

Determinants of Implementation of the Public Procurement Preference and Reservation Scheme in Tana-River County

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ABSTRACT: *Public procurement is estimated to account for a huge percentage of government expenditure. For instance, it is estimated to account for 12% of the GDP of OECD countries. This huge expenditure presents opportunity for governments to use public procurement to promote local industry and disadvantaged groups in an economy; through the application of preference and reservation schemes in public procurement. In Kenya, reports indicate that public procuring entities have not fully implemented the preference and reservation scheme; that requires them to procure 30% of their needs from enterprises owned by youth, women and persons living with disability (PWDs). This study therefore sought to examine the effect of: Access to Funding; and Access to Procurement information; on the implementation of the preference and reservation scheme in Kenya. The study collected data from 28 procuring entities in the County of Tana River. The study established that Access to funding does not have significant and substantial effect on implementation of the preference and reservation scheme, while access to procurement information has significant and substantial effect on implementation of the preference and reservation scheme in the County of Tana River in Kenya. The study recommends setting aside more lucrative tenders for the special interest groups to stimulate interest in the preference and reservation scheme. The study further recommends adoption of strategies to enable publicizing procurement information on social media. These have potential to enhance the Implementation of the Preference and Reservation Scheme. Further, the study invites researchers to examine whether the low value of procurement contracts set aside for the youth affects the implementation of the preference and reservation scheme in Kenya.*

KEY WORDS: access to funding, preference and reservation scheme, access to procurement information, public procurement.

INTRODUCTION

Public procurement is estimated to account for a huge percentage of government expenditure. For instance, it is estimated to account for 12% of the GDP of OECD countries (OECD 2015). In the United Kingdom, public procurement accounts for about a third of all government expenditure or about Pounds 290 Billion (Couzens 2021). In the United States, the federal government was reported to have spent 1.5 Trillion Dollars on State, local and Education contracts in the year 2019 (Deltek 2020) Similarly, in Sub-Saharan Africa public procurement accounts for a huge portion of government expenditure. According to Bosio et al (2022), in Eritrea public procurement accounts for 33 percent of GDP, while In Angola, the share is 26 percent of GDP. Public procurement is estimated to account for 11% of the country's GDP in South Africa and in Kenya (AFDB 2021). Thus it can be concluded that in almost all nations of the world, public procurement accounts for a large percentage of government expenditure.

Due to its sheer size, public procurement is often used by governments to achieve other objectives such as inclusive growth, sustainability, and as a lever to drive socio-economic development (OECD 2022), particularly as a vehicle for poverty alleviation and job creation. One of the socio economic uses of public procurement is promotion of local industry and disadvantaged groups in an economy; through the application of preference and reservation schemes in public procurement. According to Ali (2022) Public procurement preference and reservation has existed in the U.S from the time of the great depression through the Buy American Act of 1933 and the 1953 Small Business Administration that required federal government to purchase local products and support local industry.

The case of use of public procurement to achieve social goals is also explicit in the European Union. Arrowsmith (2010) posits that the European Union procurement policy promotes preference for domestic suppliers as well as reservation for special interest groups. Similarly, in Australia, India, and Jamaica, the procurement policy promotes preference and reservation for the special interest groups such as Small and Medium enterprises, and Women in Entrepreneurship. (Kirton 2013). However, Kirton (2013) posits that a gap between policy for inclusion and its practice in India, Jamaica and Australia; this, the author explains, is resultant of the fact that the persons for whom inclusion is sought by policy, are minimally educated and work in the informal sector. Accordingly, more sensitization and access to credit would reduce this gap.

In South Africa, targeted procurement is applied in the form of direct preference or direct participation. The targeted procurement system seeks to achieve, among other things equity for race disparity in the post-apartheid regime; and participation of women, and disabled persons (Moronge &Ratemo, 2022). Draw backs of the targeted procurement systems have been linked

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to low access to capital, low interest, and corruption. According to Otim (2020), the procurement law of Uganda specifically provides for preference and reservation. This is intended to promote the use of local expertise and materials and participation of local communities and organizations as well as local bidders. Similarly, in Ghana, the government seeks to promote local business through preferential public procurement anchored in section 60 of the procurement law. Amoah and Shakantu (2017) report that the objective of this law is yet to be achieved due to lack of equipment, finance and unfair competition from foreign firms.

