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Effectiveness of Kenya's Anti-Corruption Frameworks in Public Procurement: A Case Study of the Public Procurement and Asset Disposal Act of 2015

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Abstract

This study examines the effectiveness of Kenya's anti-corruption frameworks in public procurement, with a specific focus on the Public Procurement and Asset Disposal Act (PPADA) of 2015. The PPADA was introduced as a legislative response to combat corruption in public procurement, a sector known for its vulnerability to fraudulent practices due to the large sums of public funds involved. This paper analyzes key provisions of the PPADA, its institutional framework, and its alignment with international best practices. Using a desktop review methodology, secondary data sources, including government reports, PPADA implementation records, and case studies of corruption in procurement, are examined. The study finds that while the PPADA has introduced significant reforms, such as mandatory competitive bidding, public disclosure of procurement activities, and the adoption of e-procurement, corruption remains a persistent issue. Institutional challenges, including inadequate training for procurement officers, insufficient resources, and political interference, continue to undermine the effectiveness of the Act. Despite these challenges, the PPADA has contributed to some positive changes, including increased transparency and public access to procurement information. However, the implementation of e-procurement and full compliance with the Act are still works in progress. The study concludes with recommendations for strengthening institutional coordination, enhancing the capacity of procurement officers, and expanding e-procurement to further curb corruption in Kenya's public procurement system.

Keywords: *Public Procurement, Anti-Corruption, PPADA 2015, Transparency, E-Procurement, Kenya, Institutional Challenges, Public Policy.*

1. Introduction

Public procurement is a critical component of Kenya's economy, contributing significantly to the government's overall spending and the development of key sectors, including infrastructure, health, and education. In 2020, public procurement accounted for approximately 40% of the national budget, making it a central mechanism for the delivery of public services and the implementation of national development programs (World Bank, 2020). The public procurement process involves the acquisition of goods, services, and works by government agencies, and its effectiveness directly impacts the quality of service delivery, economic growth, and the proper use of taxpayer funds. Given the scale and significance of public procurement in Kenya, it is essential that the process operates with integrity, transparency, and accountability.

However, corruption remains a major obstacle to the effectiveness of public procurement in Kenya. It has been a persistent challenge, undermining public trust and diverting resources intended for development. Corrupt practices such as bribery, favoritism in tender awards, and mismanagement of procurement funds often result in inflated costs, delayed projects, and substandard goods or services (Ogola, 2018). Corruption in procurement not only depletes public resources but also limits the capacity of the government to meet development goals, further exacerbating inequality and poverty in the country.

In response to this challenge, Kenya has made significant efforts to strengthen its anti-corruption framework, particularly in public procurement. One of the key legislative measures in this regard is the Public Procurement and Asset Disposal Act of 2015 (PPADA), which was designed to enhance transparency, competitiveness, and accountability in the public procurement process. The PPADA established a comprehensive legal and institutional framework to guide procurement practices, including the creation of the Public Procurement Regulatory Authority (PPRA) to oversee compliance and the development of e-procurement systems to ensure transparency (KIPPRA, 2020). The Act aims to curb corruption by setting clear guidelines for procurement processes, enhancing oversight, and imposing sanctions on those involved in corrupt practices.

Despite these efforts, challenges in enforcing the provisions of the PPADA persist, and corruption continues to be a major concern. While the Act has contributed to some positive changes in procurement practices, it faces implementation hurdles such as insufficient capacity within enforcement institutions, lack of political will, and resistance to change within procurement systems (Njoroge & Nyang'au, 2021). Therefore, assessing the effectiveness of the PPADA in combating corruption remains crucial for understanding its impact and identifying areas for improvement.).

