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CONSTITUENCY DEVELOPMENT FUND PROJECTS
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ABSTRACT

Purpose: The purpose of the study was to examine the influence of tendering processes on the performance of National Government constituency development fund projects.

Methodology: The study adopted a case study design to achieve in-depth understanding of the constituency while drawing inference on similar situations in other constituencies in Kenya. The study targeted 359 projects of various types across the constituency. However, for efficiency and accessibility, a sample of 60 projects were selected using stratified random sampling where the different categories of projects form the strata from which samples were selected. The study employed three tools to collect data; questionnaire, interviews and record analysis review. These tools were appropriate due to the nature of data which ranged from opinions, structured data and reports on project implementation. Interviews were conducted with sub-county based officers to get in- depth information on the challenges faced by NG-CDF projects particularly those that relate to procurement. The study adopted descriptive statistics to analyze data which is presented by use of bar graphs, pie charts and tables.

Findings: The study established that, there is indeed a relationship between tendering processes and project performance; 47% of the projects under study that were initiated during period delayed due to factors associated with tendering processes; Similarly, 49% of the projects studied experienced cost escalations during the implementation period. 60% had to be redone at certain stages of project implementation. Further the study established that the effects of faulty processes included: late deliveries; non-purchase of required items; escalation of procurement budget; delivery of small quantities; delivery of wrong material sizes; non-delivery of ordered items; overpricing among others.

Unique Contribution to Theory, Practice and Policy: The study recommends the need to enhance supplier performance through; cross-functional team working of relevant county and national government departments, focused supplier development processes which includes training through continuous exposure to relevant regulatory requirements and improvement in the quality of Project Management Committee membership devoid of political inclinations.

Keywords: *Tendering processes, performance, projects*

I. INTRODUCTION

1.1 Background

Tendering is a procurement procedure mostly favored by the public sector organizations for accountability purposes (Public Procurement Asset Disposal Act, 2015). In the public procurement, tendering procedures are usually standardized within certain expenditure thresholds. Further standard procedures also apply regarding pre-qualification procedures, types of purchase and forms of contract (Public Procurement Disposal Regulations, 2006). This differentiated approach is applied to ensure accountability, value for money and transparency in the process. Additionally, procuring entities have also been classified into three groups; A, B and C depending on expenditure thresholds (Public Procurement Oversight Authority, Gazette notice No 3, 2007). Tendering process applied to project procurement follow stringent procedures to achieve greater value. This calls for development of appropriate tools; specification and statement of works. These provide the necessary framework of measuring performance; cost control, quality and time of project completion.

Additionally, understanding the benefit of integrating the procurement tools with project objectives is critical for the success of National Government –Constituency Development Fund project; for example having the tendering processes occur in collaboration with project planning activities definitely enhances this success (Harold, 2009). This cross- functional approach is indeed critical in improving project performance through anticipation of costs, material changes, delivery schedules, transportation scheduling and prevailing quality patterns. Essentially, project tendering processes requires the key support of technical staff especially those based at the Sub-county headquarters. This support is crucial at the project design and tender evaluation stages.

The National Government-Constituency Development Fund Act, 2015 defined projects to be undertaken as those within the functions of National Government and with respect to works and services that are beneficial to communities domiciled in the constituency. It also defined various structures to be put in place to administer the Act. The intention of the Act therefore is to ensure initiation and implementation of projects for the benefit of the communities. These benefits can only accrue if proper procedures are adhered to in the management of the projects. The Public Procurement and Asset Disposal regulations (2006) laid down proper criteria for tendering for goods, works and services for projects financed by the Fund. The procurement regulations have also laid down criteria for procurement planning, supplier selection under different levels of expenditure thresholds. The study was carried out in Bomet East constituency in Bomet County, Kenya. The constituency was picked because the nature of problems encountered in the management of the fund in the constituency is being replicated throughout the country.

1.2 Statement of the Problem

Project Procurement management is about developing the right framework that ensures that goods, works and services of the right quantity, quality, price are delivered at the right time, place and from the right suppliers (PMI, 2013). These objectives must be consistent with those of project strategy which encompasses time, cost and quality as the primary objectives. These objectives must provide the framework for developing procurement plans and ensuring that the rights pertaining to procurement are achieved in project works (Wiley and Sons, 2007).

Tendering is based on the principles of accessibility, transparency and openness (Public Procurement and Asset Disposal Act, 2015). The process of obtaining tenders should always aim at obtaining best possible value that may not necessarily reflect the lowest price (Lysons and Farrington, 2016). This principle essentially aims at ensuring that the entity ultimately realizes the lowest total cost. But as the principal procedure, tendering should be based on structured approach that ensures the necessary objectivity in the exercise. Such objectivity should realize lowest total overall cost.

The Public Procurement and Asset Disposal Act, (2015) recognize the need to include all procurement of goods, works and services. The legal framework provides the basis for tender process management in all projects financed by the fund. However, it has not been easy to come up with procurement plans and generally apply the ideals of the law to the management of tendering process in NG-CDF projects. These in spite of the efforts expended by the Public Procurement Regulatory Authority (PPRA) to ensure compliance to procedures established under the Act through publications of gazette notices and use other avenues. The results of this development are persistent complaints from the communities about delayed completion, quality and cost escalations of the projects leading to none existent water supplies, uncompleted schools thus disrupting enhanced enrolment of children amongst many other challenges. The office of the Auditor General in its various reports of 2013/2014, 2014/2015, 2015/2016 and 2016/2017 has documented these incidences of poor quality work, delays leading to cost overruns and outright inflation of cost of input materials in many NG-CDF projects across the country.

The study therefore intended to examine the influence of tendering processes in achieving timely completion, cost management and satisfactory quality of projects. The studies general objective was to examine the role that tendering processes play in the performance of constituency development funded projects. It was guided by the following specific objectives; to review tendering processes applied in National Government-Constituency Development Fund projects; to assess the effect of tendering processes in the performance of National Government-Constituency Development Fund projects and to identify challenges affecting tendering processes in National Government-Constituency Development Fund projects.

II. REVIEW OF THE RELATED LITERATURE

2.0 Review of Empirical Literature

2.1 Tendering

Lysons and Farrington (2016) posits that tendering entails purchasing procedure whereby potential suppliers are invited to make a firm and unequivocal offer of the price and terms on which on acceptance form the basis of a subsequent contract. Tenders are based on specification of requirements prepared by an entity. However, an alternative is to invite potential suppliers to submit solutions and prices to a problem stated by an entity.

Although tendering is used by private sector undertakings, it's in the public sector that tendering is used to ensure conformity to such principles as public accountability, openness or transparency, avoidance of conflict of interest and recognition that public office is a public trust. Dobler & Burt (2004) list five criteria as prerequisites for tendering which must prevail for tendering to be an efficient method of source selection and pricing. The criteria are: value of the purchase must be large enough to justify expense; specifications of the item must be explicitly clear to both the buyer and selling firms; market must consist of adequate number of sellers; sellers in the market must be technically qualified and willing to bid and time available must be sufficient for using the method of pricing.

Although tendering is the pivotal method in public sector procurement, it is constrained by several factors. Lysons and Farrington (2016) details such constraining factors as; contractors quoting prices that are too low that lead to disputes due to unsatisfactory performance, tendering is too slow for emergencies and does not recognize past performance. These constraints must be taken into consideration in any tendering process. The Public Procurement and Asset Disposal Act (2015), however stipulates the use of alternative methods in case of such constraints. Stringent procedures however, are required to ensure achievement of fair value and cost. Tendering methods range from open tenders- Those are targeted at general wider market to restricted tenders- those that are targeted at pre- qualified firm

2.1.1 Procurement Planning

This is the process of identifying which project needs can be best met by procuring products or services outside the project organization (Lysons & Farrington, 2016). It involves knowing whether to procure, how to procure, what to procure, how much to procure, and when to procure (Harold, 2009). Input includes: Scope statement, Product description, Procurement resources, Market conditions and relevant constraints. The Public Procurement and Asset Disposal regulations (2018) recognize the need for the development of procurement plans and it is now mandatory for all entities covered by the act. Procurement planning in public sector must take

cognizant of the overall government policy. Thus, National Government- constituency development fund projects procurement plans must be based on the country's vision 2030. It implies therefore that the constituency's vision must similarly be consistent with this noble goal which stipulates the need for strategic vision and hence the operational work plan. This provides for consistency of action by all concern in the constituency. Project procurement plan therefore is derived from the operational work plan and provides the framework for procurement of all goods, services and works required by the projects being funded.

The Outputs of this process are Procurement management plan and statement of work (SOW) for each planned contract. These provide the operating framework for the both project managing team and funding of the projects.