According to PPRA (2022), In Kenya, the preference and reservation scheme is anchored in the Constitution of Kenya 2010 in article 227, that prescribes a framework for preference and reservation; which has consequently been set out in the Public Procurement and Asset Disposal Act (PPADA), 2015; and the public procurement and disposal (preference and reservations) Regulations, (2011). This legal framework provides that procuring entities must set aside at least 30% of government procuring opportunities to the disadvantaged groups such as the youth, women, small and medium enterprises and women owned businesses (Moturi 2018). The use of procurement to strategically achieve social goals in Kenya is premised on the need to create employment for this group that accounts for a large percentage of the population could pose security threats; Public procurement provides opportunity to decrease social evils, increase investment and income in this group of citizens (Mwangi 2019).

Statement of the Problem

In Kenya, as is in other nations of Africa, a gap exists between policy and practice. According to PPRA (2018), procuring entities only awarded 18.2% of the total annual procurement budget of about KES 256 Billion. PPRA (2018) established that contracts meant for the reserved groups were awarded to county executives and other non-targeted persons. In the year 2019, PPRA (2019) established that out of 183 procuring entities that submitted reports, 127 reserved at least 30% of their procurement budget for enterprises owned by youth, women and persons living with disability (PWDs) while 55 allocated none or less than 30% of their procurement budget to special groups. This implies that a considerable number of procuring entities are not reserving and awarding contract to the intended groups. This means that the opportunity to use public procurement to achieve employment, equity and social support is failing. Studies investigating preference and reservation schemes in Kenya such as Kimemia and Senelwa (2019), have focused on state corporation; while few studies: Moronge and Ratemo (2022), and Jepkosgei and Kibet (2019) have examined preference and reservation schemes in Marakwet and Nakuru county respectively. This study sought to examine the determinants of the implementation of preference and Reservation scheme in Tana River County.

Research Objectives

The objectives of this study were:

- a) To examine the effect access to funding on implementation of the public procurement preference and reservations scheme in Tana River County
- a) To examine the effect of access to procurement information implementation of the public procurement preference and reservations scheme in Tana River County.

LITERATURE REVIEW

Theoretical Framework: Empowerment Theory

The empowerment theory across various disciplines by researchers such as waitwika (2016), and Ani et al (2018). Waitwika (2016) posits that it was originally described by Zimmerman, Zimmerman's (1984) work, later adopted by Rappaport (1987) into community psychology studies. It has since been adopted into various fields, especially in social sciences to explain the concept of empowerment: the ability of people to gain understanding and control over personal, social, economic and political forces in order to take action to improve their life situations. Succinctly described in Nicholas (2018), empowerment is evident when individuals, and communities are enabled to take power and act effectively in gaining greater control, efficacy, and social justice in changing their lives and their environment. Zimmerman (2000), the originator of this theory, argues that empowered individuals have the characteristics of high self-esteem, self-efficacy, control over their life and increased socio-political and civic participation. When viewed using the lenses of this theory, the preference and reservation scheme is a perfect example of the use of public procurement to achieve social goals.

The use of procurement to strategically achieve social goals in Kenya is premised on the need to create employment for this group that accounts for a large percentage of the population could pose security threats; Public procurement provides opportunity to decrease social evils, increase investment and income in this group of citizens (Mwangi 2019). It envisages correcting the socially unfair procurement system that has a high likelihood of awarding tenders to big corporations at the expense of the youth who face high unemployment. Accordingly, then, it conforms to the object of the empowerment theory: transformation of individuals' lives in achieving goals and reaching targets, which they had thought impossible (i.e. to gain authority, skills, status, self-belief and image, progressing to greater things and increasing rewards. Therefore provision to funding, and provision of information can be seen as agents of this empowerment in the furtherance of the preference and reservation scheme. This theory thus gives ample basis for organizing knowledge on financial capacity and access to procurement information as drivers of preference and reservation scheme in public procurement.