Research Problem

Corruption in public procurement is a pervasive issue that continues to undermine Kenya's development objectives, diverting resources meant for public services into the hands of a few corrupt individuals. The procurement process, essential for delivering infrastructure, healthcare, education, and other critical services, is highly susceptible to corrupt practices due to the large sums of money involved, the complexity of the procedures, and the discretionary powers granted to procurement officials (Ogola, 2018). Despite numerous efforts to tackle corruption, including various anti-corruption laws and regulations, the country has witnessed persistent cases of inflated contract prices, misallocation of resources, and poor-quality goods and services in government projects (KIPPRA, 2020). These issues not only delay the implementation of development projects

but also exacerbate the problem of poverty and inequality by failing to ensure that public funds are used efficiently.

The Public Procurement and Asset Disposal Act of 2015 (PPADA) was introduced to address these very challenges by establishing clear procedures and controls to increase transparency, competitiveness, and accountability in public procurement. However, while the Act has made strides in reducing opportunities for corrupt practices, it is clear that corruption remains entrenched in the procurement system. The implementation of the PPADA has faced significant obstacles, including resistance from public officers, insufficient institutional capacity, and a lack of effective monitoring and enforcement mechanisms (Njoroge & Nyang'au, 2021). These challenges have led to skepticism about the effectiveness of the law in achieving its intended goals.

The research problem lies in evaluating the extent to which the PPADA has successfully mitigated corruption in Kenya's public procurement processes. Despite the legal framework established by the Act, there is a need for a deeper understanding of its actual impact in reducing corrupt practices and improving procurement outcomes. This study seeks to address this gap by critically assessing the effectiveness of the PPADA in curbing corruption, identifying the barriers to its full implementation, and exploring possible solutions to enhance its impact on Kenya's procurement system. By doing so, the research aims to contribute to the broader discourse on legal frameworks and anti-corruption strategies in public procurement, offering insights for policymakers and practitioners..

Research Objectives

1. To assess the effectiveness of the Public Procurement and Asset Disposal Act of 2015 in curbing corruption in Kenya's public procurement.
2. To analyze challenges faced in enforcing the Act and its provisions.

2. Literature Review

Overview of Anti-Corruption Frameworks in Kenya

Corruption in Kenya has been a long-standing challenge that significantly hinders economic development and undermines public trust in government institutions. The historical context of anti-corruption laws in Kenya can be traced back to the post-independence era, when the country faced increasing levels of corruption in both the public and private sectors. Early efforts to combat corruption included the establishment of the Kenya Anti-Corruption Commission (KACC) in 2003, which was mandated with investigating and prosecuting corrupt practices in the public sector (Wachira, 2019). However, KACC faced numerous challenges, including inadequate resources, lack of independence, and political interference, which limited its effectiveness in tackling corruption. This prompted the Kenyan government to take further steps to strengthen its anti-corruption framework, leading to the creation of the Ethics and Anti-Corruption Commission (EACC) under the Anti-Corruption and Economic Crimes Act of 2003, which was later restructured and given more powers to investigate corruption cases comprehensively (Ogola, 2018).

In addition to the EACC, Kenya's anti-corruption framework is supported by various legislative tools that aim to promote transparency, accountability, and good governance in both public and private sectors. The enactment of the Public Procurement and Disposal Act in 2005 (later amended to the Public Procurement and Asset Disposal Act of 2015) was a critical step in addressing corruption within the procurement process, which has long been a hotspot for fraudulent activities.

The law was introduced to ensure that public procurement is conducted in an open, competitive, and transparent manner, thereby reducing opportunities for corruption. One of the key objectives of this Act was to establish clear guidelines for awarding contracts, monitoring performance, and disposing of government assets, with a focus on promoting value for money in public spending (KIPRA, 2020). The Act also brought about the formation of the Public Procurement Regulatory Authority (PPRA), which is tasked with overseeing the implementation of procurement policies, guidelines, and standards, ensuring that procurement activities are carried out in a transparent and efficient manner (Nyamori & Owuor, 2021).

