# ASSESSING THE IMPACT OF PUBLIC PROCUREMENT PROCEDURES ON COLLECTION MANAGEMENT IN PUBLIC UNIVERSITY LIBRARIES IN NAIROBI COUNTY, KENYA

**BY**

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**A THESIS SUBMITTED IN PARTIAL FULFILMENT FOR THE REQUIREMENTS FORTHE AWARD OF THEDEGREE OF MASTER OF SCIENCE IN LIBRARY AND INFORMATION STUDIES, DEPARTMENT OF LIBRARY, RECORDS MANAGEMENT AND INFORMATION STUDIES, SCHOOL OF INFORMATION SCIENCES**

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**2018**

# DECLARATION

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## DEDICATION

I truly dedicate this research thesis to my late mother, Ruth Talaa Kiptui, who encouraged me to pursue further studies but never lived to harvest the fruits of her work; my father, Joel Toroitich, for his support, and my lovely daughter, Daniella Jeboisho Kemei, who missed motherly love.

## ABSTRACT

The introduction of the Public Procurement and Disposal Act, 2005 affected purchase of various items in public entities, including academic libraries. University libraries are mandated by the parent institution to effectively provide access to quality information and information resources to support learning, research and academic programmes. The Libraries are directed to comply with the guidelines provided by the Commission for University Education (CUE) to ensure that library users are provided with diverse, authoritative, reliable and up-to-date information resources. Today, libraries are faced with myriad of challenges in complying with the Public Procurement and Disposal Act, Commission for University Education guidelines and collection management activity towards provision of information resources towards satisfying user information needs. The study focused on public procurement procedures in Public University libraries in Nairobi County. The aim of this study was to assess the impact of the Public Procurement and Disposal Act (2005) on collection management in public university libraries and to suggest ways in which the Act can accommodate the unique needs of such libraries. The objectives of the study were to: assess the application of the Act to acquisition of information materials in public university libraries, examine how the Act has affected the collection management, identify the challenges facing public university libraries in procuring information materials, and suggest ways in which the Act can be amended to accommodate the unique needs of public university libraries. The study employed qualitative approach, where the population comprised of university librarians, procurement staff and the Director of the Public Procurement Oversight Authority. Purposive sampling was used to select respondents. Data was collected using face-to-face interviews. Data collected was presented and analysed through the use of qualitative techniques, where necessary, tables and figures were used. The key findings of the study indicated that: librarians were fully aware that they were required to comply and use the Public Procurement and Disposal Act while acquiring and disposing information materials; there were delays in the acquisition of information materials due to the lengthy procurement procedures; key challenges experienced when using the Procurement Act were language and terms used in the Act, lack of proper guidance and insufficient communication from the procurement unit to user departments, failure to involve librarians in the process and stages of procurement. The study concluded that there was need to amend the Public Procurement Act to accommodate the unique needs of public university libraries. Therefore, the study recommends that public university libraries be allowed to use direct procurement from the publishers and printers to acquire information resources. The study further recommends training of user departments on Public Procurement and Disposal Act and provision of user manuals for libraries and information centres

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## LIST OF ABBREVIATIONS AND ACROYNMS

| | |
|---|---|
| ALA | American Library Association |
| KACC | Kenya Anti-Corruption Commission |
| KISM | Kenya Institute of Supply Management |
| KLA | Kenya Library Association |
| KU | Kenyatta University |
| LPO | Local purchase order |
| MMUK | Multimedia University of Kenya |
| PC | Procurement Committee |
| PU | Procurement Unit |
| PPDA | Public Procurement & Disposal Act |
| PPOA | Public Procurement Oversight Authority |
| TC | Tender Committee |
| TUK | Technical University of Kenya |
| RFQ | Request for Quotations |
| UON | University of Nairobi |
| UNCITRAL | United Nations Commission on International Trade Law |

## ACKNOWLEDGEMENTS

First, I would want to thank my heavenly Father for this far He has brought me. His grace has been sufficient and it has encouraged me to press on when I was almost giving up. I humbly acknowledge my supervisors, Dr Andrew Chege and Dr Emily Bosire, for their valuable support and guidance throughout the entire process of research.

I thank all library and procurement staff of the University of Nairobi, Kenyatta University, Multimedia University and Technical University of Kenya and staff of the Public Procurement Oversight Authority for providing me with valuable data on which this study is based. Special thanks go to my lovely daughter, Daniella, for her love and for enduring my absence to allow me concentrate on my work. I also thank my colleagues at the library of the Kenya School of Monetary Studies for allowing me to be away from work. Last but not least, I appreciate my dear friends Ruth Chege and Christine Tuitoek for their encouraging words and for pushing me to complete the thesis. To all, I say a big thank you and may God bless you .

# CHAPTER ONE

# INTRODUCTION AND BACKGROUND OF THE STUDY

## 1.1 Introduction

Acquiring information resources is a core activity of libraries and one objective behind the establishment of any academic library is to satisfy the needs of its clientele by providing information materials to support the aims and objectives of the institution through selection, acquisition, organizing and storage of materials as required by the users. Lamb (2004) states that the major benefit of a good library collection is that it helps the libraries to review the strength and weaknesses of their collection. According to Kumar (2012) collection management entails activities which involve acquisition of library materials, processing, organization, conservation and preservation, storage, weeding and promoting use of the library materials. The main task of collection management is to make the information resources gathered useful and physically accessible to the users of the library.

Wawire & Messah (2010) indicate that one of the challenges facing public university libraries is the procurement process necessitated by the public procurement Act of Kenya 2005 that requires all purchases of materials including information materials in public offices to undergo the procurement procedure that requires three quotations of each item from three suppliers. The Public Procurement Act 2005, it states that:

'*the Act is meant to maximize economy and efficiency, promote competition and ensure that competitors are treated fairly to promote integrity and fairness of procedures to increase transparency and accountability in their procedures and public confidence in those procedures and finally facilitate the promotion of local industry'.*

Although the Act was meant to ensure equality and efficiency, acquisition of information materials has become tedious and time consuming thus causing delays in the acquisition of information materials on time

A procuring entity is a body that uses public funds in acquiring goods and services for use in rendering services to the public. Examples of public entities in Kenya include the Communications Authority of Kenya (CA), National Social Security Fund (NSSF), government ministries and departments and public universities. The general principles of government procurement are that purchasing should be based on value for money and competition should be used to acquire goods and services. Kisero (2012) states that procurement is basically about delivering value for money and reducing cost without compromising quality. Generally, the purpose of the Public Procurement and Disposal Act, 2005 is to govern public procurement to foster transparency, accountability, fairness and value for money. The Act does this by specifying offences in case of contravention of the provisions of the Act through corruption or malpractices.

## 1.2 Public Procurement & Disposal Act 2005

The Public Procurement and Disposal Act was enacted by Parliament in 2005 to establish procedures for efficient public procurement and for the disposal of unserviceable, obsolete or surplus stores, assets and equipment by public entities. The World Bank in conjunction with the Kenya government in the late 1990s initiated a procurement process that resulted in the current public procurement regulatory framework of Kenya. One of the objectives of the Bank initiated procurement reforms was to align Kenya's procedures for procurement with international standards based on the UNCITRAL model Law of 1994.The principal reason for the enactment of the Act was to have a legal regime that weeds out inefficiencies in the

procurement process, and removes patterns of abuse and failure of the public purchases to obtain adequate value in return for the expenditure of public funds.

Public procurement or government procurement was introduced in most countries to prevent fraud, waste of public resources, corruption or local protectionism. Public procurement is the acquisition of goods and/or services at the best possible cost of ownership, in the right quantity and quality, at the right place, and for the direct benefit or use of government (Uromi, 2014). The following are the objectives of the Act:

a) To maximise economy and efficiency.
b) To promote fair competition.
c) To promote integrity.
d) To increase transparency and accountability and promote local industry.

The National Treasury in consultation with the stakeholders embarked on reviewing the Public Procurement and Disposal Act, 2005 to resonate with the Constitution and Vision 2030. Article 227 of the Constitution of Kenya states that" *An Act of Parliament shall prescribe a framework within which policies relating to procurement and asset disposal shall be implemented".* As a result of this, a new Act known as the Public Procurement and Asset Disposal Act 2015 was enacted and it repealed the Public Procurement and Disposal Act 2005. The new Act was effected on 7th January 2016. The new Act was designed to achieve the following: -

i) Address challenges that existed in the repealed law;
ii) Enhance devolution of procurement decisions;
iii) Embrace new procurement methods such as e- reverse auctions, design competition, force account, competitive negotiations and two stage tendering methods;

iv) Bring under its ambit new procuring entities such as constitutional offices, diplomatic missions, county government entities, pension funds and any other entity that uses, is maintained or assisted by public funds

v) Incorporate emerging issues such as e- procurement, framework contracting, green and sustainable procurement among others;

vi) Harmonize procurement procedures and simplify operations and compliance by increasing clarity.

### 1.2.1 Public Universities in Kenya

There are 22 public universities in Kenya established through institutional Acts of Parliament under the universities Act of 2012 which provides for the development of university education, the establishment, accreditation and governance of universities. University of Nairobi was established in 1956 as the Royal Technical College. In 1964, it was renamed University College Nairobi as a constituent college of Inter-Territorial Federal University of East Africa. In 1970, the university college was transformed into the first national university in Kenya and was renamed University of Nairobi. An Act of Parliament of 1970 made Kenyatta College a constituent college of the University of Nairobi. In 1985, Kenyatta University became a fully-fledged university through an Act of Parliament. The Technical University of Kenya was established by the elevation of the Kenya Polytechnic University College. The University was established as the first technical university in Kenya, in line with the provisions of the Universities Act, 2012. Its mandate is to offer higher education and research in technology. The Multimedia University of Kenya is a public university established by Legal Notice No. 155 of 2008 as a constituent college of Jomo Kenyatta University of Agriculture and Technology (JKUAT) and later granted a

university charter on 1st March 2013, making it one of the fully-fledged public universities in Kenya.

### 1.2.2 Role and Functions of Public University Libraries

According to the Commission of University Education (CUE), standards and guidelines under library information resources it states that' *The Library shall provide, for all academic programmes, varied, authoritative and up-to-date information resources, which facilitate teaching, learning, and research and community service.* the guidelines indicate that' *The information resources shall be relevant, adequate in quality and quantity'*

University library can be defined as a library or group of libraries established, maintained and administered by a university to meet the needs of its students and members of the academic staff (Harrods's Librarians Glossary, 1995). University libraries exist to support the teaching and research programmes of their parent institutions. The main functions of an academic or university library are to acquire, organise and disseminate information in support of the institution's mission thereby enhancing the quality of teaching and supporting research by providing access to the library and other services.

### 1.2.3 Information Resources in Public University Libraries

Information resources can be defined as those information-bearing materials that are in both printed and electronic formats. They may include textbooks, journals, indexes, abstracts, newspapers, magazines, reports, CD-ROM databases, the Internet/E-mail, video tapes/cassettes, diskettes, magnetic disk, computers, micro forms (Popoola, and Haliso, 2009). Information resources can also be defined as "one of the sets of resources required to produce information, including hardware, software, technical support, users, facilities, data systems, and data" (*Dictionary of Information Science and Technology*). The major function

of an academic library is to provide information resources that support the objectives of teaching, learning and research activities of the parent institution. Information resources constitute a range of materials and equipment gathered by the library in order to meet the information needs of both intended and anticipated users. Information resources include books, journals, theses, non-print materials such as audio visual materials and other related electronic gadgets which store or provide information to users in libraries.

Changes in information technology have impacted libraries due to changes in the format of information resources. The information seeking behaviour of users has led to academic libraries investing heavily in the different information resources in order to satisfy the information needs of their users. Information resources could be categorised as either print resources (books, printed periodicals and printed government documents) or non-book materials and electronic resources (web pages, search engines, online databases, OPAC, digital libraries). Information resources give general information about a variety of topics. These are often considered to be general reference sources, meaning that they provide basic facts and knowledge that can be used as a foundation for one's research.