Empirical Review

Access to Funding

Khaemba and Otinga (2019) examined the determinants of procurement performance in the county government of Bungoma, Kenya. The study titled "Influence of Supplier Financial

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Capability and Evaluation on Procurement Performance” established that supplier financial capability significantly influences procurement performance in the sense that supplier who had adequate financial resource power would effectively deliver procured goods and services with minimal fail. The study recommended thorough assessment of suppliers before being awarded tenders as this will ensure that qualified suppliers deliver quality goods and services. A similar study by Ndege and Karanja (2018) sought to establish the influence of financial capacity on accessibility of the preferential public procurement opportunities among youth groups in Nakuru town sub-county. The study concluded that financial capacity has a positive influence on the accessibility of the preferential public procurement opportunities among youth groups in Nakuru Town sub-county. The study recommends a deeper look into the influence of the various metrics used to examine the influence of financial capacity on accessibility of the preferential public procurement opportunities among youth groups in Nakuru Town sub-county

Wachiuri (2020) examined the influence of supplier financial viability on the performance of state corporations in Kenya. The study established that supplier financial viability and performance of state corporations are positively and significantly related and recommends that suppliers formulate strong financial plans that ensure financial viability of suppliers. Waitwika and Getuno (2013), in a study on the determinants of Youth access to government procurement opportunities in the judiciary of Kenya found that Financial resources was found to be a key deterrent to a significant number of youths from accessing government procurement opportunities as most are not in a capacity to raise capital to finance contracts if awarded. Similarly, Wleh (2015) sought to examine the e youth’s uptake of government procurement opportunities in government ministries in Kenya; the factors that influences the youth’s uptake of government procurement opportunities and the relationship between the factors identified and the youths’ uptake of government procurement opportunities. The study established that access to financing was the greatest impediment to youth participation in the preferential procurement scheme.

Mwangi, Kiarie and Nyaboke (2019) sought to assess the challenges affecting the implementation of preference and reservation scheme to special groups in public procurement in tertiary institutions. The study findings revealed that lack of securities and credibility (for debt financing), lack of existing business, lack of personal savings and resources, low credit scoring among others; limit access to government procurement opportunities by the special access groups.

Access to Procurement Information

Waitwika and Getuno (2016), in a study on the determinants of Youth access to government procurement opportunities in the judiciary of Kenya found that information on procurement opportunities is however generally highly and widely available for the youth to access. It was however notable that most advertisements are done on print media, which ideally, youth do not

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have as much interest in, as they would social media. Similarly, Wleh (2015) sought to examine the youth uptake of government procurement opportunities in government ministries in Kenya; the factors that influences the youth's uptake of government procurement opportunities and the relationship between the factors identified and the youths' uptake of government procurement opportunities. The study established that access to information on the preferential invitation to procurement greatly influences the number of youth participating in public procurement proceedings.