2.1.2 Solicitation Planning

This is the process of preparing documents needed to support solicitation (PMI, 2013). It is the responsibility of the project management teams to undertake this task. The Public Procurement and Disposal Act, 2005 through transitory clause bind itself to the various Treasury circulars that guided public procurement prior to the publication of regulations in 2006. The implication of this development is that project management team is recognized as a public entity and as such, public procurement documentations apply. Procurement documentation necessary include: procurement plans, specifications, statement of works, bill of quantities, work plans and other CDF standard forms such as Request for Quotations (RFQs), Request for Proposal (RFQs) and Tender Documents. Tendering process ideally requires a structured approach and therefore for most projects, specifications provide the necessary information for both parties in the contract. Its development is therefore critical for the success of the buying process. Statement of works on the other hand provides the yardstick for measuring performance by providing the framework of agreement (Dobler & Burt, 2004).

2.1.3. Specification Development

Participation by critical players in the development of clear specifications is required for an entity to realize lower total cost of product or service (Dobler & Burt, 2004). Huge costs of projects work are avoidable and can be controlled at the design stage. Indeed, development of specifications should be considered as a collaborative process whenever it is economically justifiable (Burt and Michael, 1993). Such collaboration balance expectations and creates harmony in addition to enhancing quality and reducing costs. This framework requires project management teams to collaborate with technical officers in the development of project specifications.

Essentially, specifications must serve a number of purposes (Lysons and Farrington, 2016). These may include communication of what to buy and what is required; establish the intangible service to be provided such as warranty, maintenance and support, establish standards which inspections, tests and quality checks are made. The Public Procurement and Asset Disposal Act (2015) stipulate

that specifications must relate to performance rather than design or descriptive characteristics and be based on national or international standards. These basically provide the key guidelines for development of project specifications and impose stringent obligations upon the project management teams.

Specifications of materials as a critical aspect of quality control must typically relate to the overall purpose of the project procurement (Carstea, Paun & Paun, 2014). This clearly impose an obligation to in-built a number of issues into a specification. These issues form the critical parts of a specification. The issues may include performance, reliability, life, control of quality and protection. Project overall quality will be realized if these issues are fully covered and effectively communicated in a technical specification.

2.1.4 Solicitation and Source Selection

This is the process of obtaining information (bids and proposals) from prospective suppliers on how project needs can be met (PMI, 2013). Most of the actual effort in this process is expended by the prospective suppliers, normally at little or no cost to the project. The procurement Act (2015) provides various methods to be used depending on expenditure thresholds. Necessary documents include standard tender documents, quotation forms, tender evaluation forms, local purchase orders (LPOs) and local service orders (LSOs). It is instructive that the NG-CDF project management committees adhered to the use these documents in applicable situations.

In accessing potential/ contractors, the buyer has the option of engaging pre- qualified suppliers/ maintained lists (Lysons and Farrington 2016). The prequalification documents will always contain pertinent information concerning capability, experience and other attributes of the potential bidders, however, in the absence of such documentation, procuring entities will have to develop their own sources of supply. General information is widely available from local sources; district work office or detailed information on specific sources may require more extensive effort, such as use posters or contact with previous customers. Regardless of any approach, any solicitation of information from one prospective supplier is highly prohibited (Public Procurement and Asset Disposal Act, 2015).

Source selection is the process of receiving the bids and proposals from the sellers and applying the evaluation criteria to select a provider (Dobler & Burt, 2004). This is the most critical stage in project management. It affects the quality, cost and completion time of projects. Lysons and Farrington (2016) outlines possible areas of consideration in any supplier appraisal exercise as technology capacity, level of personnel training, experience and general business performance of the prospective suppliers. The public procurement and disposal regulations, (2006) stipulate two approaches for evaluation: technical and commercial evaluation. Technical evaluation is the most important and therefore takes precedence over the latter.

2.1.5 Tender Evaluation

The Public Procurement and Disposal Regulations (2006) impose upon a procuring entity a need to establish an evaluation committee for each purchase within the threshold of the tender committee. The purpose of this committee is to carry out the technical and financial evaluation of tenders and proposals. The regulation further outlines the composition of the financial evaluation and technical evaluation committee.

Further, technical evaluation must meet all the objectivity and fairness as stipulated by the Act. This therefore calls for each individual to independently carry out a technical evaluation of the procurement. It also calls for due diligence by taking into account evaluation criteria set out in the tender documents. Financial evaluation similarly must be based on objective criteria. These measures cover all aspects of pricing including cost structures. Ideally cross- functional teams, provide objective approach through integrative skills pool.

Essentially tender evaluation must meet the most objective criteria if an entity intends to achieve the best value. Carter (1995) points out possible dimensions of the process as thus: Competency of the supplier to undertake the tasks; Capacity of the supplier to meet the total needs of the project; Commitment of the supplier to the project in terms of quality, Costs in line with quality and service; Consistency and the ability of the supplier to deliver consistently with improved level of quality and service (Lysons and Farrington, 2016). Such measures must be included in process prior to any engagement with suppliers.

2.1.6 Negotiation in NG-CDF Projects

Rubin et al, (1975) describes negotiation as the process whereby two or more parties decide what each will give and take in exchange between them. This approach to negotiation highlights certain critical elements in negotiation; its interpersonal nature, interdependence of the parties and allocation of resources.

Conventionally, negotiation centers on contract performance elements such as terms of payment, quality of goods, works and services, price elements like material, labour and overhead costs (Burt 2006). Negotiation also forms the basis for the type of contract adopted (Lysons & Farrington, 2016). Such type of contract may include fixed price or lump sum, cost reimbursable and unit price. The type of contract imposes different contractual obligations on the parties concerned. The CDF management committee ideally may negotiate on the basis of customary practice, but regardless of any approach adopted, contractual obligations are imposed that may be harsh and unrealistic. The project management therefore needs a proactive approach to any negotiation. This requires the structuring of the negotiation process based on predetermined terms of reference.

The Public Procurement and Asset Disposal Act, 2015 stipulates the need for negotiation where direct procurement method is applied. This is where due to unavoidable circumstances there is

only one capable supplier for the goods, works or services required. This stringent requirement imposes an obligation on the entity to conduct negotiation.

2.2. Challenges in CDF Project Tendering Processes

The NG-CDF funded projects face a myriad of problems. Chief among these challenges is the effect of local politics. Kenyans are losing billions of shillings through hundreds of white elephant projects funded by the Constituency Development Fund (Office of the Auditor General, 2013/14, 2014/2015 and 2015/2016). Billions of taxpayers' money has been pumped into projects approved by various constituency development committees only for the same projects to stall midway, either after the change of guard of the committees' leadership, or as a result of mismanagement of the fund. These challenges present themselves at every level of project management. As a result of this, sick people have no access to reliable medical care, and students continue to walk for kilometers in search of education every day while the dream of clean, piped water has turned into a mirage. In this situation, local Politics influence the entire configuration of NG-CDF funded projects right from project information, project evaluation and prioritization. These problems are compounded by the fact that the NG-CDF Act, 2015 places the political leaders at the center of the fund management, though as patrons. Many political battles have a negative spell on projects being implemented. Any change in the management of the NG-CDF management may indeed require a radical paradigm shift in the structure of the Act.

Project expectations especially on the part of the local population have also had a lot of bearing on project output. Such elements as quality and other operating standards cannot go beyond the expectations of the ultimate customer. This expectation framework creates conducive environment for malpractices where project management team compromise quality and bring it to the standard of the local community. As Pearce and Robinson (2008) asserted that leadership is about shaping values and beliefs of a people. This then imposes a critical responsibility on the local leadership to influence value adding expectations amongst the local people.

2.3. Measuring NG-CDF Project Performance

Prudent management of projects requires that project management teams analyze acquisition cost from multiple perspectives such as; market conditions, the supplier measurement system and perhaps more importantly what is fair and reasonable to all parties in the transaction (Dobler and Burt, 2006). Obtaining the right price is one of project management teams' most important responsibilities. When selecting on price, insight into current market conditions and knowledge of cost elements that form the basis of selling price will support the most favorable procurement for project goods, works and services (Burt, Dobler & starling, 2003). It is important also to make price comparisons and utilize competitive tendering process and negotiation. The price should also be evaluated in the context of the total cost of ownership

Cross-functional team working is another operational strategy that ensures greater success in project output. Project teams are groups of individuals from various functional units brought together to achieve worthwhile and compelling goals. Project teams are an integral part of project performance (PPOA, 2010). Its importance especially in CDF projects cannot be overlooked. This is due to the fact that such elements as cost analysis and the need integrate other functional processes with those of project are ultimately critical in the success of projects. Lyons and Farrington (2016) points out that cross- functional team are essential in adding value in areas such as quality, cost control and increasing the efficiency of project management team.