**a) Print Resources**

These are sources of information such as books, periodicals, government documents and theses. These information resources are probably most familiar to library users because of the long existence of the print form. Various reasons have been given as to why libraries prefer print resources. Print resources are more economical for providing permanent, non-changing information and permanent records of research. Another reason is that this form of media is portable and can be carried around without the need of equipment to use them. Print resources found in libraries can be categorised into reference collection which consist

of dictionaries, bibliographies, encyclopaedias, almanacs, geographical sources; directories and research documents such as research reports, theses and dissertations; and government reports. The other category is books covering several subjects such as general knowledge, humanities, sciences and social sciences.

**b) Audio-Visual Resources**

This can be defined as "those materials which do not come within the definition of a book, periodical or pamphlet and which require special handling, such as audio visual materials, compact disks, videocassettes, DVDs, microfilms or vertical files" (Harrod's Librarians' Glossary).

**c) Electronic Resources**

These are materials (data and/or programmes encoded for manipulation by a computerised device). This material may require the use of a peripheral material directly connected to a computerised device such as a CD Rom drive or connected to a computer network such as the Internet (Anglo-American Cataloguing Rules). Electronic resources cover full text databases, electronic journals, image collections and maybe delivered in form of a CD-ROM or on tape via the Internet. There are many reasons why libraries prefer using electronic resources over print resources. Some of the reasons are:

a) Multi access: Provides multiple points of access at the same time, making the resource available 24 hours a day and 7 days a week to multiple simultaneous users.

b) Speed: An electronic resource is quicker to browse and search to extract information from and also allows one to cross-search or reference between different publications.

c) Content: The electronic resource can contain a vast amount of information which consists of mixed media such as images, videos, audio and animation, which cannot be replicated in print.

d) Interoperability: With the advent of standards such as open URL, this allows linking of an item within an electronic resource with another resource elsewhere.

### 1.2.4 Procurement of Information Resources According to the Act

Section 34(1) and (2) of the Act state that:

> *'The procuring entity should prepare specific requirements relating to goods, works and services being procured that are clear, that give a correct and complete description of what should be procured and that allow for fair and open competition among those who wish to participate in the procurement proceedings.*
>
> *The specific requirements shall include all the procuring entity's technical requirements with respect to the goods, works or services being procured'.*

Therefore, specifications from the library department should include the bibliographical details and number of copies which are then forwarded to the procurement unit as per the approved procurement plan and budget. The specification enables the procurement department to determine the appropriate method for procuring the information materials for the library. The user department issues a requisition note notifying the procurement unit of the items it needs to order, their quantity and time frame. This usually accompanies the specifications sent to the procurement unit.

The procurement unit sends quotations and the details of information materials to be procured to at least three to five suppliers to quote their prices and the quotations are

returned to the procurement unit. The quotations received by the procurement unit are analysed and evaluated to identify the appropriate supplier and the best method for procurement is selected depending on the financial threshold and as specified in class B under which public universities fall. There are seven different methods of procurement, each with different conditions of use. There are certain factors which help determine which procurement method to use. These factors include but are not limited to the estimated value of the goods, works or services and the urgency of the requirement. The three methods used by procurement units to procure information materials are open tendering, request for quotations and low value.

**a) Open Tendering**

This applies to both local and international tendering as covered by Sections 54(2) and 71 of the Act, respectively. Open tendering is usually the preferred method of procurement and is open to all tenderers. The tender is advertised publicly and involves maximum competition. Information materials costing Kshs5 million and above are advertised in newspapers.

**b) Request for Quotations**

Section 88 of the Act provides that procuring entities may request for quotations for goods, works and services which are readily available and for which there is an established market and the estimated value of the goods being procured is less than or equal to the prescribed maximum value by using request for quotations. The maximum level of expenditure is Kshs1.5 million.

**c) Low Value**

Section 90(1) of the Act provides that a procuring entity may use low value procurement procedure where the estimated value of goods, works and services being procured is less

than or equal to the set procurement thresholds. The procurement threshold for low value procurement for class B entities is Kshs10,000 per item.

Evaluation of the quotations received is done by the evaluation committee appointed by the accounting officer as required by regulation 16(1) of the Public Procurement and Disposal Regulations, 2006. The appropriate supplier is identified and a Local Purchase Order (LPO) is issued to the winning bidder to supply the information materials. An LPO is a legally binding document between a supplier and a buyer. It details the items the buyer agrees to purchase at a certain price. It also outlines the delivery date; types of quantities and agreed prices for products and services.

The final step of the procurement cycle is the inspection and acceptance of goods, works, or services. At this stage, the procuring entity ensures that the LPOs were duly enforced by the supplier and that the deliveries correspond with the contract terms such as timing, standards and specifications, quantities, price and value. The inspection and acceptance committee conducts all necessary verifications and tests to ensure that goods, works and services delivered are compliant with the bidding document specifications. Verifications may comprise such checks as:

a) The correct quantity has been received.
b) The goods, works or services meet the technical standards defined in the contract;
c) The goods, works or services have been delivered on time;
d) All required deliverables have been submitted;
e) All required manuals or documentations have been received

The information materials which include books, periodicals, videos and CD are delivered to the user department after the inspection and acceptance committee has verified that the

suppliers have delivered as per the LPOs. The accompanying documents such as the LPO, delivery notes, goods receipt note (GRN) which are created to record the delivery of items from the suppliers and is created against an issued purchase order and is also used to confirm all goods have been received and invoices which shows the total amount to be paid to the suppliers are handed over to the procurement unit and then forwarded to the finance department for settlement of payments. The various stages for procuring library information is summarised in Figure 1.

The figure illustrates the procedures libraries are required to follow when acquiring new information materials. The diagram reflects the complete steps as stated in the procurement cycle and is in line with the objectives of the public procurement principles such as transparency, competition, accountability and fairness. All steps must be followed to enable the procurement unit acquire the correct goods for the user department.

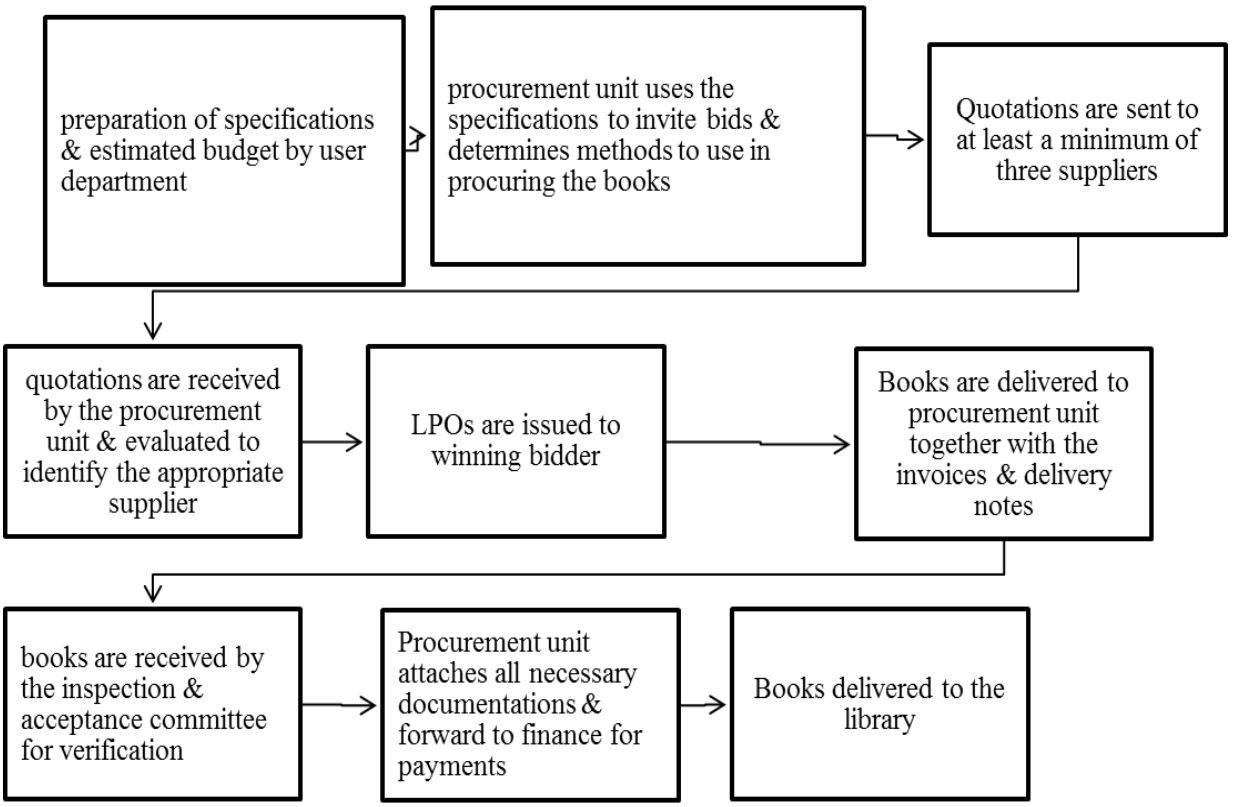


***Figure 1: Procurement Procedures for Library Materials (adopted from PP&DA, 2005)***

### 1.2.5 Relevance of the Act to Acquisition of Information Materials in Public University Libraries

The purpose of the Act is to govern public procurement to foster transparency, accountability, fairness and value for money. This is done by specifying offences in case of contravention of the provisions of the Act or in matters relating to corruption and/or malpractices. The introduction of the Act was meant to ensure that the most efficient, transparent and fair methods are used in procuring goods and services for government entities. Public universities and their departments, including the libraries, are government entities as per the provisions of the Universities Act.

The public procurement system affected many aspects of society, among them, the professional associations and academic entities. Before the introduction of the Act, acquisition of information materials in public university libraries was simple because it only required three to five quotations from suppliers to enable the libraries to make a purchase. Moreover, the process was not tedious and it took the shortest time to deliver the books.

The Act is not so clear and specific when it comes to the purchase of library information materials because information materials and other items are grouped as goods therefore making it difficult for librarians to understand the procedures to follow when acquiring information materials. Lack of understanding of procurement functions in most public entities has led to irregular and subjective decisions.

As public-funded entities, public university libraries have to procure their goods and services in line with the Act, guidelines and procedures in order to foster transparency, accountability, fairness and value for money. Section 34(10) of the Act states that:

> *'The procuring entity should prepare specific requirements relating to goods, works and services being procured that are clear, that give a correct and complete description of what should be procured and that allow for fair and open competition among those who wish to participate in the procurement proceedings'.*

In order for public university libraries to achieve this, the user department is required to prepare and provide correct specifications to the procurement unit of the parent organisation to procure the correct items. This will ensure that these libraries procure information materials on time. Public university libraries are supposed to follow the guidelines provided by the Act to ensure that the most efficient, transparent and fair methods are used in

purchasing library materials in the most competitive manner thus getting value for money. The Act was introduced to guide public entities on procedures and methods of acquiring goods and services.

The procurement process encompasses a wider range of supply activities than those included in the purchasing function. According to the public procurement policy, the procurement process should allow for open competition without discrimination in a transparent, fair and accountable manner to achieve value for money in all procurement. The success of delivery of services is predicated on efficient allocation of resources and timely delivery of services.