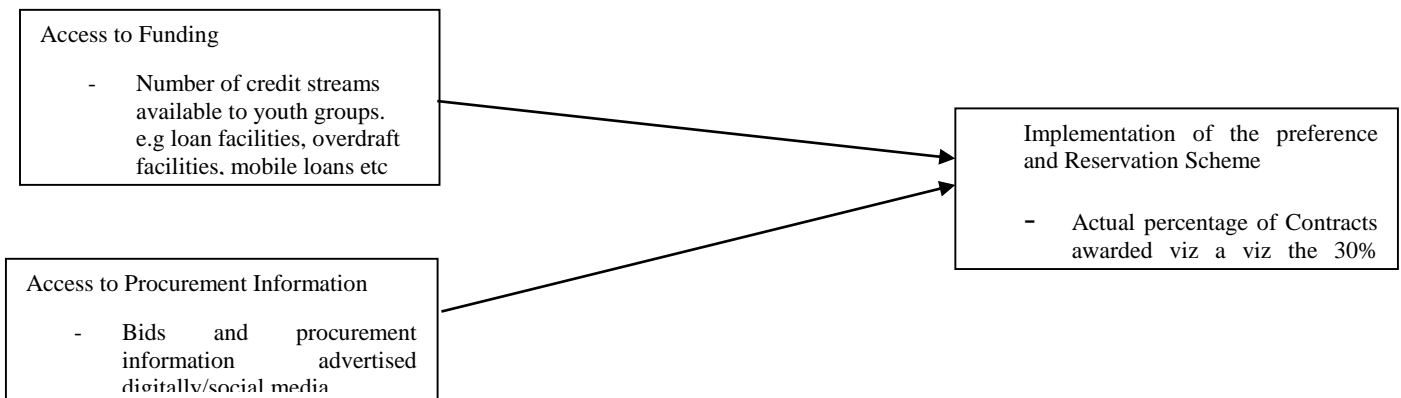
Owiti and Kihara (2017) examine the factors affecting implementation of Preference and Reservation Procurement Policy in State Corporations in Kenya. The case study of the Kenya Railway Corporation established that low access to procurement information particularly invites by target groups was a hindrance to the implementation of the implementation of the policy. The study recommended improvement of accessibility of information using online platforms provided by Kenya Railways. Arunga and Paul (2019) conducted a study sought to examine the factors affecting implementation of the 30% preference and reservation directive on government procurement opportunities in Kenya: a case of the Central Bank of Kenya. The study targeting 197 prequalified entities established that procurement opportunity awareness and sensitization enhances access and participation of target groups in government procurement opportunities

Gap in Literature

Reviewed literature reveals that studies on implementation of preference and reservation scheme exist. Owiti and Kihara (2017), Wleh (2015), and Wachiuri (2020) examine the implementation of the preference and reservation scheme in two different state corporations in Kenya; while Waitwika and Getuno (2016), Mwangi et al (2019) and Arunga and Paul (2019) examine reservation and preference scheme implementation in the judiciary of Kenya, Tertiary institution in Nyeri, and the Central Bank of Kenya respectively. Whilst informative to aspects of this study, these studies fail to espouse the implementation of the preference and reservation scheme in the devolved units in Kenya. The studies more closely related to this study; Khaemba and Otinga (2019) and Ndege and Kihara (2018); examine the implementation of the preference and reservation scheme in the county of Nakuru and Bungoma. They are however inadequate in explaining the implementation of preference and reservation scheme in the county of Tana River in Kenya.

Conceptual Framework

The study is guided by the following conceptual framework



Independent Variables

Dependent Variable

Figure 1: Conceptual Framework

RESEARCH METHODOLOGY

The study adopted a descriptive research design. A descriptive research design, according to Aggarwal and Ranganathan (2019) describes the distribution of one or more variables; this will thus permit description of the determinants of the implementation of the preference and reservation scheme in Tana River County. The study adopted a census approach in the study of 33 public procuring entities in Tana River County. These were the unit of analysis; while the unit of observation were the procurement managers of these entities. Using questionnaire objectively developed for this study, data on the study variables was collected and analyzed: descriptive and inferential statistics were produced as shown in the part that follows on results and discussion.

RESULTS AND DISCUSSION

Response Rate

The study targeted 33 public institutions. The unit of observation in each institution was the procurement manager or their equivalent. As such, thirty three questionnaires were issued to the respondents in each of the thirty three institutions. A total of 28 questionnaires were collected from the respondents, fully filled. The analysis of response rate thus indicates a response rate of 84.85% as shown in table 4.2. The response rate was thus deemed acceptable to permit statistical analysis as postulated in Aggarwal and Ranganathan (2019), that a response rate above 60% is deemed acceptable. The non-response resulted from partially filled questionnaires.

Access to Funding and Implementation of the Preference and Reservation Scheme in County of Tana River.

The study sought to examine the effect of access to funding on implementation of the preference and reservation scheme. The study examined the value in terms of financial resources the groups are able to source from the credit market. The study found that in the County of Tana River, the average available funding accessible to special interest groups bidding for the access government procurement opportunities is KES 625,000 as shown in Table 1.