2.4 Critical Analysis of Empirical Literature and Study Gap

Wambugu, (2008) carried out a study on the procurement of CDF projects. The study focused on the approaches that may enhance effectiveness in tendering process. However, the study did not include specific issues of procurement and indeed tendering in CDF projects. APOPA (2018) in a study to investigate on the influence of supply chain management practices on performance of the government ministries, departments and agencies (MDAs) in Kenya focused on supplier selection practices, supply chain policies, supplier collaboration practices and supply chain risk management practices as factors that influence performance. While this study provide critical intricacies in the supply chain that are pertinent to performance output in MDAs, it did not focus on the management of devolved funds especially in rural areas. Odero and Ayub (2017) in their study on effect of procurement practices on procurement performance of public sugar manufacturing firms in western Kenya focused mainly on procurement planning and staff competence as determinants of procurement performance and ultimately organizational performance. While this study provides a critical framework on how local competences inherent in public organizations influence performance, it failed to cognizant of the challenges experienced in the management of devolved funds. This study however takes the view that the NG-CDF law right from 2003 and in spite of amendments in 2015 create a unique environment where the procurement law must adapt itself into to effectively render value added services to local communities. This study therefore focused on the activities in the project tendering processes: procurement planning; specification development; solicitation; tender evaluation and negotiation. These elements were examined in light of their effect on CDF project performance areas such as project quality, duration and cost. The study also explored challenges that constrain effective tendering processes and how such constrains influenced project performance.

2.5 Conceptual Framework

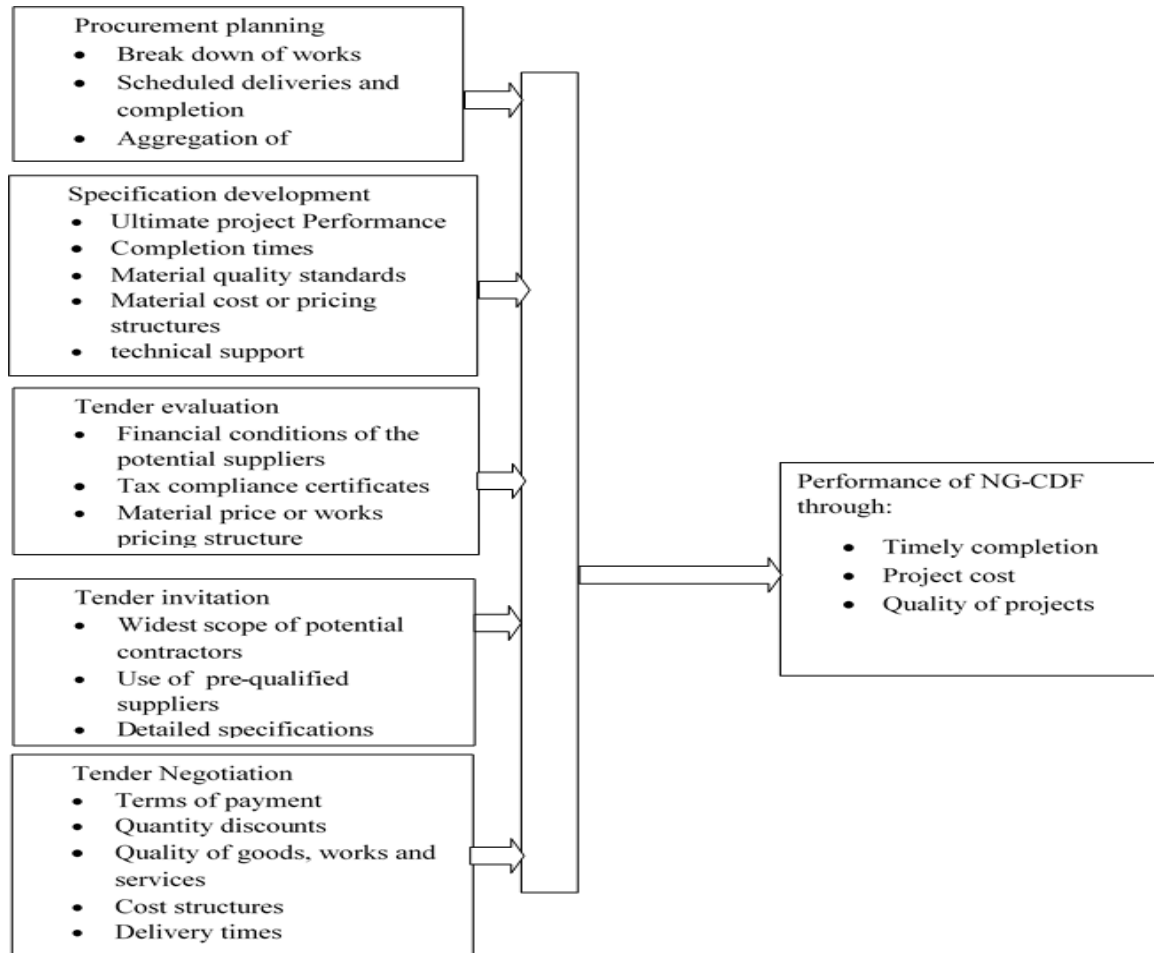


Fig. 1: Conceptual Framework

III METHODOLOGY

3.1 Research Design

The study adopted case study research design since Bomet constituency faces almost similar challenges as other constituencies in Kenya.

3.2 Target population

The study population was all the projects funded through NG-CDF from 2014 to 2018 in Bomet East constituency. The projects ranged from school constructions to road/ bridges construction. These projects were of different expenditure thresholds; ranging from a few thousands shilling to projects worth millions of shillings and therefore to really capture the applications of various

tendering processes and analyze their effect on their performance, it was important for the research to appreciate that diversity by targeting all the projects undertaken since 2014.

3.3 Sample Size and Sampling Technique

The study gathered data from a representative sample of 60 projects. Stratified random sampling method was applied to select this sample. In these, the study focused on the project management committees to whom the research distributed questionnaires. However, convenient sampling was adopted to select 7 Sub-county technical officers on the basis of their relationship with NG-CDF projects. Interviews were then carried out with the officers. These included NG-CDF Fund account manager, accountant, procurement officer, water engineer, roads officer and works officer. Report analysis was carried out on the sampled projects to establish implementation status as well as costs of the projects.

3.4 Data Collection Method/Tool Used

Data collected was of two types: secondary and primary. To collect the primary data, enumerators administered questionnaires with both structure and non-structured questions to project management committees. The questionnaires were pre-tested prior to the data collection. Secondary data was collected from constituency project implementation report, monitoring and evaluation reports, project closure reports. Due to the extensiveness of the study area, a number of strategies were employed to successfully collect relevant data. Enumerators were engaged to distribute and later collect questionnaires from the project committees. The data collected was checked for relevance.

3.5 Data Analysis Procedure

The data was then summarized, classified and tabulated for the purpose of analysis. Excel worksheet was used for tabulation and generation of diagrams. The study utilized descriptive statistics to analyze data. Frequency tables and bar diagrams were then used to represent the data in formats that could be easily interpreted.

IV. RESEARCH FINDINGS AND DISCUSSION

4.1 Respondents' Demographic Information

The research targeted 60 projects and sub-county technical officers. Forty nine questionnaires were dully filled and returned yielding a response rate of 81.67%. Interviews were conducted with 6 out of the 7 technical officers targeted. Successful were interviews conducted with the following: NGCDF account manager; sub-county officers; supply chain officer; roads officer; water engineer and works officer.

Respondents were requested to indicate their age brackets. This was because of the view that age influence level of skills and relevant experience. It was also important to gauge the representation of the youth in the project management committees. The responses showed that youth representations account for only 10% while the rest being over 36 years accounted for 90% of the respondents, it was also established that, the project management committees contacted were male dominated with close to 90%. This reflects badly in the organization of such projects in spite spirited efforts to close the gap through affirmative policies.

Respondents were requested to indicate their levels of incomes. This was to gauge their levels of commitment and possible incidences of conflict of interest in the tendering processes. The result indicates that 59.2% of the respondents earn over sh. 10000 per month. However the largest concentration is located at less than sh. 20000 per month with 75.5% of the respondents falling into the brackets. Such concentrations presumably may indicate a likelihood of malpractices in the tendering processes.

