

UNIVERSITY OF NAIROBI

SEMINAR ON INTEGRITY FOR SENIOR SECRETARIES HELD ON SATURDAY MAY 14TH 2011, IN THE COUNCIL CHAMBER

TOPIC: ISSUES OF INTEGRITY IN PROCUREMENT

PRESENTER: JOSEPH M.K. MOKAYA

1.0 INTRODUCTION

I am very pleased to come and talk to you on issues of integrity in area of Public Procurement. As you know Procurement has been identified as one section of the University that is vulnerable (if not the most vulnerable) to corrupt practices. This is not surprising because the occurrence of corruption in public service mostly relate to procurement (Goldenberg, Grand Regency, Purchase of Land for graves, Nairobi-Nyeri Road, Forensic Laboratories sale of Ngong Forest land, boreholes in Ukambani etc.)

2.0 WHY DOES CORRUPTION THRIVE IN PUBLIC PROCUREMENT

Researchers could possibly help us answer this question.

Some of the reasons why corruption thrives in Public Service/Procurement may include:

- i) Culture that condones corruption ...“mali ya uma, you eat where you work, this is our time to eat, milk the cow while I am holding it”.
- ii) Material wealth as the only symbol of success, “Sonko sub-culture”.
- iii) Low education, low level of professionalism - possibly this is why grand corruption is not practiced in the University of Nairobi.
- iv) Procurement provides easy avenue for removing money from public coffers.
- v) Weak legal frame-work. It is only recently that procurement found its place in the Act (2005), codified Regulation (2006) and the New Constitution, 2010. Cases on corruption can be very complicated to prove before a Court of Law.

3.0 RISK AREAS IN PROCUREMENT

The entire procurement process is vulnerable to corruption; Technical specifications, request to procure, sourcing for quotations or even purchase through petty cash, tendering, evaluation etc. Every single procurement process requires control and accountability. Every process can easily be turned into an opportunity for making "personal gain". Take the case of designing technical specification; it can be tailored to favour a particular supplier or, sourcing for quotations, we have had cases of "quotation fixing" and some of the cases are on-going. Managing office petty cash can also be source of worry as some of the purchases could be finding their way to people's kitchens.

4.0 MEASURES UNDERTAKEN TO REDUCE CORRUPTION IN PROCUREMENT

i) Professionals recruitment

Attempt has been made to professionalise procurement function.

Most procurement staff from Grade AB and above have professional Diplomas and degrees (or pursuing degrees)

ii) Training

The University has invested heavily in training staff on procurement. The rate of awareness of procurement law is relatively high.

iii) Statutory Committees and Periodic Reports

The University has the following Committees to assist in procurement and Disposal matters;

- Tender Committee (1)
- Procurement Committees (9)
- Technical Evaluation Committees , ad hoc
- Inspection and Acceptance Committees (several, each receiving points)
- Disposal Committees (9)

Reports of purchases above 5 million are submitted to PPOA quarterly. However, much needs to be done in generating internal management reports.

iv) Departmental Meetings where issues of Integrity are highlighted

Issues of integrity are frequently discussed in Procurement Departmental meetings - the Chief Legal Officer has on several occasions held discussions both formally and informally with procurement staff. This has greatly raised the level of awareness of integrity issues.

v) Appointment of Champions and Integrity Officers

Corruption Prevention Champions in Procurement are:

- Mr. J. Mokaya, Procurement Manager
- Mrs. J.A. Kanjejo, Deputy Procurement Manager
- Mr. J. Nthusi, Deputy Procurement Manager, SWA
- Mr. Francis Makokha, Procurement Officer
- Mr. A. Terer, Assistant Procurement Officer.

Integrity Assurance Officer in Procurement are:

- Mrs. J.A. Kanjejo, Deputy Procurement Manager
- Mr. J. Nthusi, Deputy Procurement Manager, SWA
- Mr. M. Otunga, Procurement Officer
- Mr. A. Terer, Assistant Procurement Officer.

5.0 YOU CAN HELP IN REDUCING PROCUREMENT RELATED CORRUPTION

- i) Use petty cash for the purpose of the University only.
- ii) Increase your knowledge of the Procurement Law and processes so that you can detect unprocedural purchases or disposals.
- iii) Vet those who come to see the boss. Corrupt people hate being asked why they want to see the boss.

Secretaries are trained to know suspicious characters. You could also advise the boss on dangers of corruption to the office.

When the boss is corrupt even the juniors are not safe.

6.0 CONCLUSION

Procurement is the process of acquiring goods, services and works following the laid down law and processes. Disposal on the other hand is ridding the organization of obsolete or surplus materials and equipment using the laid down law and procedures. Anything to the contrary is corruption. The laws that must be observed include:

- The New Constitution, 2010
- The Public Procurement and Disposal Act, 2006
- The Public Procurement and Disposal Regulations, 2005
- The UON Procurement and Disposal Manual
- The UON Financial Regulations
- Economic Crimes Act
- Public Officers Ethical Code.

Some of the enforcement Agencies include:

- Integrity Officers
- Chief Legal Officer
- Internal Audit
- External Audit
- K.A.C.C.
- Efficiency Monitoring Unit
- Procurement Manager
- The Public

Finally Prevention of Corruption is everyone's business.

THANK YOU