Table 1: Descriptive findings on Access to Funding

	N	Average Funds Accessed	Std. Dev.
Access to Funding	28	625,000	186,339

Further, analysis shows that 64.3% of the special interest groups have access to funding below KES500, 000, while 21.4% and 14.3% have access to between KES500,000 to 1,000,000, and above 1,000,000 respectively. This Shows that majority of the special access group have relatively low access to the funds necessary to perform the contracts under the access to government procurement opportunities. This analysis agrees with the analysis of Waitwika and Getuno (2016) that showed that most youth groups are not in a position to raise adequate funding for contracts under AGPO.

The study further sought to examine the effect that access to funding has on implementation of the preference and reservation scheme. The study examine this relationship using linear regression analysis. Using quantitative data on level of implementation of preference and reservation scheme and access to funding; the study used the following linear regression to estimate the effect of access to funding on implementation of the preference and reservation scheme: $Y = \beta_0 + \beta_1 X_1 + \varepsilon$; where Y = Implementation of Preference and Reservation scheme; β_0 = constant (coefficient of intercept); X_1 =access to funding; and β_1 = regression coefficient of the access to funding variable. The analysis yielded: A coefficient of determination of 0.003 (R squared= 0.003), and a P-Value of .783. This means that access to funding does not have a substantial and significant effect on implementation of the preference and reservation scheme in the county of Tana River.

The Finding disagrees with findings of previous research such as Khaemba and Otinga (2019) and Ndege and Karanja (2018) who established substantial and significant effect of access to funding on implementation of preference and reservation schemes in Kenya. The result of the analysis is presented in Table 2.

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Table 2: Regression analysis of Implementation of Preference and Reservation Scheme on Access to Funding

R-Squared	P-value
.003	.783

The findings of the study indicate groups targeted by the access to government opportunities in the preference and reservation scheme have a low access to financing. The study findings collaborate the findings of Mwangi, Kiarie and Nyaboke (2019) that revealed that most groups of interest lack of securities and credibility (for debt financing), lack of existing business, lack of personal savings and resources, low credit scoring among others; and thus have limited access to funding. Further analysis of the effect of access to Funding on Implementation of preference and reservation scheme in the County of Tana River established that Access to funding does not affect, significantly and substantially, the implementation of the preference and reservation scheme in county of Tana River. This finding disagrees with the study of Wleh (2015) who established that access to financing was the greatest impediment to youth participation in the preferential procurement scheme.

A probable explanation would be that most of invitations to bid targeting special interest groups do not entail a substantial financial outlay to undertake. These contracts allocated for special interest groups are often low value-low profit tenders as explained by Briton (2023). Thus these contracts may not require a substantial financial outlay to bid and undertake. They are however not as lucrative and thus could be contributing to the low implementation of the preference and reservation scheme in County of Tana River and in Kenya.

Access to Procurement Information and Implementation of the Preference and Reservation Scheme

The study sought to examine the various media used to advertise invitation to bids and related procurement information to the target groups; and further establish the effect of the choice of the media on implementation of the preference and reservation scheme. Descriptive analysis of the study established that 64.3% of the procuring entities in the County of Tana River used main stream media only; consisting of Newspaper and MY Gov media and Website; while 35.7% used mainstream media and social media (Twitter, facebook) to publicize opportunities available to the special interest groups. This analysis is presented in Table 3.

Table 3: Descriptive Statistics on Access to Procurement Information

N	Main Stream media only	Mainstream and Social Media
10		37.5%
18	64.3%	

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These findings mirror the findings in Arunga and Paul (2019) that seem to support that most of the public institution have stuck onto traditional, law mandated methods of disseminating procurement information.

The study performed a regression analysis to examine the relationship between the effect of access to information and implementation of the preference and reservation scheme in the county of Tana River. The analysis examined the effect of advertising only on mainstream Viz a Viz the use of mainstream media and social media to publicize procurement opportunities to the target groups. Analysis of the regression of implementation of the preference and reservation scheme; in-terms of percentage of Tenders awarded to special interest groups; on Publishing of information on “main stream media only” yielded the following statistics: R-Squared (.245), P-Value (.007), coefficient (-6.944). This implies that the access to information by special interest groups has a substantial and significant effect on implementation of the preference and reservation scheme. Additionally it implies that Publishing information on main stream media and social media has more impact that when using main stream media only. The results of this analysis are presented in Table 4.