The study wanted to establish the levels of academic qualifications with a view to linking the same to project performance. The research therefore requested the respondents to indicate their academic levels starting with Master's Degree level and established that close to 90% of the respondents' possess Diploma and High school certificates. This demonstrates a capacity deficit in terms of academic qualifications in the management of the NG-CDF projects. In addition to this, research sought to establish level of experience and whether the respondents have attended relevant training during their tenure -ship in project management committee

The research sought responses on whether the respondents have had previous exposure in the management of project at whatever level. This was to gauge the level of acquired skills relevant to the management of project work; the study found out that 65.3% of the respondents indicated they had previous experience in the management of project activity. However, a significant 34.7% indicated no such experience but that some other members of the committee had previously been engaged in project work and hence learning from such members was considered important.

The research further sought responses on whether the respondents have been exposed to relevant training in the course of PMC membership. This was to gauge the presence of relevant skills that influence positive performance. The result indicates that 55.1% of the respondents have attended courses relevant to the management of the CDF projects. Indeed this was also indicated by CDF accounts manager during the interview. The courses were basically in- house sensitization workshops organized by the NG-Constituency Development Fund Committee (CDFC). However, the 44.9% consisted of new PMC members and those who have never attended those courses in spite of being in the PMC. This had a lot of bearing on project performance.

4.2. Tendering Processes

In order for the research to assess the effect of the tendering processes on CDF project performance, it was necessary to first review the tendering processes with a view to establishing how the project management committees design the processes; inputs in the design, players in terms of technical support and analyze the contents of the processes. To achieve this, the research posed both structured and non-structured questions to respondents in respect of each process. This was to provide guidance on the conventional elements as well as the requirements as per the public procurement regulations. The analyses of the responses are indicated under the headings:

4.2.1 Procurement Planning

The research wanted to establish how the process is designed; the role of different players, whether the committees considered all the necessary variables that ensure the right performance through the plan and draw the effects of the process on project performance. The figures 2 shows the findings:

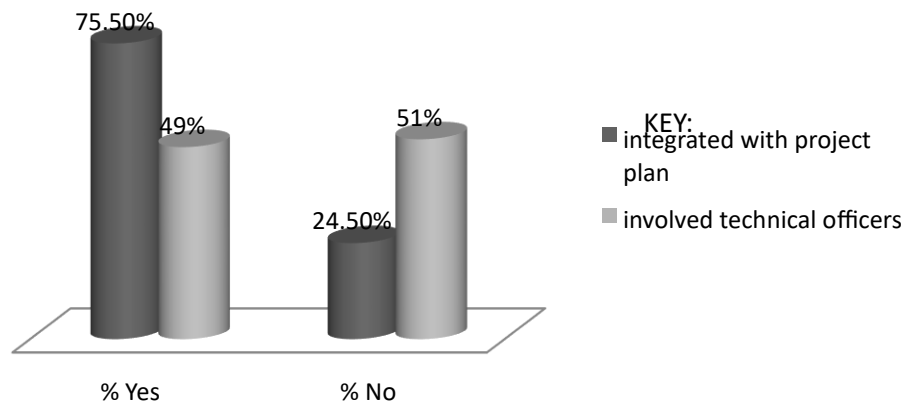
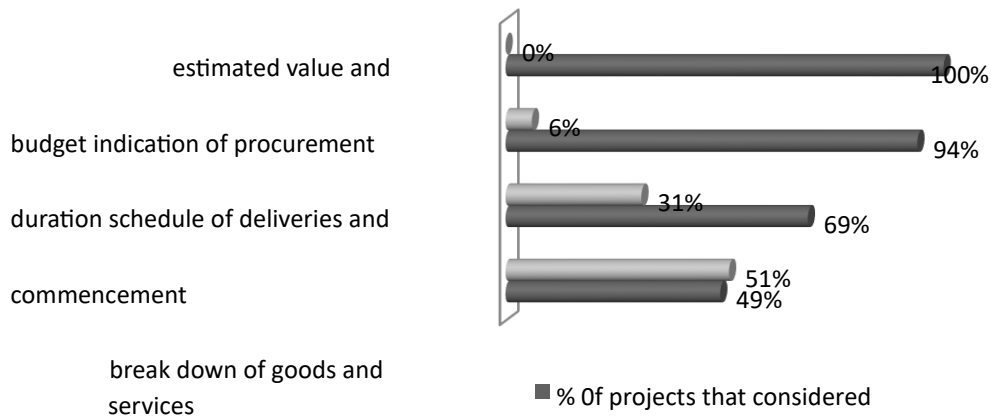


Fig. 2: Procurement Plan Design

Close to 76% of the projects integrated project budget with procurement plan (Fig4.1). Though this was a requirement as the content of the work plan, 24% did fulfill this requirement but did not develop it alongside the project budget but did it separately to provide guidance in the acquisition of goods and services. Forty nine percent did involve the procurement officer, the works officer and water engineer or technicians, such collaboration was indeed verified and was critical in project performance. However, 51% worked on their own to produce the document as required by the regulations. Integration of procurement plan with project budget ensured project financing captures the project requirements in its scope. Involvement of technical officers brings the necessary expertise in development process and helps the plan to capture the necessary project requirements. These elements were critical in project performance. The contents of the procurement plan are as indicated in the figure 3. These contents were important in assessing the

effectiveness of the process in ensuring the right outcome of the project.



KEY % of projects that did not consider
:

Fig. 3: Contents of Procurement Plan

Critical aspect of procurement planning was not included in majority of cases. A Breakdown of goods and services was not considered in 51% of the projects sampled. The net effect of this exclusion was unplanned procurement in similar number of projects hence cost escalations, poor quality of materials that mostly were procured at later dates. This trend was mostly noted in school projects; however non-school projects with input from technical officers represented by 49% indicated this requirement. Scheduling of deliveries and implementation dates were not included in 31% of the projects and this trend affected project completion times. The rest of the variables were included in majority of cases. The result is consistent with the findings of Odera and Ayub (2017).

4.2.2 Specification Development

The research posed either structured and non-structured questions with a view to establishing whether the management committees constituted a committee to develop specifications for the project and involved sub-county, Works Officer, supply chain Procurement Officer or any other officer relevant in the circumstances. This was because of the understanding that team approach and necessary involvement of technical officers ultimately enhances project performance. These findings are summarized in figure 4.

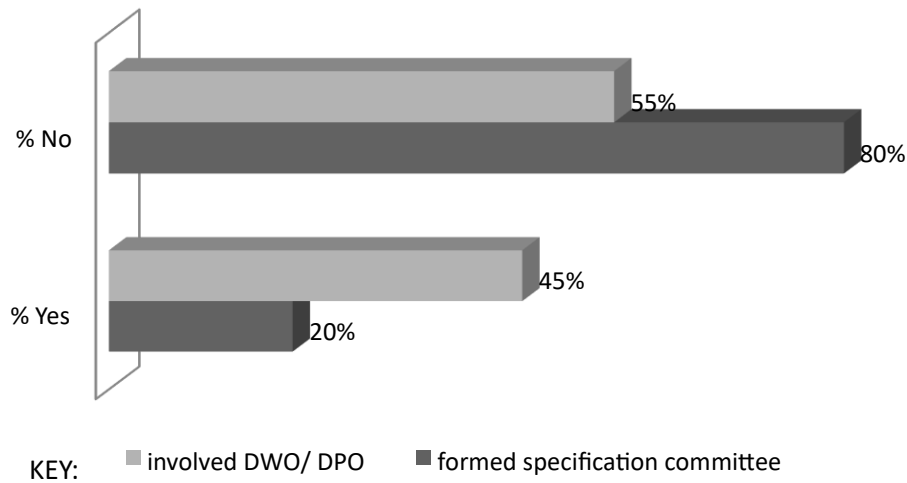


Fig. 4: Specification Design

In 80% of the projects sampled, committees were never constituted to consider and develop specifications. Twenty percent did have committees and indeed this was also part of the 45% that involved the technical officers from the district. Fifty five percent never consulted the district officers but mostly considered the specifications developed for similar projects elsewhere or did develop specifications in conjunction with contractor/ suppliers.

Further, to review the process critically, the research posed structured questions to the respondents with a view to carrying comparative assessment on what is conventionally required and what the management committees included in their documents. The findings are shown in figure 5.