The Act provides for standardisation of procurement practices across all procurement entities in Kenya. Therefore, technical librarians in the public university libraries can refer to and consult with each other in case they face challenges in the acquisition of library materials. Methods selected for procurement of information materials are the same thus allowing for fair competition and value for money. The procurement principles encompass strict compliance to the legal and regulatory framework when effecting procurement; achievement of economy and efficiency in the delivery of services; promotion of sound public finance management such as budget preparation and budget execution; promotion of transparency in the whole process of procurement and disposal process; and strict adherence to the use of appropriate documentation for all steps in the procurement and disposal cycles. These principles are relevant to the public university libraries because they guide in making decisions pertaining to procurement practices. The Act provides guidelines on applicable ethics in procurement. The Act states that in order to achieve value for money and contribute to efficient service delivery, public procurement practice must adapt a strong ethical bent.

Ethical issues such as collusion and conflict of interest are covered under section 42(1) of the Act, which states that no person shall collude or attempt to collude with any other person to make any proposed price higher than would otherwise have been the case. Section 43(5) covers conflict of interest. It states that:

> *'A person has conflict of interest with respect to procurement if the person or a relative of the person seeks or has direct or indirect interest in another person who seeks a contract for the procurement or own or has a right in any property or has direct or indirect interest that results in the private interest in the person conflicting with his duties with respect to the procurement. A relative means a spouse, child, parent, brother or sister'.*

This section guides staff involved in the procurement of information materials to avoid any conflict of interest. Any conflict of interest would lead to debarment from participating thus causing delay in the process of acquiring information materials for the library.

### 1.2.6 Public Procurement Oversight Authority (PPOA)

The Public Procurement Oversight Authority (PPOA) was established by the Act and it started its operations in 2007. The Authority is mandated to carry out the following functions:

a) Oversee the implementation of and compliance with the Act and Regulations by Procuring Entities (PEs).
b) Ensure that the procurement procedures established under the Act are complied with.
c) Monitor the public procurement system and report on its overall functioning to the Minister for Finance as appropriate.

d) Assist in the implementation and operation of the public procurement system.

e) Initiate public procurement policy and propose amendments to the Act or to the Public Procurement and Disposal Regulations.

f) Develop, promote and support the training and professional progression of persons involved in procurement in the Republic of Kenya.

g) Ensure that procuring entities engage procurement professionals in their procurement units, particularly in the public sector.

According to Kihara (2009), the compliance department of the Authority has undertaken initiatives to assess the levels of compliance with the provisions of the Act and its attendant regulations within different categories of procuring entities such as ministries, parastatals, schools, universities as mandated by the Act. Section 37 of the Act empowers the Authority to punish individuals and organisations for breaching the law. One may be fined or imprisoned for various offences. The Authority is empowered to investigate and submit evidence to prosecutors and refer corruption cases to the Ethics and Anti-Corruption Commission (EACC). The Authority may also bar firms that have contravened the Act and regulations from participating in public procurement.

### 1.2.7 Kenya Institute of Supply Management

The Kenya Institute of Supply Management (KISM) was founded in 1976 and re-established under the Supplies Practitioners Management Act (No. 17 of 2007). One of the mandates of the Institute as outlined in the creating Act is to promote standards of professional competence and practice amongst members of the Institute. This is the national body for professionals in the practice of procurement and supplies management in Kenya. The role of the Institute as specified by the Act is to provide a legal framework for promoting learning

and development of best practices and application of the same to the practice of procurement and supply management.

**Table 1: Thresholds Matrix for Procurement of Goods for Class B Procuring Entities**

| **Procurement method** | **Maximum or minimum level of expenditure allowed for the use of procurement method** | **Segregation of duties for different officers and committees in the procurement cycle under section 26(3)(c)** | | | |
|---|---|---|---|---|---|
| | **Goods** | **Person responsible for procurement initiation** | **Body responsible for awarding contract** | **Person responsible for signing the contract** | **Verification of receipt of goods, services or works** |
| International open tender(s 71 of the Act) | There is no maximum or minimum level of expenditure under this method | The Accounting Officer | Tender committee | The Accounting Officer | Evaluation, negotiations, inspection and acceptance committee |
| National Open tender (s54(2) of the Act) | Maximum level shall be determined by funds allocated in the budget. | Head of User Department | Tender committee | The Accounting Officer | Evaluation, negotiations, inspection and acceptance committee |
| Request for quotations | Maximum level of expenditure under this method is Kshs 1,500,000. There is no minimum expenditure for this method | Head of User Department | Tender committee or Procurement Committee | The Accounting Officer or Head of User department | Evaluation, negotiations, inspection and acceptance committee |
| Low value Procurement (s90 of the Act) | Maximum level of expenditure under this method is Kshs 10,000 per procurement item | Head of User Department | User department | The Head of Procurement Unit | Stores Officer |

Table 1 presents the different methods used by Class B entities which include, among others, universities, city councils and colleges. The table shows the segregation of responsibilities and procurement methods. The table guides the maximum and minimum level of expenditure allowed, which allows the use of different procurement methods.

### 1.2.8 Disposal Process for Weeded Information Materials

Part X of the Act deals with the disposal by a public entity of stores and equipment that are unserviceable, obsolete or surplus. Though disposal of information materials is not clear in the Act, public university libraries which are public entities are expected to dispose of the goods in accordance with the Act and the Regulations and covered under Section 127(1) of the Act. Section 127(2) of the Act states that:

> *'The accounting officer of a public entity shall primarily be responsible for ensuring that the public entity fulfils its obligations under subsection (1').*

According to Section 129(1) of the Act and Section 12.3 of the Public Procurement and Disposal General Manual, the user department shall have the responsibility of identifying items to be disposed of. User departments do not have any authority to dispose of any asset of a public entity. As the user department, the library would inform the procurement unit of the need to dispose weeded materials and the procuring entity would provide the following information in the disposal form: item/access number, description of item, unit of use, quantity, date of purchase, total purchase price, general condition, disposal recommendation of the disposal committee, estimated current value and decision of the accounting officer.

The disposal committee is constituted in accordance to Section 128(1) of the Act for the purpose of recommending the best method of disposing of unserviceable, obsolete or surplus

stores or equipment. The disposal committee is charged with the responsibility of recommending to the accounting officer the best method for disposing any asset of a public entity. The disposal committee comprises of at least five (5) members the head of Finance; head of procurement unit; head of accounting unit and two heads of end user department of whom one shall be the head of the end user department disposing off the stores or equipment. The methods for disposal may include the following:

(i) Transfer to another public entity.

(ii) Sale by open tender.

(iii) Sale by public auction.

(iv) Destruction, dumping or burying.

(v) Trade-in.

(vi) Disposal to public service officer.

The disposal committee is required by the Act to report on the items and recommend the best appropriate method of disposal to the accounting officer. Upon receiving the report, the accounting officer is required to give a written notice indicating whether the accounting officer has accepted or rejected the recommendations of the committee. If the accounting officer accepts the recommendations of the disposal committee, the stores and equipment are disposed of in accordance with the recommendations. But if the accounting officer rejects the recommendations, he or she is required to provide the reasons for rejecting the recommendations of the disposal committee. Alternatively, the accounting officer may refer the matter back to the disposal committee for further consideration.

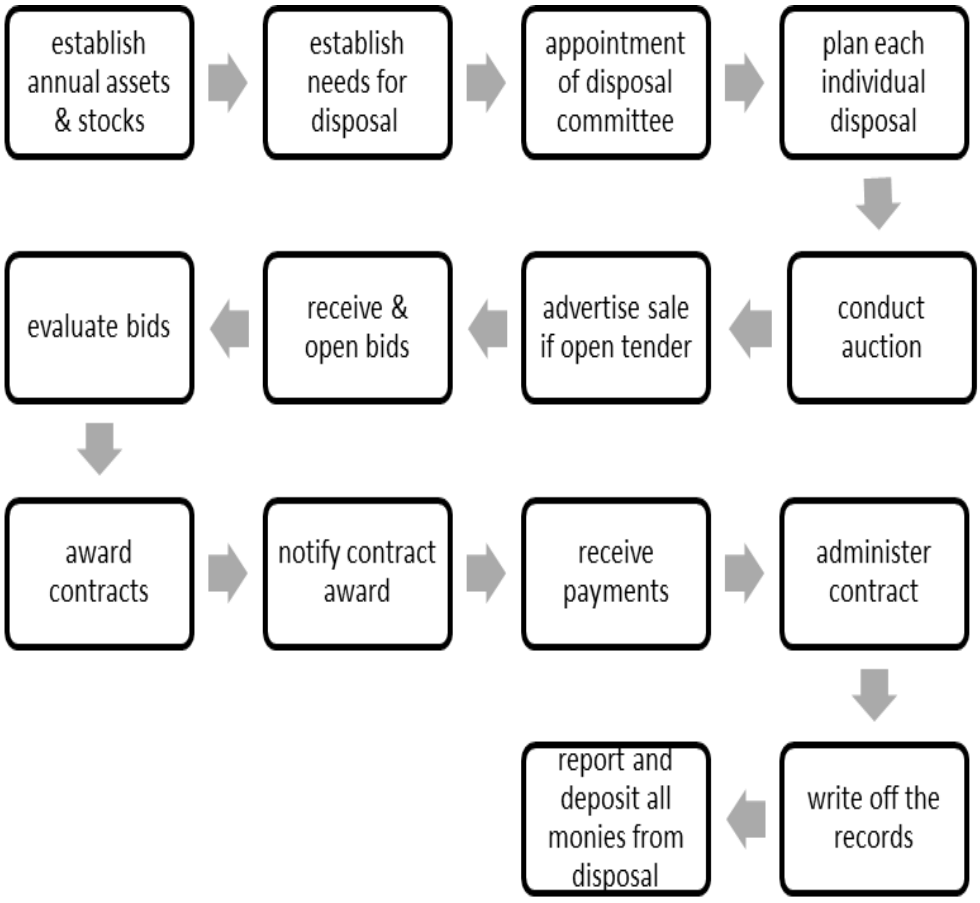


***Figure 2: The Complete Disposal Cycle***

The disposal cycle outlined in Figure 3 shows the various steps to be followed by public entities when they need to dispose of any goods bought using public funds. The cycle provides the standards set by the Act. All public entities are required by the Act to follow all the 14 complete steps in the disposal cycle when disposing of stores, equipment and other assets to ensure that there is fairness, competition and transparency.

## 1.3 Statement of the Problem

Public university libraries play an important role in facilitating provision and access of information resources to users. Their core functions in collection management include selection, acquisition, processing, evaluation, dissemination and disposal of information

materials, among others**.** Public-funded libraries are bound by the Public Procurement & Disposal Act (2005) in playing their roles such as selection, acquisition and weeding (disposal) of information resources. University Libraries are highly regarded as knowledge hubs for learning, research, creativity and innovation, and information centres that support academic programmes for the university as well as the community they serve. The Commission of University Education (CUE) has provided standards and guidelines for university libraries in Kenya to enhance provision of current, reliable, comprehensive and quality information resources to support learning, research and academic programmes.

The introduction of the Act and CUE standards and guidelines has affected acquisition, dissemination and disposal of information resources in libraries due to various challenges such as delay in acquisition due to lengthy procurement procedures, use of synonyms and semantics to describe items and expressions in the Act. Methods of procurement, currency and quality of the information resources acquired. Corruption, conflict of interest, political interference, nepotism, bureaucracy, favouritism and lack of understanding on the role of Public Procurement Oversight Authority (PPOA). Poor working relationships among the procurement unit officers and the user department. Lack of involvement of the key stakeholders (Librarians) in the procurement decision making process which leads to acquisition of low quality, retrospective and unwanted information resources. Financial constraint where procurement unit gives priority to other units other than the library. Acquisition of retrospective information resources due to delay in processing tenders and orders and non-flexible procurement rules hence new edition come and go, and the unit acquires what was requested six months ago while other information resources go out of print.