Table 4: Regression of implementation of preference and reservation scheme on Access to procurement information

(R-Square=.245)	Coefficients	P-Value
Constant	19.944	.0000
Pro. Info. = Mainstream Only	-6.944	.007

These findings that show significant effect of access to procurement information on implementation of the preservation scheme support previous research studies; for instance Owiti and Kihara (2017) who established that access to information is a major factor influencing success of the preference and reservation scheme in Kenya.

The analysis conducted in this study established that majority of the organizations in the County of Tana River advertise only on main stream media; with the minority using social media as well as main stream media. The findings support assertions of previous research by Waitwika and Getuno (2016), that failure to publicize procurement information on media accessible and preferred by the special interest groups presents a challenge as most of the target groups; particularly the youth; do not have as much interest in main stream media, as they would social media-as such, procurement information presented to the special interest groups may not have as much audience. Further, analysis of the effect of use of main stream media only, indicates that it's less effective as compared to use of main stream media and social media.

This means that adoption of social media to publicize procurement information to target groups could translate to improved implementation of the preference and reservation scheme; as more

Publication of the European Centre for Research Training and Development-UK eligible bidders in the target range would access the information. These findings are supported by Arunga and Paul (2019) who established that procurement opportunity awareness and sensitization enhances access and participation of target groups in government procurement opportunities.

Implication to Research

This study broadens literature and contributes to filling the gap in literature on determinants of implementation of public procurement preference and reservation scheme in the County of Tana River, and in Kenya. The study provides empirical evidence that publicizing procurement information on social media makes the opportunities more accessible to special interest groups such as youth; than the plain use of main-stream media as recommended by the law. This also implies that research must seek policy solutions to entrench publication of procurement information in social media platforms. Further, the study findings on access to funding disagrees with extant literature. This creates a need to review context of extant literature and conduct further study to examine this long held norm that access to funding significantly influences participation of special interest groups in government procurement.

CONCLUSION

The study concludes that most special interest groups in the County of Tana River have a relatively low access to funding or credit facility to be able to execute contracts under the preference and reservation scheme. The study also concludes that access to funding does not have a significant and substantial effect on the implementation of the preference and reservation scheme. This is because the contracts set apart for the special interest groups in the County of Tana River are of relatively low value; that doesn't require a huge financial outlay. The study yields that this could cause low interest into the preference and reservation procurement opportunities that hindering implementation of the preference and reservation scheme.

The study concludes that few procuring entities in the county of Tana River publicize procurement information on social media which is more accessible to the special interest groups than the main stream media. The study further concludes that access to information by special interest groups has a substantial and significant effect on implementation of the preference and reservation scheme. Additionally, it implies that Publishing information on main stream media and social media has more impact that when using main stream media only. Adoption of social media to publicize procurement information to target groups could translate to improved implementation of the preference and reservation scheme; as more eligible bidders in the target range would access the information

Future Research

The study found that special interest groups targeted by the preference and reservation scheme have low access to funding. Therefore, the study recommends research on policy solutions to enhance mechanisms that can alleviate the low access to credit by special interest groups. This, the study reckons, would enhance their participation in government procurement opportunities. Further, the study found that access to funding does not have a significant effect on implementation of the preference and reservation scheme. This the study alludes, is because of the low value of procurement opportunities that are set aside for the special interest groups in the County of Tana River. There is need to examine, empirically, the hypothesis that this scenario causes disinterest in the public procurement preference and reservation scheme in Kenya, and thus the poor implementation of the preference and reservation scheme. Further to enhance implementation of the preference and reservation scheme, the study invites further research into policy and strategies that would enhance adoption of social media to publicize procurement information to target groups. This could translate to improved implementation of the preference and reservation scheme; as more eligible bidders in the target range would access the information.

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