

Influence of Contract Planning on Procurement Performance in Nyandarua County Government in Kenya

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ABSTRACT: Contract administration plays a crucial role in the procurement process of government organizations, directly influencing overall procurement performance and effectiveness. This study was seeking to examine the influence of contract planning on procurement performance in Nyandarua county government in Kenya. The study was anchored on principal exchange theory. Further, a cross-sectional research design was adopted for the study. The target population for the study was all the 44 procurement and chief executive officers working in Nyandarua county government. A census was undertaken where all the 44 officers were taken as the study respondents. Primary data was collected using a questionnaire constructed on a 5-point likert scale. The collected data was coded and analyzed with the help of Statistical Package for Social Sciences (SPSS). Data was analysed in both descriptive and inferential statistics. The study established that contract planning a positive and significant relationship with procurement performance in county governments. As such, the study concluded that contract planning has a significant influence on the procurement performance of county governments in Kenya. The study recommended that the county leadership improve contract planning process and contract monitoring in order to enhance procurement performance. Conversely, the county should put measures to enhance the building of positive and collaborative relationships with its contractors and hence enhance their procurement functions.

Keywords: Contract, Contract Planning, Procurement, Performance, County Government

I. Introduction

The current global business environment is highly competitive and organizations currently face large and highly efficient competitors all over the globe [38]. This as a result has made contract management essential for further development and growth of business entities. Contract management entails the whole process of, contract cycle, contract relationship, contract implementation, contract monitoring and payment calculation, [4]. Similarly procurement performance is achieved when, contract execution and the expected project on outcomes or end results are realized, [35]. A successive Procurement performance ensures an organization's services delivery is of high quality, timely and efficient.

Contract management focuses on ensuring that all contracting parties conform to all the terms and conditions of the contract, as well as recording and agreeing with any needed changes in the contract implementation [27]. Since contract management is a procedure, it comprises undertakings required to achieve in order to recognize its benefits. The most important contract management activities include contractor monitoring and acceptance management; managing contract relationships; contract administration; dispute resolution; and contract closure [8]. Contractor monitoring and acceptance management is all about making sure that all contracting parties achieve their as per agreed contractual terms. Managing relationships within the contract helps the procuring entity to improve supplier performance through supplier development, early supplier involvement and payment of suppliers on time [30].

The effective management of contracts entails the establishment of protocols for the creation, execution, and evaluation of agreements in a manner that optimizes advantages while mitigating expenses and vulnerabilities [11]. The process of contract management encompasses several key stages, namely the initiation of bidder invitations, the assessment and

evaluation of submitted bids, the subsequent awarding of contracts, and the subsequent implementation and execution of said contracts [32]. The assessment of performance encompasses various aspects, including the management and evaluation of contract terms established during the procurement process, as well as the practical monitoring required ensuring effective delivery [20]. Contract management is a procedural undertaking that encompasses several pivotal stages. These include the management of contractor relationships, oversight and acceptance of contractor-performed work, contract administration, dispute resolution, and contract termination upon fulfilment of their intended objectives.

Among the conditions that enable contract to be enforceable is that parties to the contract must accept the terms and conditions to the said contract [24]. There are many types of contracts which include sales contract, purchasing contract, trade agreements, intellectual property agreements and partnership agreement [24]. Contract of purchase is a contract between a company and a supplier who agrees to deliver products, works or services in compliance with the terms and conditions agreed. The company would then be obliged to accept the products, works or services and pay for the liability generated [20].

Contract administration plays a crucial role in the procurement process of government organizations, directly influencing overall procurement performance and effectiveness [14]. Successful contract administration improves procurement performance of an organization by providing for timely service delivery, achieving value for money, ensuring supplier responsiveness, cooperation and efficiency [29]. Furthermore, county governments, being essential stakeholders in public administration, bear the responsibility of delivering services and executing projects to meet the needs of their citizens. The successful execution of these activities heavily relies on efficient contract administration practices, which guarantee compliance, transparency, accountability, and value for money [1].