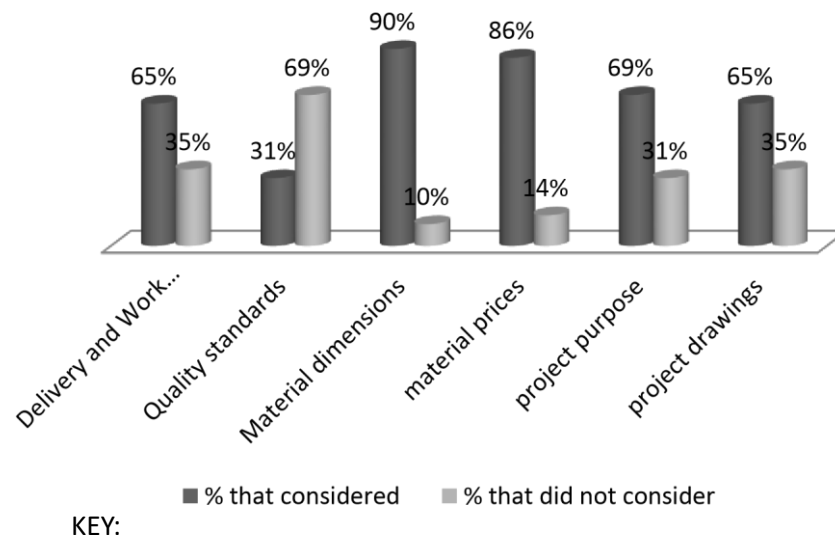


Fig. 5: Contents of Specification

In figure 5, material quality standards were considered as important in 31% of the cases sampled. A majority of 86% considered prices and cost of works in their specifications. This trade off did affect the quality of the materials supplied as the suppliers tended to be more concerned with sizes and other measurements than reference to any quality standards. Material delivery and work schedules were never specified in 35% of the cases. This omission affected project completion times because of resultant delays in deliveries and work commencement position held by Dobler & Burt (2004); Carstea, Paun & Paun (2014) and Lysons and Farrington (2016).

4.2.3 Tender Invitation

Public procurement regulations recommend the use of relevant tender documents in the tender process. Though this requirement came into effect in January, 2007 most projects suffered from inadequate use necessary documentations even these documents have been in use ever since.

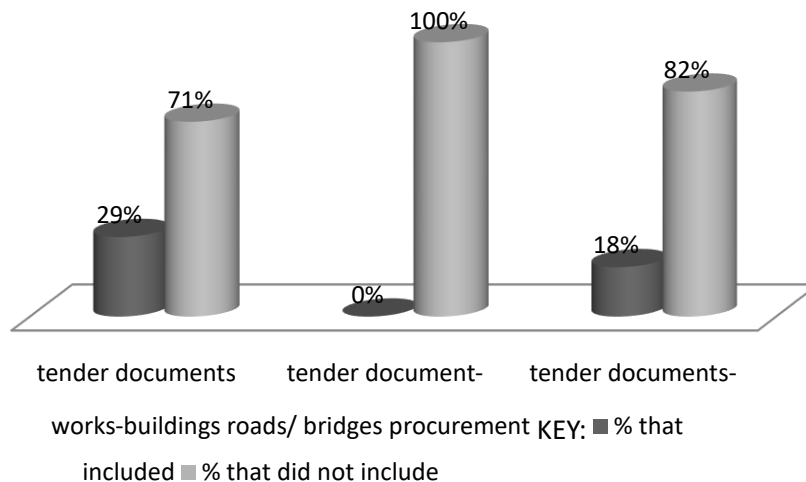


Fig. 6: Tender Documentation

The study sought to establish whether Standard tender document for procurement of works (buildings and associated civil engineering works), Standard tender document for procurement of works roads, water, bridges and Standard tender document for procurement of goods were used during tender invitation. The findings indicated (figure 6) that in 71% of building works projects, 100% of bridges and 82% of procurement of goods never involved use of requisite tender documents. The documentations were critical for the success of procurement process. The documents specify the qualifications of potential contractors in terms of experience, past performance, expertise of key personnel and details of subcontractors. They also specify the various procedures of tender receipt, opening, evaluation and contract award. The implication of

this oversight was reflected in project performance; cost, quality and time of completion. The figure 7 shows the various considerations in tender invitation process:

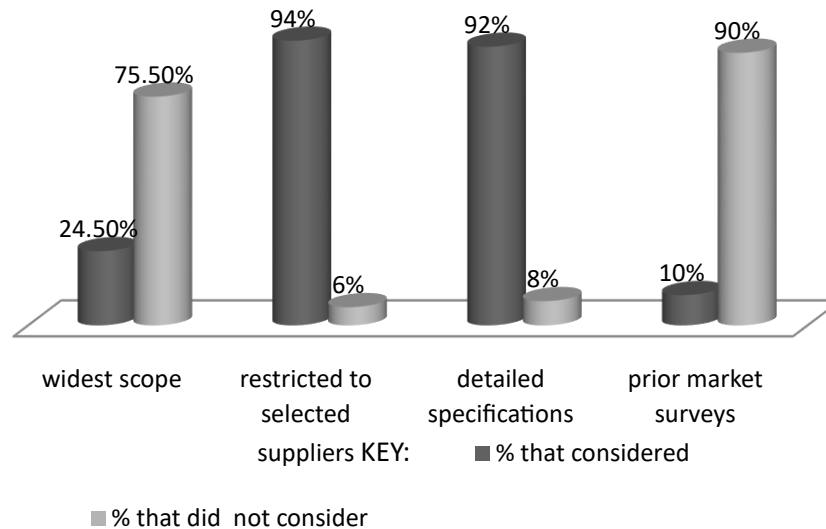


Fig. 7: Tender Invitation Considerations

The scope of tender invitations was limited to locational level as noted in 76% of the sampled projects (Fig. 7). This could have affected the ability to select capable contractors/ suppliers from other areas. Most adverts were placed in local markets and administrative offices. Market surveys were carried out in 10% of the projects sampled. Tenders were therefore placed without any prior market knowledge in 90% of the cases. This had the effect of escalating costs due to lack of market information. In most of the cases sampled, specifications accompany the tender documents. However these documents were sent to a group of selected contractors/ suppliers in the locality as noted in 92% of the projects sampled. This result agrees with the proposition of Lysons and Farrington (2016) and Dobler & Burt (2004).

4.2.4 Tender Evaluation

The research wanted to review the various activities in the tender evaluation process with a view to gauging their effectiveness in ensuring the right project performance. To achieve this, the research posed both structured and non-structured questions to the respondents. These responses were summarized and analyzed under the two most important considerations in evaluation process; technical evaluation and financial evaluation. The figure 8 shows that technical committees and financial committees were constituted in 40% of the projects sampled

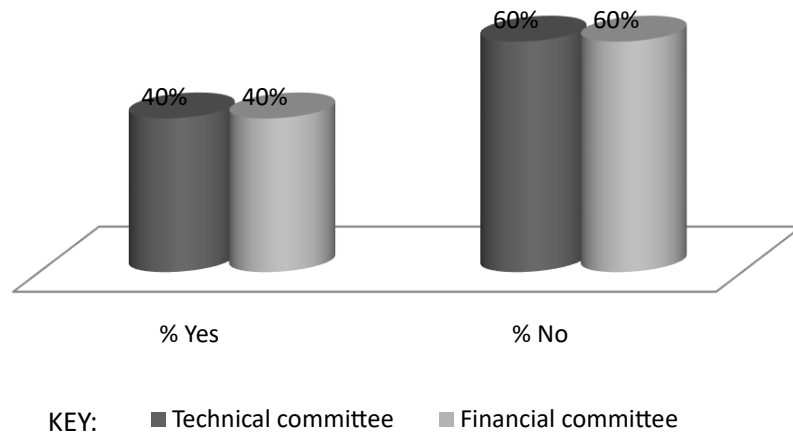


Fig. 8: Constitution of Evaluation Committees

4.2.4.1 Technical Evaluation

This is the most important evaluation process. It assesses the technical aspects of the potential suppliers that are critical in performance. To gauge this critical process, the study posed structured and none structured questions. These were analyzed and illustrated in figure 9.

