To achieve construct validity, you have to ensure that your indicators and measurements are carefully developed based on relevant existing knowledge. The questionnaire must include only relevant questions that measure known indicators of depression (Njoki et al., 2021). To ensure construct validity your test should be based on known indicators of introversion (operationalization). On the other hand, content validity assesses how well the test represents all aspects of the construct. If some aspects are missing or irrelevant parts are included, the test has low content validity. This study subject the content analysis was proof ready by my supervisor and other senior researcher in this paradigm and they gave approval. Since the rating are over 0.5 it's suitable.

**Table 1.2 Content Validity Test**

Variables	Experts/supervisor	N of Items Comments
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Tender planning	.555	5
Tender	.564	Acceptable
Advertisement	.515	5
Tender Evaluation	.521	Acceptable
Tender Award	.579	5
performance of preference groups in Kisii County		Acceptable

Content validity concerns the extent to which your test or measure accurately assesses what it's supposed to. In research, it's important to operationalize constructs into concrete and measurable characteristics based on your idea of the construct and its dimensions. Construct validity has three aspects or components: the substantive component, structural component, and external component. According to Kothari (2011), there are six distinguishable aspects of construct validity highlighted as a means of addressing central issues implicit in the notion of validity as a unified idea. These are content, substantive, structural, generalizability, external, and consequential aspects of construct legitimacy.

**Table 1.3 : Tender planning Statement**

Statement	Mean	Std. Dev.
My In Kenya ensures tender documentation Sharing through Real time basis	3.3742	1.0602
Through tender documentation in Kisii county Kenya has been able to make decisions on timeliness	3.533	.9202
Responsiveness of tenders has contribution to performance of Kisii County, Kenya	3.903	.9007
By Quick, frequent & accurate tender advertisement	4.061	.7851
It is important to put in place Tender planning	3.541	1.3020
The management of supplier evaluation	3.566	.8017
Tender duration in tender planning		
Tender planning enhances performance of Kisii County, Kenya.		

**3.2.1 Tender Advertisement**

From table 1.4, respondents agreed that: The Kisii County in Kenya considers Strategic alliances on Tender advertisement with a mean of 3.551 and Standard Deviation of .8312; A Tender advertisement is likely to circulate based on tender period on performance of preference groups in Kisii County in Kenya agreed with a Mean of 4.033 and Standard Deviation of .7806; Early technology application involvement on performance of preference groups in Kisii County in Kenya the respondents were neutral with a Mean of 4.041 and Standard Deviation of .7302; Through tender target groups towards performance of preference groups in Kisii County in Kenya; the respondents strongly disagreed with a Mean of 4.111 and Standard Deviation of .7117; proper tender advertisement and preference groups access to bids in the earliest possible has improved performance of preference

**3.2 Tender Planning**

Respondents were requested to give their opinion on the variable Tender planning. From table 4.7, the respondents unanimously agreed that Tender planning ensured performance of preference groups and periodic review in Kisii County in Kenya viable with agreement of a mean was 3.742, and Standard Deviation of 1.0602; Through tender documentation in Kisii County the respondents gave neutral response with a mean of 3.533 and Standard Deviation of .9202; tender committees assessment has contribution to the quality and innovation of the tender planning with strongly agree a Mean of 3.903, and Standard Deviation of .9007; assessment of tender duration in Tender planning it is important to put in place and maintain procurement the respondents gave a strongly agree with a Mean of 4.061, and Standard Deviation of .7851; The management of Kisii County in Kenya implements performance of preference groups award the respondents disagreed with a Mean of 3.541 and SD=1.3020; and Tender planning enhances performance of preference groups at Kisii County in Kenya, they agreed with a Mean of 3.566, Standard Deviation of .7017. These findings agree with the findings of Nyile *et al.* (2022) who observed that clear description of Tender planning, enhance effective performance of preference groups in Kisii County, Kenya.

groups in Kisii County in Kenya, the agreed with a Mean of 4.094 and Standard Deviation of .8005; Online advertisement has enhances performance of preference groups in Kisii County in Kenya, the respondents gave a strongly agree with a Mean of 4.252 and Standard Deviation of .8165. These findings was in agreement with the findings of Onger and Osoro (2021) that the goal of Tender proactive planning is to ensure performance of preference groups in Kisii County in Kenya. Effective Tender advertisement minimizes or eliminates problems and potential claims and disputes. This results agrees with the finding of Ominde *et al.* (2022). It is essential for Tender advertisement to understand the provisions of the supplier evaluation, have the ability to perform to all practices involved, and maintain control over the performance of preference groups in Kisii County.

**Table 1.4 Tender Advertisement**

Statement	Mean	Std. Dev.
My In Kenya considers Strategic alliances on performance of preference groups in Kisii County in Kenya	3.551	.8312
Early supplier involvement enables performance of Kisii County in Kenya	4.033	.7806
Joint coordination of production activities enhances Performance of preference groups in Kisii County in Kenya	4.041	.7302
Financial stableness enhances performance of Kisii County in Kenya	4.111	.7117
Sound finance enhances procurement performance of Kisii County in Kenya	4.094	.7005
Stability of supplier can boast procurement performance of preference groups Kisii County in Kenya	4.252	.9103

**3.2.2 Model of Goodness Fit**

Regression analysis was used to establish the strengths of relationship between the performance of preference groups in Kisii County in Kenya (dependent variable) and the predicting variables; Tender planning, Tender advertisement, Tender evaluations and Tender award (Independent variables). The results showed a correlation value (R) of 0.765 which depicts that there is a good linear dependence between the independent and dependent variables. This finding is in line with the findings of

Ongeri and Osoro (2021). They observed that this also to depict the significance of the regression analysis done at 95% confidence level. This implies that the regression model is significant and can thus be used to evaluate the association between the dependent and independent variables. This finding is in line with the findings of Ittmann (2015), who observed that analysis of variance statistics examines the differences between group means and their associated procedures.

**Table 1.5: Model of Goodness Fit**

R	R2	Adjusted R	Std. Error of the Estimate
0.765	0.781	0.731	0.064

With an R-squared of 0.781, the model shows that Tender planning, Tender advertisement, Tender evaluations and Tender award contribute up to 78.1% on performance of preference groups in Kisii County in while 21.9% this variation is explained by other indicators which are not inclusive in this study or model. A measure of goodness of fit synopsis the discrepancy between observed values and the values anticipated under the model in question. This finding is in line with the findings of Ongeri and Osoro (2021).

**3.2.3: Analysis of Variance (ANOVA)**

From the results in table 1.6 analysis of variance statistics was conducted to determine the differences in the means of the dependent and independent variables to show whether a relationship exists between the two. The P-value of 0.005 implies that organizational performance of preference groups in Kisii County have a significant relationship with Tender planning, Tender advertisement, Tender evaluations and stakeholders management which is significant at 5 % level of significance.

**Table 1.6 ANOVA TEST**

Model	Sum of Squares	Df	Mean Square	F	Sig.
Regression	4.155	1	1.059	.441	.002
Residual	6.466	77	.531		
<b>Total</b>	<b>10.611</b>		<b>78</b>		

**II. CONCLUSION**

In view of the foregoing, this study concludes that Tender planning have broadly impacted on performance of preference groups in Kisii County, Kenya. The findings conclude that any in Kenya should drive to embrace the best performance of preference groups in Kisii County after improving supplier evaluation in Kenya. When public-private partnerships is embraced through Tender advertisement, Tender evaluations, and Tender award then the implementation of performance of preference groups in Kisii County, Kenya.

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