II. Statement of the Problem

The county governments in Kenya are encountering substantial financial losses related with inadequate procurement processes, specifically arising due to deficient contract administration practices. A survey by the public procurement regulatory authority [33] indicated that 40% of procurement contracts in Kenya experience delays, resulting in inefficiencies and potential financial losses. On the other hand, the auditor general's report on the financial statements of county governments for the year 2022/2023 [28] identified instances of contract mismanagement, including non-compliance with procurement regulations and failure to enforce contract terms. Based on the public procurement and disposal act, the government of Kenya is required to disclose all procurement information to the public in a timely manner, nonetheless, a report by public procurement regulatory authority [33] established that only about 55.4% of county governments in Kenya comply with the regulatory framework. Nyandarua County was rated at 56.5% in compliance which was just above average. The lack of transparency in the procurement process makes it difficult for the citizens to hold their leaders accountable and eventual result in the misallocation of public resources. Various scholars have sought to examine the factors affecting contract administration in government. Ntawiniga [26] assessed factors influencing contract administration and management practices in public construction projects in Rwanda. Bett and Achuora [3] assessed contract management and procurement performance of county governments in Kenya. Matunga [19] examined procurement practices and level of implementation of public procurement regulations in the devolved systems of government in Kenya. Mugecha and Ndeto [21] examined contract management practices and procurement performance in metropolitan county governments in Kenya. Whereas these and many other studies have aspects of contract administration and how it relates to various organizational outcomes, there are hardly any studies examining the effect of contract administration on procurement performance and more so in Nyandarua county government in Kenya. The foregoing motivates the undertaking of this study.

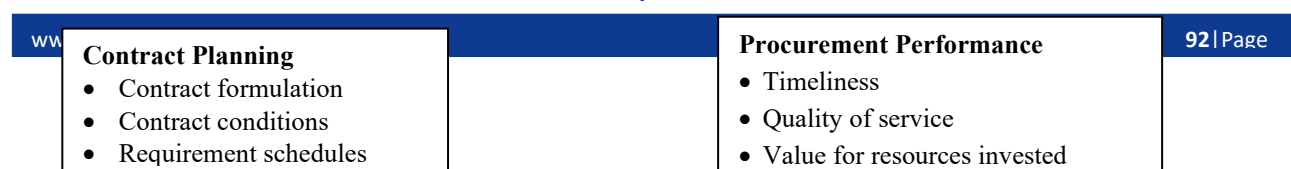
III. Purpose of the study

The study sought to find out the influence of contract planning on procurement performance in Nyandarua county government in Kenya

IV. Hypothesis of the Study

H₀: Contract Planning has no statistically significant influence on procurement performance in Nyandarua County government in Kenya

V. Conceptual Framework





Independent variable

Dependent variable

VI. The Principal-Agent Theory

This study will be guided by “The Agency Theory” by Jensen & Meckling [13] and later expounded on by Sarens & Abdolmohammadi, [35]. The principal-agent theory is an agency model developed by economists that deals with situations in which the principal is in a position to induce the agent, to perform some tasks in the principal’s interest, but not necessarily the agents. Health & Norman, [10] and Donahue, [7] explains that procurement managers including public servants concerned with public procurement must play the agent role for elected representatives. The underlying principle of the contract theory is that there should be a clear understanding of the needs of the principal and ability of the agent to meet these needs competently [5]. The theory becomes relevant to the study as it highlights the need for strategic planning in procurement

The main challenge for the government in contract management is to properly appreciate the importance of it. Often procuring entities give full attention to the contract selection process, but then walk away from the procurement once the contractor is in place. Agency theory determines how procurement managers execute procurement practices on behalf of the county government. Where there is a poor relationship between the principle and agent the relationship between the procuring entity and the suppliers will also be affected. This will in turn lead to delays in performance or even affect the quality. The study thus used this model to determine the influence of various contract administration factors on procurement performance in county government in Kenya.

VII. Contract Planning and Procurement Performance

From the International Association for Contract and Commercial Management [12] perspective, contracts are crucial in securing collaboration, reducing risk, and enhancing compliance and execution in government institutions. Leka [16] also emphasises that well-written contracts ought to properly define the intention of every party involved and be congruent with organisational strategic goals. Moreover, provisions for critical contract components, such as offer, acceptance, and consideration, must be included to ensure their enforceability and effectiveness [37].

In a study by Muinde and Odari [22] assessed procurement contract formulation and its effect on government-funded project performance in public secondary schools in Makueni county in Kenya. A descriptive survey research design was adopted while data was collected from a stratified sample of 175 respondents using structured questionnaires. The study established that procurement contract formulation had a statistically significant and positive effect on project performance. As such, enhancing procurement contract formulation contributes to effective delivery of government funded projects.