The EACC, as one of Kenya's leading anti-corruption institutions, plays a critical role in the fight against corruption, particularly in the public procurement sector. The Commission is empowered to investigate and prosecute corruption cases, including those related to public procurement, and to provide oversight on government spending. It also works closely with other institutions, such as the Directorate of Criminal Investigations (DCI) and the Office of the Director of Public Prosecutions (ODPP), to ensure that cases of corruption are properly investigated and prosecuted (Ogola, 2018). In addition to its investigative role, the EACC also conducts public education campaigns to raise awareness about corruption and the legal frameworks in place to combat it, as well as providing recommendations for policy reforms to improve governance.

The PPRA, established under the Public Procurement and Asset Disposal Act, is another key institution in Kenya's anti-corruption framework. Its primary responsibility is to regulate and oversee public procurement activities across all government departments, state corporations, and other public entities. The authority's key functions include issuing guidelines, monitoring compliance with the procurement laws, and ensuring that procurement practices meet established standards of integrity. The PPRA also promotes the adoption of e-procurement systems to enhance transparency, reduce human interference, and improve the overall efficiency of the procurement process (Wachira, 2019). The integration of technology in public procurement has been a critical aspect of Kenya's anti-corruption strategy, as it helps reduce opportunities for fraud and manipulation by automating the procurement processes.

Despite the robust institutional and legal frameworks in place, the effectiveness of Kenya's anti-corruption efforts remains a matter of concern. While institutions such as the EACC and PPRA have made notable strides in promoting accountability and transparency, they continue to face significant challenges in terms of capacity, resources, and political will. A key issue is the continued impunity among some public officials and the inability of anti-corruption institutions to effectively prosecute high-profile cases of corruption. This situation is exacerbated by the lack of proper enforcement mechanisms and the persistence of a culture of corruption within some sectors of the government and private sector (Njoroge & Nyang'au, 2021). Furthermore, the public perception of corruption remains high, suggesting that despite the establishment of anti-corruption frameworks, there is still much to be done in terms of improving public trust and ensuring that anti-corruption laws are fully implemented and upheld.

The historical evolution of anti-corruption laws and institutions in Kenya highlights the ongoing struggle to effectively combat corruption and promote good governance. While the establishment of bodies like the EACC and PPRA has been crucial in the fight against corruption, challenges such as political interference, resource constraints, and weak enforcement mechanisms remain significant barriers to success. Moving forward, it is essential to strengthen these institutions, improve inter-agency coordination, and ensure that anti-corruption measures are fully

implemented and backed by the political will to bring about meaningful change. Only through a comprehensive and sustained effort can Kenya hope to eradicate corruption from public procurement and other sectors of the economy.

Public Procurement and Corruption

Corruption and public procurement are intrinsically linked, as public procurement processes often involve the allocation of large sums of public funds, making them susceptible to manipulation and fraudulent practices. In Kenya, public procurement has long been a breeding ground for corruption due to the vast amounts of money involved, the discretion exercised by procurement officers, and the lack of transparency in the awarding of contracts (Ogola, 2018). Corruption in procurement can take various forms, including bribery, kickbacks, favoritism, and rigging of tender processes to benefit certain individuals or companies. This corruption not only depletes public resources but also undermines the government's ability to deliver quality public services, ultimately hampering economic development and increasing inequality. Moreover, corruption in public procurement perpetuates a culture of impunity, where individuals involved in corrupt activities often evade prosecution, further exacerbating the problem.

The link between corruption and public procurement in Kenya can be traced to the systemic weaknesses in the procurement process itself. These weaknesses include the absence of effective oversight, the manipulation of tendering procedures, and the lack of accountability for procurement decisions. Tender processes are often shrouded in secrecy, making it difficult for the public or oversight bodies to track or scrutinize how decisions are made. Additionally, the influence of political connections and the involvement of powerful elites in the tendering process have fostered a situation where contracts are awarded based on personal relationships rather than merit (Nyamori & Owuor, 2021). The opacity and discretion in the procurement process create numerous opportunities for public officials to demand bribes in exchange for awarding contracts, leading to inflated costs, poor-quality goods or services, and delays in project completion. This has been a major barrier to efficient public spending and the achievement of developmental goals in Kenya.