In figure 8 technical evaluation committees were established in 40% of the projects sampled. This left 60% where no such committees were established. Interviews contacted with the relevant officers confirmed this situation. Reasons provided range from ignorance of the regulations requirements, lack of technical experts that could constitute a committee. Hence in these cases, technical evaluation was carried out by the committee itself but in most cases reference to supplier's past performance with other projects was a major consideration. However, as figure 9 illustrates the committees did indeed have some variables of reference even if past performance was key consideration.

involved technical officers modern and adequate equipment
subcontractor competence
staff competence

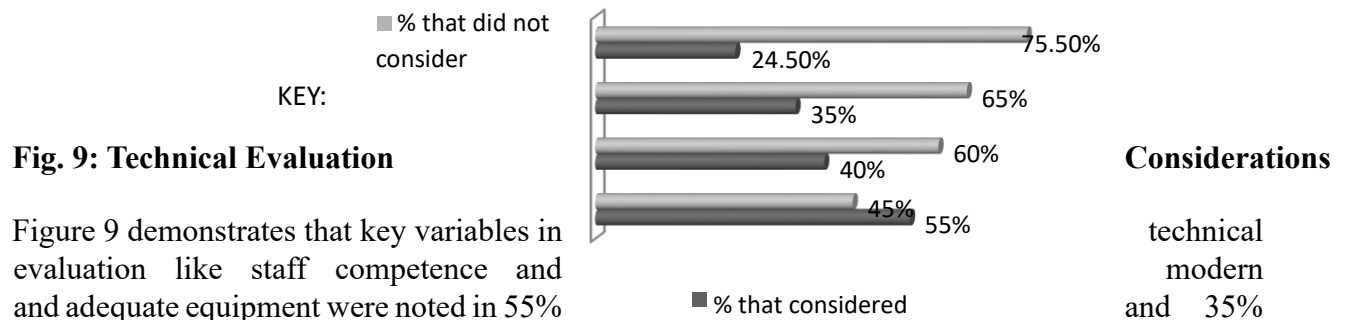


Figure 9 demonstrates that key variables in evaluation like staff competence and and adequate equipment were noted in 55% of the sampled projects respectively. These had a lot bearing on project quality performance. Involvement of district technical officers was noted in 24% of the projects sampled. Regardless of whether there was an evaluation committee or not, this rate of involvement was noted across the sampled projects. Sub- contractors were required in 15 of the projects sampled and out this 6 or 40% considered the technical competence of the subcontractors. The rest 9 or 60% based their judgment on abstract perceptions of social linkages that had the effect of fundamentally affecting project performance a position is consistent with Dobler & Burt (2004) and Apopa (2018).

4.2.4.2 Financial Evaluation

The research wanted to establish the adherence to laid down procedures with a view to assessing the financial conditions of the selected firms. The research therefore posed structured and none structured questions. The result is illustrated in figure 10.

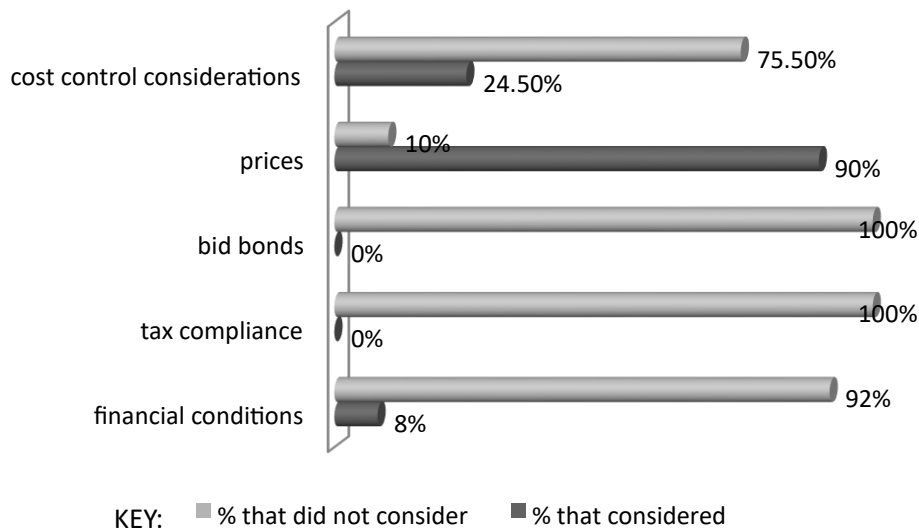


Fig. 10: Financial Evaluation Considerations

The same trend was noted in the establishment of financial evaluation i.e. the same 40% of the projects did establish some financial evaluation committee. However, as noted in the Figure 10,

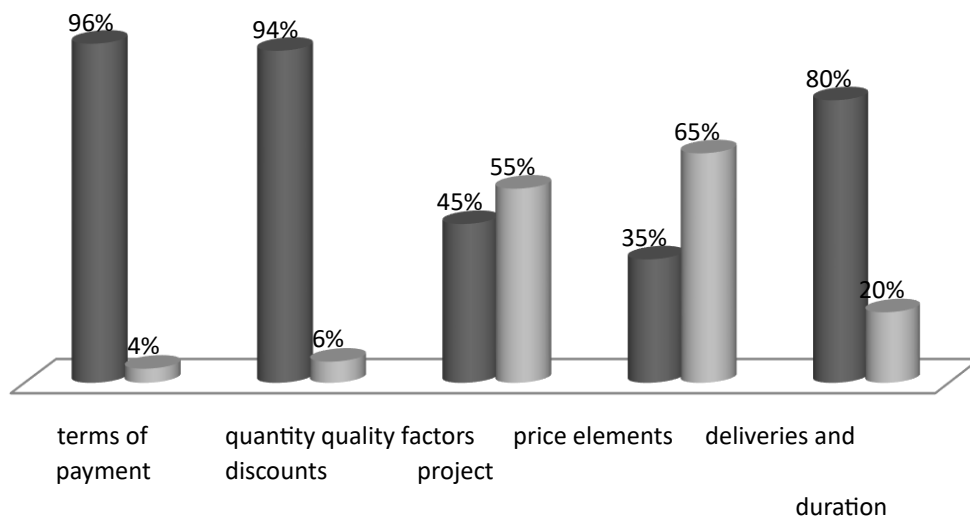
the major focus of the evaluation was mainly on price of materials and works as noted in 90% of the respondent projects.

Going by the result in Figure 10, cost control strategies by potential/ contractors were considered in 24.5% of the cases. Consequently, labor pricing, stocking of materials by suppliers in anticipation of rising prices, consolidation of procurement and transport were overlooked in such analysis. These had the potential of major disruptions in terms of escalating cost thereby affecting project budget. Similarly financial stability of potential supplier was considered in 8% of the projects respondents. This implies financially weak contractors/ suppliers were selected. Need for advance funding was therefore the result of such situations thereby affecting project cash flow and the need to measure performance before any release of funds is thereby constrained. This result is consistent with Dobler & Burt (2004); Carter (1995) and Lysons and Farrington (2016) propositions.

4.2.5 Negotiation

The study wanted to establish the use of this process especially at post tender stage to reshape the terms of agreement especially with the most responsive potential suppliers. To achieve this, the research posed both structured and non-structured questions. The responses were recorded and as under figure 11.

Negotiations were carried out in all projects sampled. However, negotiations were carried at different stages during project implementation. Mostly noted were after tender award with the objective of realizing potential savings and other project variables like delivery dates and commencement dates. In all cases, project management team reconstituted itself as a negotiating team. The figure 11 illustrates the various considerations in the negotiation process;



KEY: ■ % that considered ■ % that did not consider

Fig. 11: Considerations in Negotiation

Terms of payment, quantity discounts and delivery/ commencement times were the most negotiated as noted in 96%, 94% and 80% of the projects sampled respectively. Critical aspects like quality and price factors were negotiated in 45% and 35% respectively. This had the potential effect of escalating the cost of the project due to disregard for potential increases in material and labour costs. The suppliers could only supply at the prevailing prices without any firm contracting arrangements. Similarly quality is a variable and can be fixed through negotiation or reference to standards; however 55% of the projects did not specify quality as a negotiable variable. This findings agrees with Harold (2009); Burt (2006) and Pearce and Robinson (2008).

4.3 Effect of Tendering Processes on Project Performance

This was the main objective of the study and essentially all efforts were geared towards achieving this end. The processes have had cumulative effect on project performance and therefore the research was more interested in the net effects. To achieve this, the study designed a predetermined set of responses to guide respondents. Nevertheless, the respondents were additionally required to give their own views on some effects they may have encountered during project implementation. The analysis of the same is as illustrated in Figure 12.