Njaombe [25] examined the effect of procurement practices on performance of Embu county government in Kenya. The study aimed at establishing how inventory management, procurement planning, supplier management and contract management influence performance of county governments in Kenya. Descriptive research design was adopted to answer the research problem. The target population was the heads of procurement, chief officers and four (4) procurement officers from all the fourteen (14) ministries in the county. A structured questionnaire was used to collect data. The findings of the study indicated that inventory management, procurement planning, supplier management and contract management have a positive relationship with performance of county governments. Finally, the study recommended that county governments should embrace procurement practices so as to improve their performance.

Gatsinzi and Madichie [9] assessed the effect of procurement contract management on performance of public institutions in Rwanda; a case of Gicumbi District. The population of this study was 127 staff of Gicumbi District. The study used a census. The study relied on document analysis, questionnaires, and interviews to collect data. Descriptive and correlational research designs were used. The study established that contract planning and contract negotiation had a significant relationship with performance of public institutions. This demonstrates that effective planning significantly enhances institutional performance. Additionally, the contract execution was also shown to have a significant relationship with the performance of public institutions. As such effective execution contributes substantially to

performance. The study recommended that public institutions should enhance the capacity of its procurement personnel through targeted training, implement standardized templates for contract planning and adopt a collaborative negotiation framework.

Rotich, Arani and Ikamari [34] examined the influence of procurement practices on performance of Nairobi County government in Kenya. The main aim of the study was to determine the impacts of procurement planning on the performance of county governments in Kenya. The study used Nairobi County government as the case study. The study employed procurement planning as one of the procurement practices. The study adopted a descriptive research design targeting procurement staff to gather information which included heads of procurement, heads of departments, procurement officers, accountants, and clerks. A total of 112 respondents were targeted and the census method was applied. Questionnaires were used to collect primary data. The findings indicated that there was a positive correlation between procurement planning and performance and it was statistically significant. The study recommended that the county should reduce operational costs related to procurement to ensure efficiency and effectiveness in the procurement department, proper follow-ups to be taken for all awarded contracts, implementation of e-procurement practices, and best sourcing strategy.

VIII. Procurement Performance

Contractual agreements are of significant importance in the provision of services within the public sector. The proper execution of the operational phase of contract management in procurement is crucial for ensuring effective service delivery [2]. Contract management activities encompass various essential components, such as service delivery management, relationship management, conflict resolution, contract administration, and change management. These activities involve overseeing the official governance of contracts and ensuring the appropriate handling of contract document updates. The utilization of efficient contract management to gain access to government procurement opportunities plays a crucial role in promoting sustainable development at the local level. This, in turn, contributes to the acceleration of poverty reduction initiatives [24].

According to research conducted by Oliveira [31] on the administration of construction agreements in South Africa, insufficient attention to detail during contract negotiation might result in loss of revenue. The study also indicated that that poorly managed contracts affect the procuring entity's trustworthiness through a snowball effect. This indicates trouble to internally sell and enforce future contracts. That's why a company has to clearly spell out its future in the agreement. The entity needs should be well recorded and that employees in all management levels and users need to be involved in the establishment of specifications and keeping record. Nyaga and Mwangangi [27] investigated the impact of contract management procedures on the efficiency of the Kenyan government. According to the study's findings, procurement regulators admitted that many procuring entities (PEs) were not properly managing their contracts. One area of concern was the failure to appoint inspection and acceptance committees to inspect deliveries and ensure that the goods delivered were of the required quantity and quality.

A study by Songa and Akumutu [36] examined the effect of contract management on public procurement performance in Rwanda using the ministry of education (MINEDUC) as a case study. The study targeted the entire 212 employees of MINEDUC and applied random sampling to select a sample of 128 respondents. Questionnaires and document researches were used to collect data. The study established that procurement performance in MINEDUC was explained by effective probabilities of contract negotiation; contract execution, contract monitoring and evaluation. As such, there was positive significant relationship between contract negotiation, execution, monitoring, evaluation and procurement performance. Taken together, the four variables accounted for up to 95% of variation in procurement performance.