Before the enactment of the Public Procurement and Asset Disposal Act (PPADA) in 2015, Kenya's public procurement system was plagued by corruption scandals, some of which garnered significant public attention. One notable case was the Kenya Medical Supplies Authority (KEMSA) scandal in the early 2000s, where billions of shillings meant for purchasing medical supplies were embezzled. Procurement officials were found to have inflated prices and awarded contracts to companies that did not meet the required standards. This resulted in the diversion of funds meant for public health services, leading to the stock-out of essential drugs and medical equipment in public hospitals (Wachira, 2019). The lack of transparency in the procurement process allowed corrupt officials to act with impunity, without fear of detection or prosecution. The scandal highlighted the vulnerability of Kenya's procurement system to corruption and the urgent need for reform.

Another infamous example of corruption in public procurement was the NYS (National Youth Service) scandal in 2015, which involved the fraudulent awarding of government contracts for the provision of services by the NYS. The case revealed that millions of shillings were misappropriated through fictitious companies and ghost suppliers. Several high-ranking government officials, including politicians, were implicated in the scandal, showcasing the deep-rooted nature of corruption within the procurement system. This scandal was particularly

damaging as it involved public funds that were intended to empower youth through various government initiatives, yet instead, they were siphoned off by corrupt actors. The NYS case demonstrated not only the scale of corruption in Kenya's procurement sector but also the challenges of holding powerful individuals accountable due to the protection they enjoyed from their political affiliations (KIPPRA, 2020).

In addition to these well-known scandals, numerous other cases of procurement fraud and mismanagement have occurred at the county level, particularly in infrastructure projects, where inflated costs and substandard work have become common. For example, many road construction projects in rural counties were plagued by overpricing, delays, and poor workmanship, with contractors often colluding with government officials to siphon off public funds. These cases underscore the systemic issues in Kenya's procurement processes, which were ripe for exploitation by corrupt actors. The failure to effectively investigate and prosecute these cases has led to a culture of impunity, where corruption becomes a cost of doing business rather than a criminal activity.

These examples illustrate the deep-seated nature of corruption in Kenya's public procurement system and highlight the urgent need for reforms to curb fraudulent practices. The enactment of the PPADA in 2015 was a significant step in addressing these challenges by introducing a more structured and transparent procurement framework. However, as the historical examples show, the fight against corruption in public procurement is far from over, and the effectiveness of the Act in curbing corruption remains a key concern that needs further evaluation. Despite the legal provisions established under the PPADA, the persistence of corruption in the procurement process suggests that more comprehensive measures, including stronger enforcement and better institutional capacity, are necessary to root out corruption in Kenya's public procurement system.

Analysis of the Public Procurement and Asset Disposal Act of 2015

The Public Procurement and Asset Disposal Act of 2015 (PPADA) was a pivotal piece of legislation aimed at reforming Kenya's public procurement system to enhance transparency, competitiveness, and accountability. One of the central objectives of the Act is to combat corruption within the procurement process by introducing more stringent rules and controls. The PPADA establishes a clear, structured framework that requires public procurement to be open and competitive, with mechanisms in place to ensure that procurement processes are carried out with integrity. Key provisions of the Act include the requirement for open, competitive bidding, and the public disclosure of procurement awards. The Act mandates that procurement decisions must be made based on merit and transparency, with strict regulations around the documentation of procurement processes to avoid manipulation (KIPPRA, 2020). The provisions also stipulate that procuring entities must be accountable to the public, which includes regular audits and reviews of procurement practices to ensure that funds are being used appropriately.