There are various research studies in Public procurement law and procedures in different sectors in Kenya but none has been carried out in the area of Public University Libraries. The study therefore has strived to assess the impact of Public Procurement Procedures on collection management in public university Libraries in Nairobi County. The study has attempted to understand the application, effects and challenges of the Act in collection management in public university libraries in Nairobi County and has come up with proposed solutions and recommendations to accommodate the unique needs of public university libraries.

## 1.4 Aim of the Study

The aim of study was to assess the impact of the Public Procurement Act on collection management in the context of acquisition and disposal of information materials in public university libraries in Nairobi County and to suggest ways in which the Act can accommodate the unique needs of Public University libraries.

## 1.5 Objectives of the Study

The following were the objectives of the study:

(i) To assess the application of the Public Procurement Act to the acquisition and disposal of information materials in public university libraries.

(ii) To find out how the Act has affected the acquisition and disposal of information materials in public university libraries.

(iii) To identify the challenges facing Public University libraries in procuring information materials

(iv) To suggest ways in which the public procurement act can be amended to accommodate the acquisition of information materials in libraries.

## 1.6 Research Questions

(i) How is the Public Procurement Act applied in the acquisition and disposal of information materials?

(ii) How has the Act affected the acquisition and disposal of information materials?

(iii) What challenges do libraries face in procuring information materials as per the Act?

(iv) What amendments should be made to the Act in order to enhance acquisition of information materials?

## 1.7 Significance of the Study

### 1.7.1 Theoretical Significance

The study would constitute a new addition to the general body of knowledge in relation to the application of the Public Procurement Act in university library set-ups.

### 1.7.2 Practical Significance

The study would provide practical suggestions of amending the Public Procurement Act in line with unique procurement needs of university libraries.

### 1.7.3 Policy-Related Significance

The findings, suggestions and recommendations made in this study would inform policy formulations.

## 1.8 Scope and Limitations of the Study

### 1.8.1 Scope of the Study

The study covers pre- 2015 public universities. Although there are 22 universities and 47 counties, the study focussed on four selected universities located in Nairobi County since it has the largest number of universities in the country and also the selected universities were identified to represent other public universities because their procurement procedures, regulations and challenges are similar. Both university of Nairobi and Technical university of Kenya are located in the CBD (Central Business District); Kenyatta University is situated along Thika Road while the Multimedia University of Kenya is found in Mbagathi. The study samples consisted of university librarians; Procurement unit staff and the Director General of Public Procurement Oversight Authority (PPOA). The application of the Procurement Act in collection management in the context of the acquisition and disposal of information materials in public university libraries located in Nairobi County.

### 1.8.2 Limitations of the Study

Some respondents were hesitant in giving information fearing that the information would be used to expose their weaknesses in their respective jobs; that the information would be used to print a negative picture about them or the organization. The researcher overcame this by assuring them that whatever was discussed will be kept confidential. Another limitation to the study is that the researcher faced a challenge was that the universities participating in the study were on strike thus affecting collection of data; another limitation was that there was general lack of empirical studies in Kenya especially in the area of public university libraries. To mitigate these limitations, the researcher relied on related literature from other sectors where similar Acts are enforced.

## 1.9 Definition of Operational Terms

**Act:** Public Procurement and Disposal Act 2005

**Acquisition:** The processes of obtaining books and other items for a library, documentation centre or archive.

**Collection development policy**: A written statement of selection principles and criteria, with guidelines on the depth of subject coverage.

**Direct procurement:** Method of procurement that does not requires the use of the competitive bidding.

**Disposal:** Final placement or riddance of wastes or excess under proper process and authority with no intension to retrieve.

**Disposal cycle:** The cycle that starts with the initiation of the process of disposing of unserviceable, obsolete or surplus stores, other assets and equipment and is considered ended when the disposal has been completed and accepted.

**Disposal committee:** A committee appointed by the accounting officer for the purpose of recommending the best method of disposing of unserviceable, obsolete or surplus stores or equipment.

**Disposal plan**: The document prepared by each procuring entity annually to plan all disposals determined to be necessary.

**Evaluation of tenders:** The stage in the procurement process during which a contracting authority identifies which tenders meets the set requirements

**Goods**: Raw materials, things in liquid or gas form, electricity and services that are incidental to the supply of goods.

**Inflated prices:** Prices which are increased without any reason.

**Local purchase order**: A commercial document issued by a buyer to a seller indicating the products, quantities and agreed prices for products or services that the seller will provide to the buyer.

**Low value procurement:** Applies when the value of goods, services and works equals or falls below the prescribed thresholds.

**Procurement**: The process of obtaining goods and services from preparation and processing of a requisition through to receipt and approval of invoice for payment.

**Procurement cycle:** A series of steps that must take place to supply a production line or replenish stock in a distribution centre.

**Procurement plan:** A document prepared by each procuring entity annually to plan all procurement requirements necessary to perform the activity plan of the procuring entity. Procurement plan can include procurement for multi-annual delivery, multi-annual contracts and the following fiscal year's delivery.

**Procurement procedures:** The methods used to acquire goods and services.

**Procurement rules:** The procurement procedures which public entities must follow when procuring.

**Procuring function/unit:** A division within a procuring entity staffed with procurement professionals who are officially concerned with managing the procurement and asset disposal process and reports directly to the head of procuring entity functionally and administratively.

**Public procurement**: Refers to the process of purchasing supplies, equipment and services (including works) by public or private bodies using public funds regulated by law and public contracts which secure the provision of such suppliers, equipment and services.

**Public Procurement and Disposal Act**: Prescribes procedures and sets standards for public entities to ensure that procurements and disposals maximise economy and efficiency, promote integrity competition, fairness and inspire public confidence.

**Public Procurement Oversight Authority:** The compliance department that ensures procurement procedures are complied with as established under the Public Procurement and Disposal Act and it also monitors the overall functioning of the public procurement system, including accountability and documentation of the procured items.

**Public Procurement procedures:** Procedures that public institutions need to adhere to when making purchasing decisions.

**Specifications:** Act of describing or identifying something precisely or of stating a precise requirement.

**Threshold:** The monetary value used to determine the procurement procedure to be followed by the contracting authority in compliance with the public procurement law and rules.

**User department:** The unit of a procuring entity that requisitions goods, works or services being procured.

# CHAPTER TWO

# LITERATURE REVIEW

## 2.1 Introduction

This chapter reviews literature related to the study. Hart (1998) describes literature review as 'the selection of available documents both published and unpublished on the topic which contain information, ideas, data and evidence written or express certain views on the nature of the topic and how it is to be investigated' while Sekaran and Bougie (2009) define literature review as a "step-by-step process that involves the identification of published and unpublished work from secondary data sources on the topic of interest. This chapter also presents theoretical framework upon which the study is based. The study is informed by the institutional theory. The chapter reviews relevant literature and empirical studies on public procurement procedures on collection management in public university libraries. The literature review themes are derived from the objectives.

## 2.2 Purpose of Literature Review

The purpose of reviewing literature is to find what has been written on the topic under study. The literature touches on topics related to procurement processes and its impact on procurement of information materials. Literature review pulls together, integrates and summarises what is known in a specific area. Therefore, a detailed knowledge of the studies conducted would help the researcher to avoid unnecessary and unintentional duplication thus saving on resources and energy (Mugenda, 2008).

Kombo and Tromp (2006) list the importance of literature review as follows: sharpens and deepens the theoretical foundation of research, therefore enabling the researcher to study

different theories related to the identified topic; gives the researcher insight into what has already been done in the selected field pinpointing its strength and weaknesses, thus enabling the researcher to formulate a theory that aims at addressing the identified gaps.

## 2.3 Theoretical Framework

A theoretical framework is a collection of interrelated ideas based on theories (Kombo and Tromp, 2006).

### 2.3.1 United Nations Commission on International Trade Law (UNCITRAL) Model

United Nations Commission on International Trade Law model's main objectives include achieving economy and efficiency, wide participation by suppliers and contractors with procurement open to international participation as a general rule. It maximises fair competition, promotes transparency, integrity, public confidence, equal and equitable treatment in the procurement process. UNCITRAL objectives have become the main principles of the public procurement Acts in countries that are members of the United Nations (De La Harpe, 2009). The model has been used in setting internationally-accepted standards for procurement entities and has been seen as an international benchmark against which procurement entities can be evaluated (Hunja, 1997).

The 1994 UNCITRAL Model Law on Procurement of Goods, Construction and Services was recognised as an important international benchmark in procurement law reform. In 2004, the United Nations Commission on International Trade Law agreed that the 1994 Model Law would benefit from being updated to reflect new practices, in particular those resulting from the use of electronic communications in public procurement and the experience gained in the use of that Model Law as a basis for law reform.

The model was updated in 2011 and contains procedures and principles aimed at achieving value for money while avoiding abuses in the procurement process. The Model allows government purchasers to take advantage of modern commercial techniques such as e-procurement and framework agreements to allow it to maximise value for money in procurement.

Although this model contains procedures that allow for standard procurement, urgent or emergency procurement, simple and low-value procurement, large and complex projects, the model encourages challenge of decisions by suppliers. This model is mostly used in construction and large projects requiring approval from government senior agencies which makes it unsuitable for this study.

### 2.3.2 Institutional Theory Model

Institutional Theory According to Glover (2014) Institutional Theory provides a theoretical lens through which researchers can identify and examine influences that promote survival and legitimacy of organizational practices, including factors such as culture, social environment, regulation (including the legal environment), tradition and history, as well as economic incentives, whilst acknowledging that resources are also important (Litan et al., 2009), (Brunton et al., 2010) Legitimacy here refers to the adoption of sustainable practices seen by stakeholders as being proper and appropriate. Institutional Theory is traditionally concerned with how groups and organizations better secure their positions and legitimacy by conforming to the rules (such as regulatory structures, governmental agencies, laws, courts, professions, and scripts and other societal and cultural practices that exert conformance pressures) and norms of the institutional environment (Scott, 2007).

The institutional perspective allows for the focus on the role of conformity, regulatory and social pressures in driving organizational actions (Westphal et al., 1997). This theory is very important when it comes to the implementation of sustainable procurement policy and practice in organizations that serve the public. This is a matter of organizational culture and the degree to which the prevailing climate in an organization is supportive of sustainability and/or of change in general.

### 2.3.3 Application of the Model to the Study

Good research should be grounded in theory (Defee et al., 2010). This study has been guided by institutional theory. The institutional theory is the traditional approach that is used to examine elements of public procurement (Obanda, 2010). The Theory has been used to examine elements of public procurement procedures. The Theory in this study has helped identify three pillars of institutions regulatory, normative and cultural cognitive. ***Regulatory pillar*** emphasizes use of rules, laws and sanctions as enforcement mechanisms. The ***Normative pillar*** consists of norms and values with social obligation as the basis of compliance. While the ***cultural cognitive pillar*** rests on understanding on common beliefs, symbols and shared understanding.

## 2.4 The Procurement Life Cycle

The procurement life cycle model provides a pictorial perspective of the public sector procurement process and it consists of five phases of the procurement process as discussed below:

a) **Planning**: This is where the agency is engaged in defining its need, conducting market analysis, justifying the decision to procure and developing the procurement plan and procurement methodology.

b) **Requesting and receiving offers:** This phase covers the development of the request for offer from the market, advertising, the management of questions of clarification, closing and the receipt of offers.

c) **Evaluation of offers:** The evaluation of offers phase covers the evaluation process.

d) **Contract award:** The process of seeking out suppliers to submit a bid for the provision of goods or services. This should comply with probity principles to ensure all bidders are given equal/fair opportunity to prepare an offer and win business.

e) **Contract management:** An integral part of the procurement cycle. It involves monitoring performance and ensuring that both parties meet the commitments established in the contract. The purpose of the procurement cycle is to encourage competition among suppliers, promote professionalism, good business ethics and non-discrimination. It also guides on the various stages which every public entity must follow to avoid contravening the Act.