Marigat [18] did a study on the determinants of effective contract administration in public secondary schools in Mogotio sub-county, Kenya. His specific objective was to assess the influence of staff competency, technology adoption and budgetary allocations affect effective procurement contract administration in public secondary schools in Mogotio Sub-County. The study adopted a descriptive research design using quantitative approaches. The target population of the study was all principals and their deputies of public secondary schools in Mogotio Sub-County who total (52) individuals. A positive and strong correlation was found to exist between the variables. The study found that staff competency and budgetary allocation have a statistically significant influence on the effective procurement contract administration in public secondary schools in Mogotio Sub-County, Kenya. Additionally, the study found that technology adoption has no statistically significant influence on the effective procurement contract administration in public secondary schools in Mogotio Sub-County, Kenya.

In their study, Mutuku, Aqusioma and Wambua [23] examined the influence of contract management practices and procurement policies on performance of Machakos county government. The study adopted a descriptive research design

with a target population of 77 employees in procurement department in Machakos County. Data for the study was collected using questionnaires which were self-administered. The study found out that Contract Monitoring and, Procurement policies had a positive influence on county performance. The study also concluded that for counties to enhance their performance, the procurement department must be able to properly implement, monitor and evaluate these practices. The study recommends that the management of the county should improve on the level of compliance with procurement regulations.

A study by Lwiga [17] examined the influence of procurement practices on implementation of county government of Kilifi development projects. The study sought to examine the influence of procurement planning, supplier selection, procurement monitoring and evaluation, contract review on projects implementation by county governments in Kenya. The study adopted a descriptive research design with a target population of 388 respondents. Primary data was collected using a questionnaire. The study established that procurement planning, supplier selection, procurement monitoring and evaluation and contract review all have an influence on implementation of development projects in county governments.

IX. Research Methodology

9.1 Research Design

The study will employ cross-sectional research design. According to Cooper and Schindler [6] a cross-sectional study is concerned with finding out the what, where and how of a phenomenon. The design enabled the researcher describe the characteristics of the variables under study in relation to the practices in the County government operations. The target population for the study was the employees of Nyandarua county government who included 26 procurement employees and 18 chief executive officers making up a total population of 44 persons. Given the small population, the researcher adopted a census approach where all the employees were taken as respondents.

9.2 Data Collection Instruments

The study employed the use of a structured questionnaire to collect data from the respondents. Structured questionnaires are data collection forms that comprises of a list of close-ended questions [15]. The questionnaire consisted of statements constructed in form of a 5 point Likert scale (1-Strongly Disagree, 2-Disagree, 3-Neutral, 4-Agree and 5-Strongly Agree). The questionnaires facilitated the collection of data within a short period of time. A pilot study was conducted to authenticate the study instruments and establish the validity and the reliability of the questionnaire.

X. Findings and Analysis

10.1 Contract Planning

The study determined the perceptions of the respondents in regard to contract planning in the county government of Nyandarua. Mean and standard deviation values were adopted for this purpose. The findings from the analysis were as presented in Table 1

Table 1: Descriptive Statistics on Contract Planning

| | N | Min | Max | M | STD |
|---|----|-----|-----|------|-------|
| In contract formulation, the county ensures that contract requirements are well stipulated | 36 | 1 | 5 | 3.39 | 1.440 |
| Contract formulation ensures that contract requirements are well stipulated | 36 | 2 | 5 | 4.11 | 1.036 |
| In contract planning, all the contract conditions are disclosed to the bidders | 36 | 1 | 5 | 3.83 | 1.082 |
| In contract planning, the county government aims at ensuring that only bidders who meet the contract conditions are qualified | 36 | 1 | 5 | 3.56 | 1.206 |
| Contract planning ensures that there are several milestones for the implementation of the contract | 36 | 1 | 5 | 3.64 | 1.268 |
| The county ensures there is always a requirement schedule for the achievement of the various contract milestones | 36 | 1 | 5 | 3.75 | 1.228 |
| In contract planning, the county ensures realistic targets in setting up the requirement schedules | 36 | 1 | 5 | 3.00 | 1.219 |
| Valid N (listwise) | 36 | | | | |

Based on Table 1, respondents agreed with all but two of the items relating to contract planning in the Nyandarua county government. Respondents were however indecisive on whether in contract formulation, the county ensures that

contract requirements are well stipulated registering a mean of 3.39 and a standard deviation of 1.440. Further, they were indifferent on whether in contract planning, the county ensures realistic targets in setting up the requirement schedules with a mean of 3(neutral) and standard deviation of 1.219.