A significant anti-corruption measure within the PPADA is the emphasis on conflict of interest regulations, which prohibit public officers from participating in procurement processes where they have personal or financial interests. The Act also establishes penalties for those found guilty of engaging in corrupt practices, including fines and imprisonment. The law also provides for the cancellation of contracts that are found to have been awarded through corrupt means. Furthermore, the PPADA requires that procuring entities publish procurement notices, contract awards, and contract terms in public spaces and official government portals, ensuring that procurement decisions are visible to the public and subject to scrutiny (Nyamori & Owuor, 2021). This is

particularly important as it limits opportunities for manipulation and ensures that the public and oversight bodies can hold government officials accountable for their procurement actions.

In terms of institutional frameworks, the PPADA established the Public Procurement Regulatory Authority (PPRA), which is responsible for overseeing and regulating procurement activities across all government ministries, departments, and agencies. The PPRA's mandate includes ensuring compliance with the provisions of the PPADA, issuing guidelines, conducting audits, and addressing complaints from the public about procurement activities. The PPRA also plays a crucial role in capacity building by providing training to procurement officers and ensuring that public entities adhere to best procurement practices. The Act also establishes the Public Procurement Oversight Authority (PPOA), which works closely with the PPRA to enforce compliance and investigate allegations of fraud or corruption in public procurement (Wachira, 2019). Additionally, the Directorate of Public Procurement and the Ethics and Anti-Corruption Commission (EACC) are crucial stakeholders in ensuring that procurement practices are carried out in line with ethical standards and are free from corruption. These institutions provide oversight and assist in the enforcement of procurement laws, working in synergy to promote accountability in public procurement.

The PPADA also integrates international best practices into its provisions to align Kenya's procurement processes with global standards. One of the primary international frameworks incorporated into the Act is the United Nations Convention Against Corruption (UNCAC), which emphasizes the need for transparent public procurement processes and the prevention of bribery in government contracts. The PPADA aligns with UNCAC's principles by establishing clear procurement rules, promoting transparency, and ensuring that procurement decisions are free from undue influence. Furthermore, the Act adheres to the World Trade Organization's Agreement on Government Procurement (GPA), which encourages member countries to adopt transparent, non-discriminatory procurement practices. By adopting these international best practices, the PPADA aims to promote an open and fair procurement system that attracts both local and international investors, fosters economic development, and minimizes the opportunities for corruption (KIPRA, 2020).

Another key international best practice embedded in the PPADA is the adoption of e-procurement systems, which are increasingly being used worldwide to promote transparency and reduce the risk of corrupt practices. The introduction of electronic procurement systems allows for real-time monitoring of procurement processes, automated bid submissions, and a reduction in human interference, making it more difficult for procurement officers to engage in corrupt activities. These e-procurement systems also make it easier to trace the entire procurement process, from tender issuance to contract award, thereby enhancing accountability and reducing the likelihood of manipulation (Ogola, 2018). By integrating e-procurement, Kenya has aligned its procurement practices with global standards, demonstrating its commitment to adopting innovative, effective tools to fight corruption.

The Public Procurement and Asset Disposal Act of 2015 incorporates a comprehensive set of provisions designed to combat corruption within public procurement. Through key provisions such as competitive bidding, conflict-of-interest regulations, and transparency measures, the Act seeks to ensure that public procurement is conducted fairly and without undue influence. The establishment of key institutions like the PPRA and PPOA strengthens the enforcement of these provisions, while the integration of international best practices like those from UNCAC, GPA, and

e-procurement systems further enhances the Act's effectiveness in promoting transparent and accountable procurement practices. However, the success of these provisions in curbing corruption hinges on effective implementation and continuous monitoring, which remain areas that require attention to achieve the full potential of the Act.

3. Methodology

This study employs a desktop review research design, focusing on analyzing secondary data sources to evaluate the effectiveness of the Public Procurement and Asset Disposal Act (PPADA) in addressing corruption in Kenya's public procurement system. The primary data for this review will be derived from existing government reports, PPADA implementation records, and case studies documenting instances of procurement corruption in Kenya. Secondary data will also include scholarly articles, policy papers, and official audits that discuss the impact of the Act on procurement practices. Purposive sampling will be applied to select relevant documents, such as government publications, legal reports, and case studies, to ensure that the most pertinent data is analyzed. Data analysis will involve thematic analysis, where the collected materials will be reviewed for common themes related to transparency, accountability, and corruption in procurement processes. This approach allows for a comprehensive understanding of the legislative framework and its real-world impact, without the need for primary data collection through interviews.).