### 2.4.1 The Public Procurement and Disposal Act 2005

Procurement may be defined as the acquisition of goods and services and hiring of contractors and consultants to carry out works and services. The Public Procurement and Disposal Act (PPDA) was enacted by Parliament to establish procedures for efficient public procurement and disposal of unserviceable, obsolete or surplus stores, assets and equipment by public entities. Public Procurement in Kenya has evolved from a crude system with no sound legal framework and institutional structure to a properly regulated system anchored in the New Constitution through Article 227. The legal framework of Kenya's public procurement system was strengthened with the enactment of the Public Procurement and Disposal Act 2005. This came to operation on January 1 2007 with the publication of the

Public Procurement and Disposal Regulations 2006. The Act and the Regulations were enacted for the purpose of establishing procedures for public procurement and disposal by public entities to achieve the following objectives: Maximize economy and efficiency, promote competition, and ensure that competitors are treated fairly. It was also set to promote integrity and fairness of those procedures, Increase transparency, and accountability, increase public confidence in those procedures, and facilitate the promotion of local industry and economic development. The Public procurement has enabled establishment of standard procedures that has enabled an efficient flow of procurement flow (PPDA, 2007).

All public entities in Kenya are designated as procuring entities to which the Procurement Act and its Regulations apply. A procuring entity is a body that uses public funds in acquiring goods and services for use in rendering services to the public. Examples of public entities in Kenya include the Communications Authority of Kenya (CA), National Social Security Fund (NSSF), government ministries and departments and public universities (PPDA 2005).

Section 8 of the Act establishes key institutions in the public procurement system in Kenya. The institutions include the Public Procurement Oversight Authority (PPOA), Public Procurement Advisory Board (PPAB) and the Public Procurement Administrative Review Board (PPARB). The main objective of creating these institutions was to ensure that public procurement procedures are complied with and the bid protest system through the PPARB is strengthened. The institutions are autonomous bodies.

### 2.4.2 Procurement Procedures

The procurement procedures in Kenya are governed by the Public Procurement and Disposal Act 2005 and it provides procedures for efficient public procurement and disposal by entities. The procurement process encompasses a wider range of supply activities than those included in the purchasing function. The following sections are followed when procuring goods and services. Part IV of the Act provides for the general procurement rules and procedures to be followed and the penalty to be given if an entity contravenes the law. Selection of procurement methods depends on such factors as the estimated value of the goods, works or services, the urgency of the requirement and the limited number of providers. The procurement methods used in the procurement of goods for libraries are direct procurement, request for quotations and low value procurement. Section 74(1) states that:

*'A procuring entity may use direct procurement as allowed as long as the purpose is not to avoid competition.'*

This is the process where the procuring entity deals directly with a single supplier. The process maybe used where there is only one supplier of goods or there is no reasonable alternative or substitute for those goods. It may also be used when supply needs are urgent. Although this is not allowed, this provision could be useful and applicable to university libraries where books are required to be acquired on time to meet the growing demands of users.

Request for quotations is covered in Section 88 of the Act, which states that:

*'A procuring entity may use request for quotations in the procurement of goods that are readily available and there is an established market".*

Most procurement units use this section because in most cases goods such as books are available in most bookshops. The section allows for more persons to participate, ensuring effective competition and more quotations are issued out to enable the procurement unit to give Local purchase orders (LPO) to the successful person with the lowest price and who meets the tender requirements. Low value procurement is applied when the value of goods, services and works equals or falls below the prescribed thresholds. Section 90(1) of the Act states that:

*'A procuring entity may use a low-value procurement procedure if the estimated value of goods, services, or works being procured is less than or equal to the prescribed maximum value for that low-value procurement procedure'.*

## 2.5 Collection Management in Public University Libraries

In order for university libraries to fully fulfil their mandate of supporting the academic programmes through provision of quality information materials, librarians have to ensure that the guidelines provided by the Commission for University Education (CUE) are followed by ensuring that the users are provided with varied, authoritative and up-to-date information materials. The guidelines given by the Commission include:

a) The information resources shall be relevant, adequate in quality and quantity.
b) The library shall develop and implement a collection development policy which shall be reviewed within a period not exceeding five years.

c) The library shall subscribe to, facilitate access to and availability of electronic information resources.

d) The Library Advisory Committee shall be responsible for collection development policy.

American Library Association defines collection management as "a term which encompasses a number of activities related to the development of the library collection, including the determination and coordination of selection policy, assessment of user needs, collection evaluation, and identification of collection needs, collection maintenance and weeding." Collection management consists of such elements as selection, acquisition, weeding and evaluation. Collection management relates to the selection and acquisition of material for an expanding collection and decisions on the material to be included in the collection and includes issues concerning conservation and disposal. It is also aimed at the presentation of the collection to the user than at the collection itself. Effective collection development requires a collection development policy to correct collection weaknesses while maintaining its strengths.

### 2.5.1 Collection Development Policy

A collection development policy is a written statement of selection principles and criteria, with guidelines on the depth of subject coverage. (Olaojo and Akewukereke, 2006). According to ALA, a collection development policy defines the scope of a library's existing collections, development of resources and the identification of collection strength. A collection development policy establishes ground rules for planning, budgeting, selecting, and acquiring library materials. Collection development policy guides a library when it comes to handling selection, acquisition, weeding and preservation. The policy helps the

collection development staff to set quality standards for the inclusion and exclusion of materials and minimises personal bias while improving consistency in selection and revision practice (Jenkins and Morley, 1996). Collection development policy contains statements on selection and acquisition of materials for the library, accepting gifts and donations and weeding and disposing of weeded materials.

According to International Federation of Library Association and Institutions (IFLA), the main reasons for having a written Collection Development Policy (CDP) include selection, planning and public relations. Selection which is the primary function of a written collection development policy provides guidance to staff when selecting both printed and electronic resources and also serves as a guideline for each stage of material handling. The collection development policy ensures that there is continuity and consistency in the selection and revision of information resources. The collection development policy provides a sound foundation for the future planning therefore assisting in determining priorities, especially where there is limited financial resources in the library. It also provides a basis for fair allocation of resources thus protecting funds by explaining the rationale behind acquisitions.

In public relations, a collection development policy assists the library when dealing with both its users, administrators and funding bodies. The policy serves also as a contract with the library users. Therefore, the users will know what to expect from the library both in the form of collections and services. The purpose of a collection development policy is to lay down guidelines for selecting materials for the collection of the library and it describes the steps for weeding, retention and archiving. It also helps in identifying gaps in the library's collections. ALA identifies the elements of Collection development elements as the general

overview which includes the introduction and general collection, detailed analysis of subject collections, format of materials collected and weeding or deselection.

### 2.5.2 Selection Process

Selection process is the first stage of collection development. According to Evans (1995), the selection process consists of the following steps: identification of collection needs in terms of subjects and specific types of materials, determining how much money is available for collection development and the amount allocated to each category or subject, developing a plan for identifying potentially useful materials to acquire and conducting the search for the desired materials. Selection in university libraries, unlike in other libraries, tends to consume time and attention because of the diversity of subjects. According to Kuo (2000), faculty are the primary providers of knowledge in academic institutions. Therefore, their input is very essential and crucial since the library materials are built upon what students need to learn, adapt and expand. Schudder and Schudder (1991) further note that librarians and faculty are engaged in common instructional enterprise that requires the expertise and cooperation of both to select appropriate materials.

In public university libraries, the subject specialist librarians are part of the selection process because the process is subject-based. Their subject knowledge and contacts within the faculty they support are valuable in ensuring a balanced collection. The selection tools used by the subject specialist librarians include publishers' catalogues provided by various book vendors, books in print (BIP) and through website sources such as the Amazon online catalogue. Selection is carried out by the faculty members using various catalogues provided by the library. The librarians ensure that book selection is carried out. Most of the time it is not just a matter of identifying appropriate materials but deciding what is essential,

important and needed. The policy identifies collection needs in terms of subjects and specific types of materials as well as determining how much money is available for collection development and allocating a specific amount for each category or subject. In public university libraries, the selection lists from faculty members are forwarded to the acquisitions section for verification by the librarian or subject librarians before an order is placed.

### 2.5.3 Acquisition Process

Acquisition of books is central both to collection development and the general development of any library. It is the nucleus around which all other activities in the library revolve because, ultimately, the quality and number of books a library acquires will determine the level of its patronage by its users (Ugwuanyi, 1998). Acquisition work involves locating and acquiring items identified as appropriate for the selection. To be effective selection and acquisitions personnel need to have close and cooperative working relationships.

Evans (1995) states that speed is a significant factor in meeting patron demands and determining patron satisfaction. The fourth law of library science states that speed saves the time of the user which means that a library should be able to meet the needs of its users efficiently and on time. Acquisition work begins once the selectors have made their decisions. Donations and unsolicited and solicited gifts are direct acquisitions in most public university libraries and it is made mostly by donors and international organisations such as the World Bank and faculty members. Both solicited and unsolicited can be a source of out-of-print materials for replacement, extra copies and filling of the gaps in the collections. Acquisitions in libraries undergo various processes.

The first step is to organise the incoming request so as to enable the acquisition staff to organise all requests and carry out an efficient checking process. The second stage is the bibliographic verification which consists of two elements – establishing the existence of a particular item and whether the library needs to order the item. The third step is ordering whereby the librarians submit their requests to the procurement unit to procure the information materials as required by the Act. The procurement unit seeks quotations from various vendors and the response from the vendors determines the method of procurement. The libraries are only allowed to use direct procurement to source for electronic resources because the libraries are members of Kenya Library Information Services Consortium (KLISC) When the quotations are received by the procurement unit, they are summarised and the tender is awarded to the lowest bidder.

The final step which requires careful planning is receiving by ensuring that all the information materials ordered have been packed in good condition. The purpose of the acquisition policy is to serve as a reference resource for the library staff when assessing potential acquisitions for the library collections, including print, non-print materials, electronic and other resources. The acquisition policy also includes guidelines for the acceptance and processing of gift resources.

Though one of the objectives of the Act is to maximise economy and efficiency, the procedure of procuring information materials is quite a lengthy process. Sometimes it can take over six months before the information materials are purchased. The lengthy process becomes very expensive because by the time the list is approved, the books are either out of

print or the prices have been increased, making it difficult for the libraries to purchase the required number of copies.

### 2.5.4 Evaluation Process

According to Jenkins and Morley (1996), the purpose of collection evaluation is establishing whether a collection is doing its job in the most cost effective way. Evaluation involves examining a particular collection for currency, condition, reading levels, use, variety and depth. Collection evaluation is important to collection development and collection management because it is impossible to build a balanced, relevant collection of materials unless the strengths and weaknesses of current collection are known.

### 2.5.5 Weeding

Weeding can be defined as discarding from stock books which are considered to be of no further use (*Harrod's Librarian's Glossary*, 1995). Johnson 2009; Chaptula, 2013 adds that weeding is the situation whereby library materials considered to be less relevant, obsolete, weak and mutilated are withdrawn from the shelves and it is done in order that the collection in the library will attain its relevance. Weeding is an important part of a library's maintenance program and it involves removing outdated, unused or worn out items. The reasons libraries weed include lack of use, poor physical condition, duplicated or superseded editions and outdated books. Weeding or deselection of materials serves to maximise the usefulness of the library collection and it provides space for new materials by removing out-dated, superseded editions and duplicate copies no longer needed.

Weeding is the practice of discarding or transferring to storage excess copies, rarely used books and materials no longer in use. Lack of an ongoing weeding programme would lead to

quick collection age and difficulty to use the method. A study carried out by Kavulya (2004) indicates that public university libraries have collection development policies which range from out-dated to inactive. Because of the inactive policies, many libraries rely on university statutes for guidance. The statutes state that the principal collection development goal is to meet the information needs of the users. Weeding or disposal of information materials in public university libraries is an activity not carried out. Shelves in libraries are full of outdated reading materials which are not used.