In Figure 12, effect of procurement planning was noted in late deliveries; non-purchase of required items; escalation of procurement budget; and deliveries in small quantities. Effects of specification were noted in delivery of wrong sizes of materials; substandard materials and outright non-delivery of required of ordered items. Capacity of contractor/ supplier selected was critical in performance. Tender evaluation process influenced delivery of overpriced materials; selection of incapable suppliers and nonperformance of specified work as noted in 55%, 12.7% and 42.8% of the projects respectively. Response from out rightly incapable suppliers was noted in 65% of the projects this could be attributed to tender invitation process. Figure 12 shows the various effects of the tendering processes:

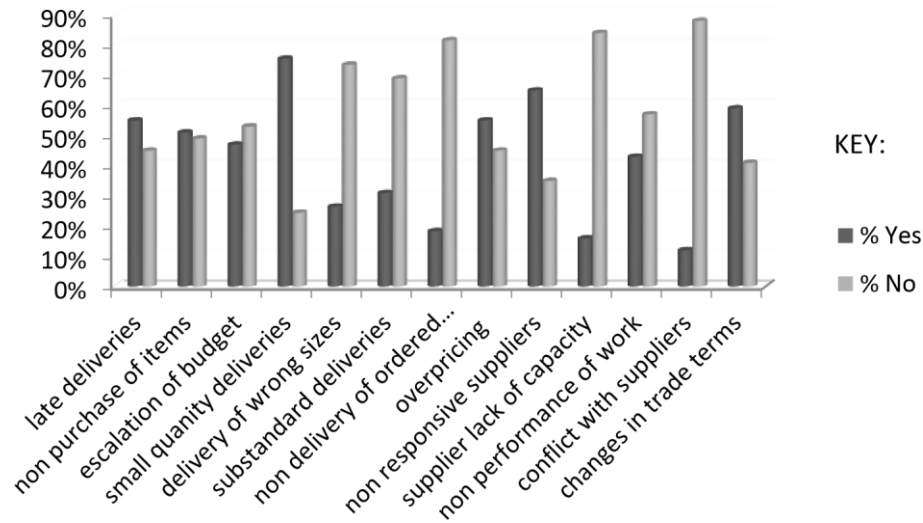


Fig. 12: Effects of Tendering Processes

Negotiation process intended to create better understanding between the buyer and contractor/supplier, however conflict was noted in 12% of the projects sampled; overpricing; wrong material sizes; delivery of small quantities, substandard and late deliveries were also noted. This result agrees with the proposition of Lysons and Farrington (2016).

4.3.1 Effect on Project Duration

The study wanted to establish the number of projects that delayed during the period under study. To achieve this, the study analyzed the project implementation status reports to establish the possible causes of the delays, the study analyzed the project monitoring and evaluation reports for the periods under study. The results from the implementation status were recorded as indicated in table 3.

Table 1: Effect on Project Duration

Projects status	FY 2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	Total
No of projects initiated	8	10	11	12	8	49
No of projects completed	3	4	5	5	3	20
No of projects delayed	5	6	5	4	3	23
% No of projects delayed	62.5	60	45.5	33.3	37.5	47

Forty percent of the respondents responded affirmatively to projects experiencing delays at some stage during implementation. However from the data analyzed from the documents, 47% of the projects initiated were delayed at different stages during implementation. Most respondents attributed these delays to supplier/ contractor related problems such as non-delivery of materials, inability of the contractor to work on different project processes on time.

Erratic disbursement of funds was also mentioned as a factor in delays. According to table 4.8, 62.5% and 60% of the projects initiated 2013/2014 and 2014/2015 experienced delay at different stages and a total of 6 projects initiated in 2015/2016-2017/2018 were not scheduled to be completed during the periods. However, rates of delays of 45%, 33% and 37.5% were noted in respect of 2015/2016, 2016/2017 and 2017/2018 financial years. These delays could be attributed to aspects in Figure 12 such as late deliveries of materials as noted in 55% of the respondents' projects; non- purchase of required items- 51% of the respondent projects and deliveries in small quantities as also noted in 75% of the respondent projects. Other aspects of tendering processes could have cumulatively caused the state of affairs.

4.3.2 Effect on Project Cost

The study wanted to establish the effect of the tendering processes on the costs of the projects. To achieve this, the study accessed documents available at the NG-CDF office, Bomet East constituency, Bomet. The documents included project implementation status reports, monitoring and evaluation reports. The focus was on establishing estimated project cost at every stage of implementation verses actual cost incurred at those stages. Monitoring and evaluation reports provided insights into possible causes of any deviation. The results were summarized in figure 13 and table 3.

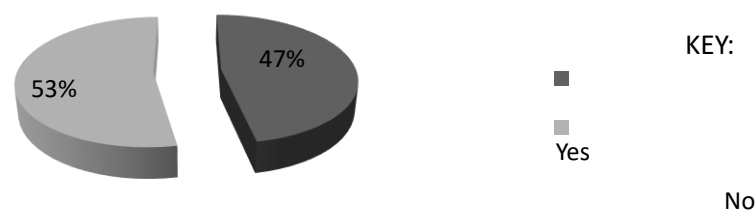


Fig. 13: Need for Additional Funding

Figure 13 shows that 47% of the respondents sought additional funding for their projects at different stages during implementation. The need for the additional funding was occasioned by

escalating cost of materials. Interviews with district officers indicated that most of such requests were due to overpriced materials and works.

Table 2: Effect on Project Cost

Financial year	No of projects initiated	No of projects with cost overruns	% No of projects with cost overruns
2013/2014	8	4	50%
2014/2015	10	5	50%
2015/2016	11	6	54%
2016/2017	12	6	50%
2017/2018	8	3	37.50%
Total	49	24	49

According to Table 4, 49% of projects initiated in financial years 2013/2014-2016/2006 experienced cost escalations. Such cost escalations could be attributed to aspects in Figure 12. Deliveries in small lots escalated transport costs as noted in 75% of respondents, delivery of overpriced materials as noted in 55% of the cases. Other effects of tendering processes that could have contributed to this included: non-purchase of required items due lack of enough details in procurement plan triggering a rebuy usually at inflated prices; changes in contract prices were noted 59% of the respondents this was usually on increase level. Such and other cumulative effects escalated projects costs.

4.3.3 Effects on Project Quality

The research wanted to establish how many projects had a redo during the period. To do this, the researcher posed a structured question to the respondents. Additional non-structured question was added to establish the nature of the redo. The responses were summarized and presented in Figure 14.

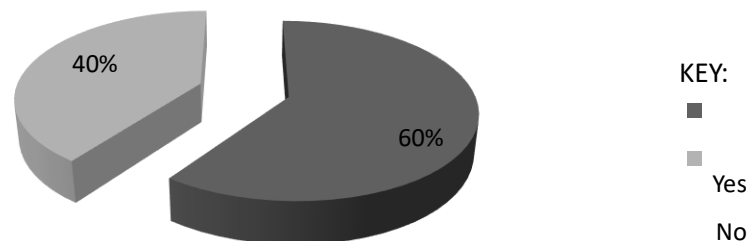


Fig. 14: Projects that Needed a Redo

In 60% of the projects, project management teams ordered a redo. This redo varied depending on the type of project; structural redo was indicated in construction works. This included fitting conventional sizes to classrooms. Others include remedial activities in walls, floors and laying of pipes in water projects.

From Figure 12 effects of tendering processes that could have contributed to quality problems included: delivery of wrong sizes of material as noted in 26%, non-purchase of required materials that could trigger acquisition from unqualified sources as noted in 51% of respondents. Quality problems could also be attributed to selection of incapable suppliers and suppliers/ contractors insisting on changes on contract terms. This led to compromise on quality aspects if such changes could be agreed upon. Escalating cost of procurement affect availability of funds to pay suppliers, this led to use of alternative low cost sources which greatly compromised on quality to win such contracts.

4.4 Problems Affecting Tendering Processes

The research wanted to establish the problems faced in the development and implementation of the tendering processes. To achieve this, the study formulated a set of none structured questions to gauge the views of the respondents. The views collected were summarized according similarities based on their classification of opinions. These were then tabulated in spite of relating to particular process. Table 5 illustrates these challenges;

Table 3: PMCs views on problems/ challenges affecting tendering processes

Problems/ Challenges	Frequency	Percent
Political challenges	42	86
Lack of qualified suppliers	45	92
Low level of training of PMC members	42	86
Inconsistent flow of funds	48	98
Lack of awareness of PPDR requirements	17	35
Lack of technical support	43	88

Most projects faced political interference, lack of qualified suppliers/ contractors, lack of technical support from district officers, low level of training among Project Management Committees (PMCs) members and inconsistent flow of funds; all these with over 80% rates responses. Awareness of public procurement and disposal regulations was ranked low with 35% rate of response. Responses from interviews indicated a high level of agreement with these views expressed by the project management committees, though with a different perspective results consistent with the findings of Wambugu (2008). Table 6 contains these responses; **Table**

4: Responses from technical officers

Problems affecting tendering processes	Frequency	Percent
Level of training	5	83
Limited supply market	4	66.70
Lack of prioritization	3	50
Deviation from work plan	3	50
Vested interest	5	83
Poor interpretation of the PPDR	4	66.70
Lack of technical support	5	83

Lack of technical support, vested interest and level of training were ranked high with 83% respectively as challenges afflicting tendering processes. Sixty seven percent of the technical officers believe limited supply market and interpretation of the act constrained the processes and affected the performance of the projects. But the cumulative effect of these challenges might have indeed caused major disruption during the design and implementation of the processes.