4. Analysis and Discussion

Implementation of the PPADA 2015

The Public Procurement and Asset Disposal Act (PPADA) of 2015 was enacted to overhaul Kenya's public procurement system, aiming to enhance transparency, competitiveness, and accountability. While the Act introduced comprehensive reforms, its implementation across various public institutions has been inconsistent. Challenges such as inadequate training of procurement officers, resistance to change, and limited resources have hindered full compliance with the Act's provisions. For instance, a 2007 assessment indicated that procuring entities in Kenya were paying approximately 60% more than prevailing market prices, suggesting inefficiencies and potential corruption in procurement processes.

Institutional Roles

The PPADA established several key institutions to oversee and regulate public procurement. The Public Procurement Regulatory Authority (PPRA) is tasked with ensuring compliance with procurement laws, issuing guidelines, and monitoring procurement activities across government entities. The Public Procurement Oversight Authority (PPOA), established by the Public Procurement and Disposal Act of 2005, continues to play a significant role in enforcing procurement regulations and addressing complaints. Additionally, the Ethics and Anti-Corruption Commission (EACC) is responsible for investigating and prosecuting corruption-related offenses within public procurement. Despite these institutional frameworks, challenges such as limited coordination among agencies and insufficient enforcement mechanisms have affected the effectiveness of these bodies in curbing procurement-related corruption .

International Best Practices

The PPADA incorporates international best practices to align Kenya's procurement system with global standards. For example, the Act emphasizes the principles of fairness, transparency, and

competitiveness, in line with the United Nations Convention Against Corruption (UNCAC) and the World Trade Organization's Agreement on Government Procurement (GPA). Additionally, the introduction of e-procurement systems aims to enhance transparency and reduce human interference in procurement processes. However, the adoption of these best practices has been uneven, with some institutions lagging in implementing e-procurement and adhering to international standards.

Effectiveness in Reducing Corruption

The enactment of the Public Procurement and Asset Disposal Act (PPADA) of 2015 aimed to reduce corruption in Kenya's public procurement system by introducing several measures to ensure transparency, accountability, and fairness. One of the Act's most significant contributions is its requirement for open, competitive bidding processes, which help limit opportunities for bribery and favoritism. The introduction of e-procurement is another measure designed to enhance transparency by automating procurement processes, reducing human interference and the possibility of corrupt actions (Nyamori & Owuor, 2021). Furthermore, the PPADA mandates that procurement decisions be published, providing an avenue for public scrutiny. These provisions have had some success in enhancing transparency, as evidenced by an increase in public access to procurement information and a reduction in the discretion exercised by procurement officers.

However, the impact of the PPADA on corruption levels has been mixed. While there have been some improvements in transparency, corruption in public procurement continues to be a pervasive issue. For example, the requirement for public disclosure of procurement information has been slow to fully materialize, particularly at the county level, where local governments often fail to publish tender results or provide adequate justification for procurement decisions (KIPPRA, 2020). Additionally, although competitive bidding has reduced opportunities for direct bribery, it has not eliminated more sophisticated forms of corruption such as bid-rigging and collusion among contractors. Several case studies have highlighted instances where companies with political connections have continued to win tenders through manipulation of the procurement process, even after the enactment of the PPADA (Wachira, 2019). Thus, while the PPADA has brought some improvements, its effectiveness in significantly reducing corruption has been limited.