Kavulya (2004) lists the following factors that make it difficult for university libraries to undertake comprehensive weeding: drop in purchase of new materials hence public university libraries find it difficult and complicated to remove materials from the shelves because they find it difficult to decide what to keep and what to get rid of, disposing of weeded materials takes long because decisions have to be made at high levels of the university administration, and many university libraries lack weeding policies to guide progressive weeding programmes also there is fear of weeding of developing empty shelves in the libraries.

## 2.6 Implication of the Act on Acquisition of Information Materials

Section 34(1) of the act states that:

> *'The procuring entity shall prepare specific requirements relating to the goods, works or services being procured that are clear, that give a correct and complete description of what is to be procured and that allow for fair and open competition among those who may wish to participate in the procurement proceedings'.*

From this section, it is clear that the Act enhances fairness and promotes competition in procurement processes. Raymond (2008) states that:

> *'Value for money is the core principle governing public procurement, and is supported by the underpinning principles of efficiency and effectiveness, competition, accountability and transparency, ethics and industry development'.*

Though the Act aims at enhancing efficiency in the procurement of goods in public entity, the lengthy process it takes before the goods are delivered to the end user makes it very difficult for the university libraries to deliver their services. The Act has not affected the procurement of electronic resources because libraries can procure using direct procurement because a majority of public university libraries are members of the Kenya Library and Information Services Consortium (KLISC), the sole provider of electronic resources to public university libraries where libraries pay an annual fee to access various resources from different publishers.

## 2.7 Implication of the Act in Disposal of Information Materials

Libraries conduct weeding of their collections on a continual basis by weeding old editions, specific-subject areas, or damaged materials, while other libraries conduct comprehensive weeding of entire collections. Slote (2008) describes the factors that discourage weeding as emphasis on numbers, professional work pressures, public displeasure, sacredness of collection, conflicting criteria, among other reasons. Kavulya (2004) lists the following factor that makes it difficult for university libraries to undertake comprehensive weeding: purchase of new materials has dropped, therefore public university libraries find it difficult and complicated to remove materials from the shelves. Since most public university libraries are not acquiring new information materials due to financial constraints, disposal of information materials is not carried out.

# CHAPTER THREE

# RESEARCH METHODOLOGY

## 3.1 Introduction

This chapter presents the research methodology used in this study. It presents the research design, population and sampling strategies used in the study. It also describes data collection techniques and instruments, pilot study as well as ethical considerations employed in the study.

## 3.2 Research Design

Research design is the conceptual structure within which a research is done. It includes the procedures and techniques to be used for gathering the information, population to be studied and methods to be used in processing and analysing data. Orodho (2003) defines research design as the scheme, outline or plan that is used to generate answers to research problems. Orodho (2003) further describes descriptive as a method of collecting information by interviewing or administering a questionnaire to a sample of individuals. Dooley (2007) states that a research design is the structure of the research and it is the glue that holds all the elements in a research project together. Creswell (2003) further states that research design is the roadmap that a researcher uses to achieve intended research purpose. The research design which was adopted in this study was descriptive study. According to Kothari (2004), descriptive method is preferred because it allows complete description of the situation making sure that there is minimum bias in the collection of data. The researcher preferred this study design because it ensures high quality responses and allowed for an in depth study of the subject.

### 3.2.1 Qualitative Approach

The study adopted a qualitative approach because of the nature of the study and instruments used to collect data. The study required collection of in-depth information by discussing issues more openly and exhaustively and by getting the views, opinions, perceptions, feelings and attitudes of the respondents.

## 3.3 Location of the Study

The study focussed on four universities located in Nairobi county since it has the largest number of universities in the country. Both university of Nairobi and Technical university of Kenya are located in the CBD (Central Business District); Kenyatta University is situated along Thika Road while the Multimedia University of Kenya is found in Mbagathi. The study samples consisted of university librarians; Procurement unit staff and the Director General of Public Procurement Oversight Authority (PPOA).

## 3.4 Target Population

Mugenda (2008) defines population as the entire group of individuals, objects, items, cases or things with common attributes or characteristics. The study population comprised of university librarians, acquisition librarians, purchasing/procurement officer and the director-general of PPOA. The university librarians were the main respondents of the study, because of the responsibility of ensuring that the Act was followed and implemented. The director-general of PPOA was key informant in the study. The respondents of the study were the technical librarians and procurement officers for they are involved in the process of procurement of information materials. The sample size of the study was attained when the study reached a data saturation point after interviewing thirty-two respondents.

**Table 2: Distribution of Study Population**

| Category | Population | Response | Percentage |
|---|---|---|---|
| University Librarians | 4 | 3 | 75% |
| Technical Services Librarians | 17 | 17 | 100% |
| Heads of Procurement | 10 | 10 | 100% |
| Director-General of Public Procurement Oversight Authority | 1 | 1 | 100% |
| **Total** | **32** | **31** | **96.8%** |

## 3.5 Sampling Methods

### 3.5.1 Purposive Sampling

According to Bryman (2008) purposive sampling is when a researcher samples on the basics of wanting to interview people who are relevant to the study. Purposive sampling was used to select the public universities and respondents of the study. The purposively sampled public universities were University of Nairobi; Kenyatta University; Technical University of Kenya and Multi Media University of Kenya; technical Librarians and procurement officers.

### 3.5.2 Sample Size

According to Sekaran & Bougie (2010), study sample is the actual size of subjects chosen as a sample to represent the population characteristics. Garson (2012) describes a sample size as a subset of a sampling units from a population while Taylor et al (2006) states that a sample implies a subset of the entire population. The sample size of the study was attained when the study reached a data saturation point after interviewing thirty-two respondents.

Data saturation in this study meant that the researcher reached a point where by no additional data was found. The researcher saw similar instances of data over and over again

### 3.5.3 Research Procedure

The researcher embarked on carrying out research after defending her proposal successfully. Moi University granted the researcher an authorization letter to seek for a research permit from the National Council of Science & Technology which allowed her to carry out research. Since the research was being carried out in institutions of learning, the researcher had to get authorization from the education department of Nairobi County. She requested for authorization from the University Librarians, heads of Procurement units and Director of Public Procurement Oversight Authority (PPOA) respectively to interview their colleagues.

## 3.6 Data Collection Instruments

There are several kinds of instruments used in research for collecting data. Examples of data collection instruments include questionnaires, interview schedules and observation. The researcher used interview schedule for the study.

Interview schedule can be described as a set of questions used as a guide by a researcher or investigator and it can either be structured or semi-structured. The researcher used the interview schedule to interview all the respondents of the study. This was more suitable to the group of respondents because it consisted of both open-ended and close-ended questions. Therefore, the researcher got complete and detailed understanding of the issue under research.

### 3.6.1 Interviews

Face-to-face interview was the main data collection method for the study because the study was qualitative in nature. Data collection refers to gathering specific information aimed at proving or refuting some facts (Kombo and Tromp, 2006). Data collection methods include interviews, questionnaires and observation. According to Sekaran and Bougie (2010), interviewing, administering questionnaires and observation are the main data collection methods in survey research.

Face-to-face interview technique was used to collect data from the respondents. One advantage of face-to-face interview is that the researcher could adapt the questions as necessary, clarify doubts and ensure that the responses were properly understood by repeating or rephrasing the questions. This technique enabled the researcher to collect in-depth information from the university library staff and the director-general of PPOA, thus helping to clarify responses and collect useful information for the study from this group.

The researcher used the interview schedule to interview all the respondents. This was suitable to the respondents because it consisted of both open ended and close ended questions therefore the researcher got complete and detailed understanding of the issue under study. Mugenda & Mugenda (1999) defines an interview schedule as a set of questions that the interviewer asks when interviewing. Interview schedule makes possible to obtain data required to meet specific objectives of the study as well as being used to standardize the interview situation so that the interviewers can ask the same questions in the same manner.

## 3.7 Pilot Study

Pilot test was done for the purpose of testing the validity and reliability of the data collection instrument. Polit et al (2001) described pilot studies as a small scale version or trial runs done in preparation of a major study. Pilot test is significant because it identifies any ambiguous, unclear or poorly constructed or inappropriate questions in an interview schedule. According to Saunders et al (2009) the purpose of the pilot test is to refine the questionnaire so that the respondents will have no problems in answering the questions and there will be no problems in recording the data.

According to Mugenda & Mugenda (1999) the respondents on which the instruments pretested should not be part of the selected sample. For this reason, the researcher purposively selected five respondents from Kenyatta university library and procurement unit. The pilot test was undertaken to ascertain the reliability of the instruments that was used and the information obtained was used to revise the instruments.

### 3.7.1 Validity and Reliability

According to Saunders…et al (2009) validity is the extent to which data collection method or methods accurately measure what they intended to measure. Validity is described as the ability of the instruments being used to assist the researcher draw meaningful and justifiable conclusions about a sample or population from the data collected (Bryman, 2008, Creswel, 2005 ;). Reliability is described as the extent to which data collection technique or techniques will yield consistent findings, similar observations would be made or conclusions reached by other researchers Saunders…et al (2009). The instrument used in the study was confirmed to be both valid and reliable after testing it on various respondents.

### 3.8 Data Collection Procedure

Before the researcher embarked on the research process, she had to apply for the research permit from the National Council for Science and Technology. The letter issued by the Council was used to seek for permission and authority to collect data from the staff of the four public universities and the director-general of PPOA. The researcher used the introduction letter to introduce the topic under study and the respondents were assured that the information given would be treated with utmost confidentiality. This was pointed out clearly during the interview.

### 3.9 Data presentation Analysis and Interpretation

The purpose of data presentation and analysis is to organize, structure and elicit meaning from research data (Polit & Beck 2008). Data analysis is the process of editing and reducing accumulated data to a manageable size and developing summaries (Cooper & Schindler, 2008). The study employed qualitative data analysis procedures because the data collection method was qualitative in nature. The data collected was thoroughly checked for completeness and accuracy and only relevant data was coded. This was achieved by counterchecking all responses so as to detect and eliminate any inconsistencies and irrelevances in the responses. After coding, the data was then thematically analysed into themes and subthemes in reference to the study objectives and research questions

### 3.10 Ethical Considerations

Mugenda and Mugenda (1999) define ethics as a branch of philosophy which deals with one's conduct and serves as a guide to one's behaviour. Protecting the rights and welfare of the participants should be the major ethical obligation of all parties involved in the study

(Mugenda, 2008). The researcher followed ethical considerations in the course of data collection. The researcher was issued with a letter from Moi University to seek for research permit from National Commission for Science and Technology and Innovation. With research permit the researcher got authority from County Director of Education in Nairobi to carry research in the four public institutions.

Before the interview, the researcher introduced the purpose of the research and all respondents were asked to participate on their own free will by answering questions during the interview and the respondents who wished not to respond were allowed to do so. The respondents were assured that the information shared during the interview will be used for academic purposes and it will be treated with utmost confidentiality. To avoid plagiarism, the researcher has fully acknowledged other people's work relied upon for the study and in the reference section.

# CHAPTER FOUR

# DATA PRESENTATION, ANALYSIS AND INTERPRETATION

## 4.1 Introduction

This chapter presents data analysis and interpretation. The data has been presented and analysed by use of narratives, themes and where necessary the study results were presented using figures and tables.

## 4.2 Response Rate

The response rate was 96.8 %. One respondent (University Librarian) was not available.

## 4.3 Respondent Characteristics

12.5% of the respondents interviewed had served in their positions for more than twenty years while 87.5% had served for five to ten years.