4.5 Suggestions to Improve the Processes

The research gauged the views of the respondents on how the development and implementation of the processes can be improved. To achieve this, the research posed none structured questions to both the PMCs and Technical officers based in the district. The PMCs responses were recorded and categorized as indicated in Table 7.

Table 5: Suggestions by PMCs

Suggestions by PMCs	Frequency	Percent
Improve flow of funds	41	84
Create more training opportunities	43	88
Facilitate technical support	34	69
De-politicize project activities	26	53
Visit success cases	32	65
Interpretation of PPDR	44	90
Improve supply of tender documents	30	61

The PMCs believe there is need to improve the flow of funds, create more training opportunities, and improve interpretation of the public procurement regulations as indicated by over 80% of the responses. However high ratings of over 60% were also recorded in respect of the need to facilitate technical support, improve access to successful cases in the country and supply enough tender documentation. The technical officers recommendations seem directed a change in operating policy and procedures. These responses were classified and recorded in the Table 8. **Table 6: Suggestions by Technical officers**

Suggestions by technical officers	Frequency	Percent
Improve market scope	4	66.70
Include technical officers in process design	3	50
Exclude political appointees in PMCs	2	33.30
Full implementation of PPDR to weed out vested interest	5	83.30
Quality of PMCs membership need improve	4	66.70
Improve level monitoring and evaluation	3	50
Improve record keeping	4	66.70

The full implementation of public procurement and disposal regulations was ranked high in the recommendations made by the technical officers (83.3%). Improvement of record keeping, improvement in quality of PMCs membership and market scope featured significantly at 66.7% of the respondents interviewed. Indeed these recommendations touched on the critical aspects of the tendering processes; results consistent with arguments by Burt, Dobler & starling (2003).

V. SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Summary

The study endeavoured to conduct research on 60 sampled projects, however only 49 responses were achieved and 6 out of 7 technical officers were interviewed. Document and report analysis was consequently conducted on the responding projects. On the analyzed data, 10% of the PMCs had youth representation and 90% male representation. This in spite of the various affirmative policies currently in existence in the country; on academic qualifications 69.4% had high school certificates. There was none with degree or post graduate qualification but diploma accounted for 20.4%. Relevant experience was indicated by 65.3% and 55.1% indicated attendance of relevant courses during the time in PMC. These indicated low skill level and had major effect on project performance. Knowledge, skills and attitudes required for high level performance were greatly compromised in spite of the fact that a higher percentage indicated relevant experience and course attendance, the background to support incremental learning was nevertheless lacking.

Effect of tendering processes was the principal objective of the study. The study was interested in establishing the systems in development and review of the contents of the tendering processes with a view to comparing with conventional approaches in developing the processes. In terms of systems required to develop the processes, 76% of projects integrated procurement plan with project budget, however, 80%, 56% and 60% never constituted committees to develop specifications, never involved technical officers and did not establish evaluation committees respectively. Negotiation strategies focused mainly on price elements but excluded quality and firm agreements on other terms of trade. These and others combined to produce various effects which affected project performance. Effects included: Late deliveries; none purchase of required items; deliveries in small quantities; overpricing and changes in contract terms among others.

The net effects of these were; 47% of the projects under study experienced delays at different stages; 49% of the projects experienced cost overruns and 60% needed a redo. Indeed the PMCs faced serious challenges that could have complicated the effective management of the tendering processes. Such problems as established during the study included: level of training; limited supply market; lack of prioritization; deviation from work plan; vested interest and lack of technical support.

The study endeavored to establish the way forward to improve the processes and suggestions given included: improvement of market scope; inclusion of technical officers; full implementation of the regulations; improvement on the quality of PMC membership and improvement of record keeping.

5.2 Conclusions

National Government-Constituency Development Fund faces a number of challenges that have prevented the program from reaching its full potential. Though there is generally an improvement in service provision, still communities lack awareness and involvement in critical stages of implementation. Project tendering is such a critical stage in project implementation whose influence greatly affects the outcome of projects. Tendering processes under study involved: procurement planning; specification development; tender invitation; tender evaluation and negotiation. These processes were conceptualized to affect project performance in three ways; cost, quality and project duration. Arising from this, a significant 47%, 49% and 60% of the projects experienced delays, cost escalations and had a redo respectively during the period of study. These were enough reasons to question tendering process right from procurement planning to tender evaluation. Indeed critical analysis of the data collected indicated close relationship between this state of affairs and the net effects of faulty tendering processes which included late deliveries; non-purchase of required items due to faulty specifications; overpricing of deliveries; changes in terms of contract; delivery of wrong sizes and substandard deliveries among others.

Various problems have complicated the effective management of tendering processes. The study established that such problems included: political loyalties leading to vested interests and abuse of the tendering processes right from the design to implementation; level of training; quality of PMCs membership; lack of qualified suppliers; lack of technical support in developing the processes and limited supply market among others. Indeed if no remedial policy framework is made in the Act, the noble goal of this devolved fund will remain a mirage to many and forms a fertile ground for corrupt cases and missed opportunities.

There is therefore a great deal of work to be done to improve the processes. There is need to provide general education and information about the tendering processes and the procedures for application and use of the allocated funds. There is need to train the PMCs on the procedures. New regulations and restructuring of the current funds are necessary to ensure that the funds meet the needs of the targeted projects. Development of a better legal and institutional framework is necessary for improved administration of the Fund.

5.3 Recommendations

Tendering as the principal method of public procurement should be based on structured processes that ensure objectivity and ensure that right performance is achieved by the entities. Ideally CDF projects must embrace these ideals in any endeavor to improve project performance. This study therefore makes recommendations based on analyzed data and target procedural as well as the policy framework of the program.

The CDF Fund Manager should ensure that supplier development is embraced in NG-CDF project procurement. Though the public procurement regulations do not provide any framework for such an exercise, such a program should target critical areas that influence supplier performance. While transfer of resources is not envisaged, training of suppliers on such aspects as compliance with regulations' documents, costs control as well as quality assurance systems should be pursued. The training should aim at improving supplier performance through reducing costs and resolving serious quality issues.

The membership of PMC should incorporate professionals from the District headquarters. These would bring additional knowledge and skills especially in the design and implementation of the tendering processes. Ordinary membership should also include people with higher levels of educations. But above all the PMCs should embrace team approach at all stages of project design and implementation.

There must be full implementation of the regulations governing the tendering processes. Consequently, the PMCs must put in place necessary committees as specified in the regulations if these objectives are to be realized. These include tender committee, evaluation committees and inspection and acceptance committee. Additionally they need to operationalize the use of necessary documents in tendering process. These may improve the performance of the suppliers/ contractors by creation of the necessary objectivity in measurement and use of pre- qualified suppliers.

Knowledge skills and necessary attitudes are critical in any performance. The PMCs should continually be trained in emerging relevant trends, but more so, on the requirements of the regulations. Capacity building effort should essentially aim at addressing weaknesses in the applications of the procurement regulations. Such focus should try to bringing on board technical competence that address critical aspects in the development and implementation of tendering processes, sensitize all PMC members on their respective roles in the tendering processes, equip them with the necessary resources and re-orientate on the necessary attitudes. Training should also focus on ethical concerns with a view to ensuring that such incidences as conflict of interest are reduced.

The NG-CDF Act, 2015 placed political leadership at the center of all operations concerning the Fund. The results of this are political squabbles and mischief played in the PMCs arising from political loyalties. This factor constrains the effective development and implementation of

tendering processes through manipulation and outright tender rigging. In spite of this major challenge, it must be borne in mind that the principal objective of the Act was to reduce levels of poverty through creation and development of necessary infrastructure in social and economic sectors in rural communities. This realization should therefore form the basis of all decision making process pertaining to procurement process and indeed tendering. Further, institutional reforms targeting the formulation of the Act should be implemented that have the effect of professionalizing the operation of the Act. This should realize less politics but rather greater focus on achieving the ideals of the Act.

5.4 Areas for Further Research

This study focused on the tendering processes and how they influenced the performance of NGCDF projects in terms of quality, cost and project duration. The study also explored the challenges that are encountered in the development and implementation of the processes. To create more insights into the dynamics affecting the management of devolved funds, there is need to review the efficiency and efficacy of the procurement methods applied and how such methods are influencing project performance. Additionally, there is need to assess the quality of the human resources deployed in the management of the funds especially regarding the procurement knowledge, skills and attitude necessary for effective performance of any projects facilitated by the funds.

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