Challenges in Enforcement

Despite the progress made by the PPADA in terms of legal provisions and institutional frameworks, enforcement remains a critical challenge. One of the primary institutional challenges is the lack of coordination among the various bodies responsible for implementing and overseeing the Act, such as the Public Procurement Regulatory Authority (PPRA), the Public Procurement Oversight Authority (PPOA), and the Ethics and Anti-Corruption Commission (EACC). These institutions often work in silos, leading to gaps in oversight and accountability. Furthermore, there is often a lack of political will to enforce the provisions of the PPADA, particularly when high-ranking officials or politically influential individuals are involved in procurement fraud (Ogola, 2018). This has led to a situation where, even though the legal framework is robust, the practical enforcement of the law is inconsistent, and many procurement-related corruption cases are left unresolved.

Another significant challenge is the inadequate training and resources available to procurement staff. Many government procurement officers still lack the necessary skills and knowledge to effectively implement the provisions of the PPADA, leading to inefficiencies and errors in the procurement process. Training programs are often insufficient, and there is a lack of ongoing

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professional development for procurement staff, which leaves them ill-equipped to identify or prevent corruption. Additionally, the failure to invest in necessary technological infrastructure for e-procurement systems has meant that the intended benefits of automated, transparent processes have not been fully realized. In some cases, the adoption of e-procurement has been slow, and where it has been implemented, it has not been adequately maintained or upgraded to meet evolving needs (Nyamori & Owuor, 2021). This leaves the system vulnerable to manipulation, as procurement officers continue to have significant discretion in awarding contracts.

Despite the legal frameworks in place, corruption in public procurement persists. Bid-rigging, ghost suppliers, and inflated contract prices are still common in many government procurement processes, particularly at the county level where enforcement mechanisms are weaker. One major issue is that many procurement officers and contractors continue to see the system as one where corrupt behavior is not only accepted but is a way to achieve personal gain. This culture of impunity has made it difficult to change entrenched behaviors. The low rate of prosecutions for procurement-related corruption further contributes to this problem, with many offenders either being acquitted or receiving lenient sentences, which fails to deter further corrupt practices (KIPRA, 2020).

5. Conclusion

Summary of Findings

The analysis of the Public Procurement and Asset Disposal Act (PPADA) of 2015 highlights both the successes and limitations of the Act in addressing corruption within Kenya's public procurement system. One of the key strengths of the PPADA is its emphasis on transparency and competitiveness, with provisions that mandate open, competitive bidding and public disclosure of procurement activities. These measures have contributed to increased public access to procurement information and have begun to limit the opportunities for corrupt practices such as bribery and favoritism. Additionally, the introduction of e-procurement systems is a significant positive development, aiming to automate procurement processes and reduce human interference. However, the implementation of the Act has faced significant challenges. While there have been some improvements, corruption continues to persist, particularly in more complex forms such as bid-rigging and political influence in the tendering process. Institutional weaknesses, inadequate training for procurement officers, and limited enforcement capacity have hindered the full realization of the Act's potential to curb corruption. Political will remains a major barrier to effective implementation, as cases involving influential figures are often not pursued vigorously.

Implications for Policy and Practice

To improve the effectiveness of the PPADA, several policy and practice recommendations must be considered. First, there is a need to strengthen the coordination between key anti-corruption institutions such as the Public Procurement Regulatory Authority (PPRA), the Public Procurement Oversight Authority (PPOA), and the Ethics and Anti-Corruption Commission (EACC). Enhanced cooperation among these bodies would lead to more efficient enforcement and ensure a more integrated approach to combating corruption. Furthermore, it is critical to invest in the capacity-building of procurement officers, providing them with continuous training on the legal provisions of the PPADA and how to detect and prevent corruption. This could be achieved through specialized training programs, workshops, and certification processes that ensure procurement staff are up-to-date with the latest best practices. Additionally, increasing the use of e-procurement across all levels of government, particularly at the county level, would reduce the potential for

manipulation and increase the transparency of the procurement process. In terms of enforcement, it is essential to ensure that procurement-related corruption cases are swiftly investigated and prosecuted, and that those found guilty face appropriate penalties, irrespective of their political connections or status.