**Table 3: Respondent Response**

**RESPONDENTS**

| | **UON** | **KU** | **MMU** | **TUK** |
|---|---|---|---|---|
| No. of years served by the Head of Procurement | | | | |
| | 5 | 3 | 5 | 2 |

## 4.4 Response from University Librarians on the Public Procurement & Disposal Act (2005)

### a) Knowledge of the Act

100% of the respondents were familiar Act. They stated that the Act was not well defined and clear when it came to the issue acquisition of information materials. One respondent pointed out that they require more guidelines from their procurement units so as to enable

them understand the terms used by the Act when they need to purchase information materials for the library.

**b) Application of the Act**

100% of the respondents indicated that they used the Act when procuring print and non – print materials and used single sourcing to procure electronic materials.

### 4.4.1 Challenges Faced by Public University Libraries in Acquisition of Information Materials

One of the objectives of the study was to find out the challenges facing public university libraries in procuring information materials. Respondents indicated that they encountered the following challenges in procuring information materials:

**a) Use of technical terms**

33% of the respondents interviewed indicated that the language used in the Act was very technical thus difficult to understand.

One of the respondent said

"*I do not understand some terms in the Act such as goods and information resources*" another respondent pointed out that goods are tangible items while information resources are both tangible and non-tangible.

**(b) Delays in procuring information materials on time**

33% of the respondents felt that the methods used for procurement made it difficult to acquire materials on time. Two respondents pointed out that procedures used by procurement units were lengthy and took between four to six months before the information

materials were received by the library. One respondent said" *delay in approvals led to price increase; information materials declared out of stock or out of print*".

**(c) Quality of information materials procured for the libraries**

The findings of the study revealed that 16.7% of the respondents indicated that some of the information materials procured were of poor quality. They stated that the reason was that, when evaluation was done by the procurement unit, the supplier with the lowest bid was picked irrespective of the quality of the supplies.

**(d) Poor relationship between librarians and procurement staff**

According to the findings, 16.7% of the respondents cited poor working relationships and lack of cooperation between the libraries and the procurement units.

### 4.4.2 Challenges Faced by User Departments

The heads of procurement units identified various challenges they face when dealing with user departments. Some of the challenges are:

**a) Delay in submission of procurement plans**

Procurement plan (PP) is mandatory under section under section 26(3) of the Public procurement and disposal Act and regulations 20 and 21. PP are prepared as part of the annual budget preparation which inform the cash flow preparation. Respondents interviewed indicated that the user units delay in submitting their procurement plans which affects acquisition of required items;

**b) Lack of proper preparation of specifications**

100% of the respondents indicated that the librarians do not provide proper and clear specifications of the information materials. Therefore, in most cases the document is returned to the user department to rectify, causing delays in the process.

**(c) Financial constraints**

However, 25% of the respondents indicated that due to financial constraints, most of the items included in the procurement requests were not procured. All the 100% of the responded indicated that the libraries preferred direct method of procurement more than the required methods stated in the Act such as open tender and RFQ.

### 4.4.3 Possible Solutions to the Challenges

The last objective of the study was to suggest ways in which the Act can be amended to accommodate the acquisition of information materials in the libraries. The study sought to establish possible solutions to the challenges faced by libraries when applying the Act. Respondents gave the following as possible solutions:

**(a) Training of end users**

16.7% of the respondents suggested that they need to be trained on how to prepare proper specifications of procurement of information materials so as to avoid delay in the procurement of information materials for the libraries. The procurement units should train the libraries on the importance of preparing procurement plans together with the budget to avoid delay in any acquisition of information materials. while 33% indicated that the libraries be exempted from using the Act, for this would enable them procure information materials on time.

Three respondents indicated that '*there is need for the procurement units to train them on how to apply the Act when procuring information materials'* while two respondents indicated that '*the procurement units need to make available the manuals and other relevant information materials for reference purposes'*.100% of respondents said that the procurement units should sensitise various departments in the public universities and that the management of the universities should invite PPOA officials to hear the views of staff and assist the institutions in understanding the Act.

**b) Technical terms**

On the issue of usage of technical terms, 25% of the respondents suggested that the technical terms be simplified to enable the end users understand the proper procedures of acquiring information materials100% of the respondents interviewed indicated that the Act contained technical terms which require proper definition for better application of its rules and procedures. They indicated that the technical terms used can easily lead to different interpretations of the provisions of the Act. The Act does not clearly describe when to use direct procurement, for instance. Section 74(1) of the Act states that:

> *A procuring entity may use direct procurement as allowed as long as the purpose is not to avoid competition. In the case of libraries, the librarians indicated that this section was more applicable for it would allow them to procure information materials on time, but the procurement units interpret this clause differently.*

**(c) Exemption of libraries from using the Act**

Because of the delay caused by the procedures of the Act, the 100% of the respondents indicated that university libraries should be allowed to use direct procurement to procure

information materials. The Act has made it difficult for libraries to procure information materials on time thus making it difficult to fully utilise the budgets allocated.

**(d) Incorporation of librarians in procurement and tender committees**

Three respondents indicated that *'they are left out of the procurement and tender committees, making it difficult for them to defend themselves in case there are queries are raised'*. Incorporating the librarians in the procurement and tender committees would enable them to better understand the procedures and guidelines of the Act. 25% of the respondents said that there is need to be included in the relevant procurement committees to make it easier to trace or know the progress of any acquisition.

## 4.5 Response from Procurement Units

As required by PPOA, procurement units are expected to provide user guides/manuals to various departments in their institutions. These manuals and guides serves as guides to the implementation of the Act and the Regulations. The manual also sets out the functional relationships and internal controls that promote transparency and accountability in the procurement process. Lack of these manuals and guides has made it difficult for librarians to understand and follow the procurement process. Availability of these documents could have made the work of the procurement units a lot easier.

100% respondents indicated that they have trained heads of various user departments. The trainings have been on areas such as preparation of procurement plans and preparation of specifications for various items for all user departments. The procurement heads indicated that they hold sensitisation sessions so as to impart knowledge on various issues touching on the Act.

Two respondents indicated that '*the university librarians delay in submitting their procurement plans thus making it difficult to procure information materials for the libraries on time'.*

Specifications are normally initiated by the user departments giving full details of items or products to be procured by the procurement departments. Specifications prepared by the university libraries include bibliographic details and quantity of the information materials. Three respondents interviewed said that' *the librarians in charge of acquisitions do not give proper and clear specifications therefore forcing them to return the documents to the librarians for amendment, a process which sometimes causes delays in procurement of information materials for the user department'*

**(a) Preferred procurement method**

There are various methods used by the procurement units to procure goods and services as per the Act. 100% of the respondents interviewed said that they use open tender and request for quotation (RFQ) when procuring information materials. Two respondents indicated that '*the librarians preferred direct procurement to the other alternative methods'*.

**(b) Financial constraints**

25% of the respondents indicated that financial constraints affected their operations making it difficult to procure what is indicated in the procurement plans of various departments within the institutions thus giving priority to other departments.

### 4.5.1 Suggestions for Improvement of Procurement Processes by Procurement Units

#### (a) Preparation and submission of procurement plans by user departments

The respondents indicated that user departments are asked to submit annual procurement plans on time so as to allow for timely procurement of information materials for the library. The respondents indicated that they inform the libraries about the effect of delay in submitting the procurement plan.

#### (b) Procurement methods

Three respondents indicated that *'libraries are guided on the best method suitable for procurement of information materials'* while two respondents indicated that '*librarians are advised on when to apply other alternative methods when there is a high and urgent demand for books and other information materials.*

#### (c) Provision of user manuals and guides to user departments

25% of the respondents indicated that provision of user manuals and guides were necessary and would enable the librarians to make reference in case of any difficulty when applying the Act.

## 4.6. Response from the Public Procurement Oversight Authority

### 4.6.1 Challenges Facing Implementation of the Act

#### (a) Lack of awareness among the public on the existence and role of PPOA

The Public Procurement Oversight Authority has been in existence since 2007 to oversee the public procurement and disposal system in Kenya. However, most members of the public are not aware of its existence and role. Most members of the public are not aware of its existence and role.

**(b) Poor linkages with key stakeholders**

Key stakeholders such as the State Law Office, Kenya National Audit Office (KENAO) and the Ethics and Anti-Corruption Commission (EACC) were established as implementing authorities in the fight against graft. The research revealed that there are no clear boundaries and frameworks for collaboration between these agencies. Though these agencies perform different functions, sometimes their functions overlap.

**(c) Low level of professionalism in public procurement**

The current study revealed that some procurement officers are sometimes forced by circumstances such as low pay to compromise their integrity by trying to make quick money by engaging in corrupt deals with some suppliers. The procurement officers go against their professional ethics by breaking the procurement rules to favour their friends thus impeding compliance with the Act.

**(d) Negative perception about public procurement**

It was revealed that some stakeholders have no confidence in public procurement because of the way it is carried out. They view the procedures as lacking in accountability, transparency and fairness. The negative perception makes stakeholders to lack confidence in the Act.

**(e) Political interference**

The research findings revealed that political inference is also a major hindrance to the implementation of the Act. Political leaders and senior government officers use their offices for private gain. This affects the strict adherence to and implementation of the Act.

**(f) Procurement malpractices**

65% of the respondents stated that conflict of interest occurs during the execution of official duties such as public officers. One respondent pointed out that some officers use their positions to influence or appear to be influenced by a private or personal interest during the procurement process.

Another respondent narrated that *'malpractices contravenes the principles of public procurement which are transparency, accountability, fairness, competitiveness and integrity'*. The respondent further stated an example of conflict of interest whereby a tender is awarded to a relative or a company affiliated to a member of staff in the procurement unit.

### 4.6.2 Exemption of Libraries and Information Centres from the Act

The response from PPOA indicated all public university libraries funded by public money must comply and be guided by the Act as required by the law. There should be no exemptions whatsoever. This is the only way to ensure and encourage accountability of public entities.

### 4.6.3 Tendering

The respondents indicated that the Act allows tendering of goods from both local and international markets. The Act provides guidelines on tendering methods. The respondents were of the opinion that tendering allows for competition and fairness, which enable the libraries and information centres to get value for money.

# CHAPTER FIVE

# STUDY FINDINGS, CONCLUSION AND RECOMMENDATIONS

## 5.1 Introduction

This chapter provides a summary of the study based on the views expressed by the respondents. In addition, the chapter presents the key findings, conclusions and recommendations that were deduced from the study findings.

## 5.2 Summary of Key Findings

The aim of this study was to assess the impact of the Public Procurement procedures on collection management in selected public university libraries. The study was conducted in four public universities based in Nairobi. The objectives of the study included to assess the application of the Act to the acquisition and disposal of information materials in public university libraries, to examine how the Act has affected acquisition and disposal of information materials in public university libraries, to establish the challenges facing public university libraries in procuring information materials and to suggest ways in which the Act can be amended to accommodate acquisition of information materials by libraries.

On the application of the Act, the findings were that the librarians were fully aware that they were required to comply and use the Act when acquiring and disposing of information materials for their libraries. The librarians also indicated that they were sensitised on the procedures of the Act but they never participated in the tendering processes.

On whether the four universities were affected by the Act, especially in the acquisition and disposal of information materials, the findings indicated there was delay especially when ordering for information materials. The librarians complained that the procurement

procedures were too lengthy and tedious and acquisition of information materials usually takes over six months to one year. The delay has made it difficult for these libraries to purchase information materials on time, which leads to underutilisation of funds set aside for purchasing of information materials and slow down acquisition of information materials thus affecting delivery of service to library users.

On the challenges, the findings indicate that the major challenge facing the librarians was the technical language used in the Act. All the librarians interviewed indicated that the language and terms used in the Act and the Regulations was too technical for them to understand. The librarians also indicated that information materials are referred to as goods and that the Act is not clear and specific on how information materials are to be treated.