Consequently, respondents were in agreement ($M=4.11$, $SD=1.036$) that contract formulation ensures that contract requirements are well stipulated and that in contract planning, all the contract conditions are disclosed to the bidders ($M=3.83$, $SD=1.082$). Moreover, respondents agreed ($M=3.56$, $SD=1.206$) that in contract planning, the county government aims at ensuring that only bidders who meet the contract conditions are qualified and that contract planning ensures that there are several milestones for the implementation of the contract ($M=3.64$, $SD=1.268$). lastly, respondents agreed ($M=3.75$, $SD=1.228$) that the county ensures there is always a requirement schedule for the achievement of the various contract milestones. The study noted that the respondents' views were not in congruence with all the responses having standard deviation values greater than one.

10.2 Procurement Performance

The study finally sought to establish the perceptions of the respondents in regard to the procurement performance of the county government of Nyandarua. The mean and standard deviation values were computed and presented as shown in Table 2

Table 2: Descriptive Statistics on Procurement Performance

| | N | Min | Max | M | STD |
|---|----|-----|-----|------|-------|
| Due to enhanced contract administration, goods and services are always procured on time | 36 | 1 | 5 | 3.56 | 1.182 |
| The supplies to the county are always timely | 36 | 1 | 5 | 3.50 | 1.342 |
| In contract administration, the county ensures there are specific quality specification in any contract award | 36 | 1 | 5 | 4.28 | .914 |
| In exercising contract administration, the goal is always to achieve the right quality of service | 36 | 1 | 5 | 3.56 | 1.229 |
| Contract administration ensures that the county acquires value for investment for all its contracts | 36 | 1 | 5 | 3.50 | 1.276 |
| Contract administration ensures the county government get the right price there is for its contract awards | 36 | 3 | 5 | 4.19 | .710 |
| Valid N (listwise) | 36 | | | | |

The analysis showed that the respondents agreed ($M=3.56$, $SD=1.182$) that due to enhanced contract administration, good and services are always procured on time and that in contract administration, the county ensures there are specific quality specification in any contract award ($M=4.28$, $SD=.914$). The respondents further agreed that in exercising contract administration, the goal is always to achieve the right quality of service ($M=3.56$, $SD=1.229$) and that contract administration ensures the county government get the right price there is for its contract awards ($M=4.19$, $SD=0.710$). However, respondents were not sure that the supplies to the county are always timely ($M=3.50$, $SD=1.342$) and that contract administration ensures that the county acquires value for money for all its contracts ($M=3.50$, $SD=1.276$). Te also took note of how diverse respondents views were with all but two of the items relating to procurement performance registering standard deviation values greater than one.

10.3 Contract Planning and Procurement Performance

The study undertook correlation analysis to examine the relationship between political forces and procurement performance. The finding from the analysis were as presented in table 3

Table 3: Correlations between Contract Planning and Procurement Performance

| | | Procurement Performance |
|-------------------|---------------------|-------------------------|
| Contract Planning | Pearson Correlation | .532** |
| | Sig. (2-tailed) | .001 |
| | N | 36 |

** . Correlation is significant at the 0.01 level (2-tailed).

From the results in Table 3 above, contract planning was shown to have an average positive significant ($r=.532$, $p=.001$) relationship with procurement performance. Therefore it was observed that contract planning play a significant role in determining procurement performance in the county government of Nyandarua. The findings confirmed the findings of

Muinde and Odari [22] who established that contract formulations had a significant relationship with the delivery of government funded projects. On the other hand, Rotich et al. [34] established a positive significant relationship between procurement planning and performance.

XI. Conclusion and Recommendations

The study established that contract planning was significant in determining procurement performance. The respondent also affirmed the role of contract planning in the performance of the procurement function in the county government. As such, the study concluded that contract planning is significant in determining procurement performance in the county government of Nyandarua. The study noted that contract planning significantly affects the procurement performance in the county governments. As such the study recommends that the leadership in the county governments should ensure they improve the process of contract planning to enhance the performance of the procurement function. This will be important to ensure that only the required supplies with the right specifications are procured thus improving procurement performance.

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