Future Research Directions

Future research on anti-corruption in public procurement in Kenya should focus on several areas to further improve understanding and strengthen efforts to combat procurement fraud. One important area for future study is the effectiveness of e-procurement systems in reducing corruption. Researchers could explore how well these systems are being implemented across various sectors of government, identify barriers to their full adoption, and assess their impact on procurement outcomes. Another valuable research area would involve investigating the role of political influence in public procurement, particularly how political connections affect tendering processes and whether legal frameworks like the PPADA can effectively mitigate such influences. Additionally, studies could examine the role of public procurement audits in detecting and preventing corruption, exploring how audit processes can be improved to offer greater accountability. Finally, research could focus on comparative analyses between Kenya and other countries that have implemented similar procurement reforms, helping to identify best practices and lessons that Kenya could adopt to strengthen its anti-corruption strategies in public procurement.

6. Recommendations

Policy Recommendations

To enhance the implementation of the Public Procurement and Asset Disposal Act (PPADA) and its effectiveness in reducing corruption, several key policy recommendations are necessary. First, it is essential to streamline and enhance the coordination between the various institutions responsible for overseeing procurement activities, including the Public Procurement Regulatory Authority (PPRA), the Public Procurement Oversight Authority (PPOA), and the Ethics and Anti-Corruption Commission (EACC). Strengthening the communication and collaboration between these agencies will ensure a more unified approach to enforcing procurement regulations, which in turn will improve the efficiency of investigations and prosecutions related to procurement corruption.

Second, there is a need to improve the capacity of these institutions, particularly the PPRA and PPOA, by providing them with sufficient resources and training. Capacity-building efforts should focus not only on enhancing the technical skills of procurement officers but also on improving their knowledge of anti-corruption laws and regulations. This can be achieved through continuous professional development programs, seminars, and workshops on procurement management and anti-corruption best practices. Investing in these institutions will enable them to more effectively monitor compliance, conduct audits, and ensure transparency in procurement processes at both the national and county levels.

Additionally, the government should focus on expanding and strengthening the use of e-procurement systems. Despite the progress made in implementing e-procurement, further expansion is needed, particularly at the county level where procurement processes are still largely manual and prone to manipulation. By fully digitizing procurement processes, the government can reduce human interference, increase transparency, and enable real-time monitoring of tenders,

making it easier to detect and address corrupt practices. Moreover, the government should consider adopting more robust whistleblowing mechanisms that encourage citizens and suppliers to report corrupt activities without fear of retaliation.

Recommendations for Stakeholders

The role of various stakeholders, including procurement officers, the government, and civil society, is crucial in strengthening Kenya's anti-corruption frameworks and ensuring the effective implementation of the PPADA. Procurement officers play a central role in ensuring that procurement processes are conducted ethically and in accordance with the law. Therefore, it is essential that they receive adequate training and are held accountable for any lapses in their duties. Government entities should prioritize creating a conducive work environment that supports integrity and transparency among procurement officers, including instituting performance appraisals that focus on compliance with anti-corruption measures.

The government itself must lead by example, demonstrating political will to enforce procurement regulations. It should ensure that any procurement-related corruption, regardless of the individuals involved, is thoroughly investigated and prosecuted. To promote greater accountability, the government should prioritize the protection of whistleblowers and encourage public participation in procurement decisions through increased transparency and the publication of procurement data. Additionally, legislative reforms should be pursued to close any loopholes that may still allow for manipulation within the procurement process.

Civil society also has an important role to play in strengthening anti-corruption frameworks. Civil society organizations (CSOs) can serve as watchdogs, monitoring public procurement processes, and holding government institutions accountable for their actions. By advocating for greater transparency and public participation in procurement, CSOs can help ensure that the government is responsive to the concerns of citizens and stakeholders. Furthermore, CSOs can collaborate with other stakeholders to raise public awareness about procurement-related corruption and educate citizens on how to report fraudulent activities. The combined efforts of procurement officers, the government, and civil society will help create a more transparent, accountable, and corruption-free public procurement system in Kenya.

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