All the librarians interviewed indicated that the PPD Act and the Regulations is too inflexible in certain situations, especially on procurement of information materials. The librarians indicated that the methods of procurement in the Act are not easy to understand. All the librarians interviewed indicated that they preferred the direct procurement method for quick purchase of information materials but the Act provides that the method can only be used to procure urgent goods and services. Therefore, the Act does not treat library acquisitions as urgent.

Lack of proper guidance and insufficient communication by procurement units on how to apply the Act were identified as challenges. The procurement units do not inform the librarians when amendments are made in their purchase orders. Sometimes changes are made to the specifications in the requisition forms without informing the librarians. Such changes lead to libraries receiving the wrong information materials.

It was observed that the procurement units do not involve the librarians in the procurement process and stages. Therefore, it becomes very difficult for the librarians to establish whether their requests have been approved by the tender committees. Delays are caused by many committee sittings before a tender is awarded. Lack of coordination between the libraries and procurement units lead to delay in acquisition of information materials.

## 5.3 Conclusion

The study concluded that staff working in libraries and information centres especially in the public sector needs to be trained on the application and implications of the Act. This activity will improve their knowledge and understanding of the Act and its regulations to enhance transparency and accountability in public procurement.

The study found that four public university libraries sampled were greatly affected by the Act and had difficulties in acquisition of information materials due to lengthy procurement procedures.

The study established that delay in acquisition of information materials was as a result of the Librarians being left out of the tender committee. This also derailed provision of information services in the Library thus tainting their image.

## 5.4. Recommendations

The Act was introduced to guide public entities on procedures and methods of acquiring goods and services. One of the objectives of the Act is to maximise economy and efficiency. Public university libraries have expressed that the Act impedes effective and efficient

acquisition of information materials for the libraries. Based on the findings of the study the following short – term and long – term recommendations are proposed:

**(a) Recommendations for immediate implementation**

**(i) Amendment of the Act**

The Act should be amended to take care of the unique needs of public university libraries in the acquisition of information materials and services.

**(ii) Procurement of information materials**

In order to enable public university libraries, acquire information materials on time, the Act should be amended to allow libraries use direct procurement. This will reduce the time taken to order for information materials because the libraries will use a supplier for all orders thus enabling libraries to be efficient and deliver timely information in order to meet the information needs of their users. This method will also allow libraries to develop their collections in direct support of the course curricula of various universities. The study recommends that public libraries should use the procurement methods below:

**(iii) Local procurement**

The Act should be amended to allow libraries and information centres to procure information materials directly form the publisher/printer or from one supplier after signing a contract for a certain period (two years) so as to avoid disruption of dissemination of library services. Such arrangement would make it easier for libraries and information centres to acquire information materials on time and without any delay.

**(iv) International procurement**

Considering that information materials are sourced from the publisher on the international markets at a reasonable price, to avoid price inflation by brokers. By so doing, the libraries and information centres would save money which would be spent on advertising tenders.

**(b) Recommendations for long – term implementation**

**(i) Terminologies used in the Act**

The terminologies used in the Act are very confusing and have different meanings to different users. A term such as 'direct procurement' is used in the Act as a method of procurement which may be used when there is only one supplier or there is an emergency. Terms like goods and assets have different meanings and interpretations to different users of the Act. Such terms should be explained further and their meanings made clearer

**(ii) Disposal of information materials;**

The Act should be amended to cater for the disposal of various types and formats of information materials. The Act should guide on how to dispose of these materials and to provide for proper guidelines on disposition of information materials.

**(iii)User manuals**

The Public Procurement Oversight Authority should come up with a user manual specifically for libraries and information centres. The manual would serve as a guide to the implementation of the Act and the Regulations thus promoting effective and efficient performance of the procurement function.

**(iv) Inclusion of the Kenya Library Association to PPOAB**

The Kenya Library Association (KLA), which is a professional organisation responsible for developing libraries and information centres, should be included in the Public Procurement Oversight Advisory Board. Having KLA as a member of the Board would help articulate problems faced by libraries and information centres. The KLA representative may also offer advice and suggestions on how the Act can best accommodate libraries and information centres to acquire information materials within the shortest time possible. Lack of such representation impedes implementation of the Act.

**(v) Training of user departments**

The Act should compel all procurement units to train user departments to ensure that the law is enforced in their various institutions. There is need to include a section in the Act to provide that it is mandatory for all procurement units to train all users on the provisions and implications of the Act.

**(vi) Inclusion of Librarians in tender committees**

The study recommends that Librarians should be included in tender committees to enable them appreciate and participate fully in the tendering and procurement processes

## 5.5 Suggestions for Further Research

The study particularly focused on the assessment of the impact of the Public Procurement procedures on collection management in public university libraries in Nairobi County. As such, further research may be carried out in other similar public institutions in other counties to establish the effectiveness of the newly introduced e-procurement in the procurement of information materials.

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# APPENDICES

## APPENDIX I: LETTER OF INTRODUCTION

Dear Sir / Madam,

I am a Postgraduate student of Moi University pursuing a Master's degree in Information science. I am undertaking a study on the topic '**An Assessment of the Impact of Public Procurement Procedures on collection management in Public University Libraries in Nairobi County,".**

The purpose of this letter is to request for your assistance in providing for information for the study mentioned above in this letter to enable me fulfil the objectives of the study being undertaken.

All the information obtained in connection to this study will be treated with utmost confidentiality and it will be availed to you on request.

Thank you for your time and cooperation.

Doris C Chemng'orem

School of Information Sciences, Moi University

## APPENDIX II: INTERVIEW SCHEDULE FOR THE UNIVERSITY/ TECHNICAL SERVICE LIBRARIANS

**Part A: Introduction**

Good morning/ Afternoon. My name is …… from Moi University. I am conducting a survey on ‘‘**Assessing the impact of Public Procurement Procedures on collection management in Public University Libraries in Nairobi County”** and I will appreciate to get views and opinions from you. I would like to assure you that this information is for academics purposes only and anything you tell me will be treated with utmost confidentiality

Name of library _____

Name of Institution _____

**Part B) Knowledge of the Public Procurement Act**

**Acquisition of information materials**

1. How much do you know about the Act in regards to procurement of information materials?
2. What do you think are the benefits of the Act to information management?

**Part C) Application of the Act**

What methods do you use in acquiring library materials?
What procedures of the Act do you use when purchasing information materials? How long does each procedure take?

**Part D Challenges faced by the public university libraries in relation to the Act**

1) What challenges do you experienced in acquisition of information materials?
2) Are there any challenges you face when applying the Act? With these challenges what are your recommendations on the Act considering that it does not address clearly the acquisition of information materials for libraries?
3) What are the effects of the Act on procurement for information materials for your library?

4) What challenges are you facing in meeting the information needs of your users?
5) In which ways has the Act influenced information management of materials in your library?

**Part E Suggestions**

1. In your opinion, what can be done to improve on the Act?
2. In your opinion, what improvements need to be done in order to improve the time taken to acquire information materials?
3. In your opinion do you feel that the procurement for emergencies is adequately catered for in the Act?

## APPENDIX III: INTERVIEW SCHEDULE FOR STAFF OF PROCUREMENT UNITS

### PART A : INTRODUCTION

Good morning/ Afternoon. My name is …… from Moi University. I am conducting a survey on '**Assessing the Impact of Public Procurement Procedures on collection management in Public University Libraries in Nairobi County"** and I will appreciate to get views and opinions from you. I would like to assure you that this information is for academics purposes only and anything you tell me will be treated with utmost confidentiality

**Name of institution**_____

**Position**_____

**Number of years in position**_____

**Qualifications** _____

### SECTION B: CHALLENGES OF PROCUREMENT:

1. What are the challenges you face when procuring information materials for the library?
2. Do user departments understand the Procurement and disposal Act?
3. Have you provided any manual to be used by the user departments in your institution?
4. Are the user departments in your institution been taught how to prepare specifications for items to be procured?
5. How long does it take for the procurement unit take to procure information materials for the library?
6. Which methods of procurement do use mostly in procuring information materials for the library department?
7. In your opinion what do you recommend to be improved in the Act so as to enable the library procure books on time
8. Do you have any information you think can assist your unit to improve on the procurement processes?
9. Have you sensitized the user departments on the consequences in case they contravene the Act?

THANK YOU

# APPENDIX IV: INTERVIEW SCHEDULE FOR THE DIRECTOR GENERAL OF PUBLIC PROCUREMENT OVERSIGHT AUTHORITY

## PART A: INTRODUCTION

Good morning/ Afternoon. My name is …… from Moi University. I am conducting a survey on '**Assessing the Impact of Public Procurement Procedures on collection management in Public University Libraries in Nairobi County"** and I will appreciate to get views and opinions from you. I would like to assure you that this information is for academics purposes only and anything you tell me will be treated with utmost confidentiality

## PART B: CHALLENGES

### Public Procurement and Disposal Act

a. What is the purpose of the Act?
b. What benefits are accrued by public institutions in instituting the Act?
c. What challenges facing the implementation of the Act?
d. Libraries and information centres are unable to timely procure information materials for their users because of the Act. Is it possible for them to be exempted from the Act? If no why?

### Tendering

a. Libraries are supposed to tender for information materials from vendors some of whom are not locally available. How can this issue be addressed?
b. Prices of books locally and abroad are fixed why should we be allowed to tender?
c. Can you allow public universities to do direct sourcing if they can't be exempted from the Act? If no why?

## APPENDIX V: PRE – TEST CHECKLIST

1. Are there any words that are spelt incorrectly?
Yes [ ] No [ ]
If yes, please indicate which ones in the interview schedule

2. Is the font size used in the interview schedule legible?
Yes [ ] No [ ]
If No, please provide suggestions
_____

3. Is the vocabulary used appropriate for the different categories of respondents?
Yes [ ] No [ ]
If no, give suggestions
_____

4. Are there any questions in the interview schedule that are not clear?
Yes [ ] No [ ]
If yes, mark in the schedule and provide suggestions to improve clarity
_____

5. Is the sequence of questions flowing in the schedules?
Yes [ ] No [ ]
If no, provide suggestions
_____

6. Are all the objectives adequately covered in the questions in the interview schedules?
Yes [ ] No [ ]
If no, please indicate the specific objectives not adequately covered and give suggestions on kind of questions to ask?
_____

**Thank you**

# APPENDIX VI: RESEARCH PERMITS

**CONDITIONS**

1. You must report to the County Commissioner and the County Education Officer of the area before embarking on your research. Failure to do that may lead to the cancellation of your permit
2. Government Officers will not be interviewed without prior appointment.
3. No questionnaire will be used unless it has been approved.
4. Excavation, filming and collection of biological specimens are subject to further permission from the relevant Government Ministries.
5. You are required to submit at least two(2) hard copies and one(1) soft copy of your final report.
6. The Government of Kenya reserves the right to modify the conditions of this permit including its cancellation without notice

REPUBLIC OF KENYA

NACOSTI

National Commission for Science, Technology and Innovation

**RESEARCH CLEARANCE PERMIT**

Serial No. A 1283

CONDITIONS: see back page

THIS IS TO CERTIFY THAT:
*MISS. DORIS CHELAGAT CHEMNGOREM*
of MOI UNIVERSITY, 65041-618
nairobi,has been permitted to conduct research in *Nairobi County*

on the topic: *ASSESSMENT OF THE IMPACT OF THE PUBLIC PROCUREMENT AND DISPOSAL ACT OF (2005) ON THE ACQUISITION OF INFORMATION MATERIALS IN NAIROBI - BASED PUBLIC UNIVERSITY LIBRARIES IN KENYA*

for the period ending:
*31st March,2015*

Permit No : NACOSTI/P/14/3935/1088
Date Of Issue : 24th March,2014
Fee Recieved :ksh 500.00

Applicant's Signature

Secretary
National Commission for Science, Technology & Innovation