



**SUMMARY OF THE PUBLIC PROCUREMENT AND  
ASSET DISPOSAL REVIEW REPORT FOR MIGORI  
COUNTY GOVERNMENT FOR THE 2017-2018  
FINANCIAL YEAR**

**DECEMBER, 2019**

This report is a product of a Procurement and Disposal Review conducted by the Public Procurement Regulatory Authority (the Authority) pursuant to its mandate under the Public Procurement and Asset Disposal Act, 2015 (the Act). Section 9 of the Act bestows on the Authority the responsibility to monitor the public procurement system and report on the overall functioning and recommend any actions required for improvement. Part IV of the Act, further requires the Authority to ensure that the procurement procedures established under this Act are complied with. Specifically, Section 43 of the Act gives the Authority powers to review procurement and disposal records / systems to monitor compliance with the Act.

In view of the above, a procurement and disposal review of Migori County Government was conducted from 20<sup>th</sup> to 24<sup>th</sup> May 2019 and 2<sup>nd</sup> to 7<sup>th</sup> June 2019. The main objective of the review was to determine the extent to which the Procuring Entity (PE) followed the procedures and rules established in the Act and the applicable regulations; circulars and directives issued by the Authority and other generally acceptable professional best practices, in conducting their procurement and disposal activities. The review also helps to identify strengths and weaknesses, as well as risks inherent in the procurement system and propose measures against any weaknesses and irregularities identified.

The review covered procurement proceedings for the period 1<sup>st</sup> July, 2017 to 31<sup>st</sup> March, 2019. The areas of focus during the review were: the institutional arrangements, procurement and disposal processes and contract management. The reviewers examined sampled contracts to verify their compliance with the Act, the attendant Regulations and other directives issued by the Authority and other relevant bodies from time to time.

An entry meeting with the PE's management team was held on 20<sup>th</sup> May 2019 to discuss the scope of the review, the review plan, the reviewers' and PE's expectations, access to documentation and other administrative issues. The contracts reviewed were sampled randomly but in a structured manner to include all item categories (i.e. goods, works, services and disposals) and procurement methods. The review used qualitative and quantitative data collection methods. The methods included interviews, observation, confirmation, analysis and review of records.

The review was mainly limited / constrained by the slow retrieval of documents took a lot of time as the procurement files were kept in the departments which located in far flung areas.

The summary of the key findings based on the three broad indicators were as follows:

Procurement Function is established with fifteen members of staff, good working facilities and equipment. Seven (7) have academic qualifications. Only the Head of Procurement have professional qualification. Six (6) are members of Kenya Institute of Supplies Management (KISM) and one with a Practicing License. The Head of Procurement and eight (8) members of staff are not members of KISM and six (6) have no academic qualifications. Fourteen (14) have no professional qualifications.

The Procuring Entity (PE) was found to be compliant in the areas of procurement within the budget, preparation of tender documents, and invitation to tenders. However, there were weaknesses in the areas of procurement planning, procurement manual, appointment of committees, evaluation of tenders filling reports to the Authority and disposal of unserviceable items.

Contract Management is very poor as there are no contract records and an officer responsible for contract management.

Upon conclusion of the review the overall compliance and risk rating of the PE's procurement and asset disposal system was determined based on compliance and risk rating criteria defined in the Authority's Compliance Monitoring Manual. To this end Migori County Government has attained a compliance level of 48.1 % which is non-compliant.

The PE should endeavour to improve its performance in order to fully comply by implementing the recommendation contained in this report and put in place all other appropriate systems and structures to ensure that all procurement and disposal activities are undertaken in accordance with the procurement law.

The detailed recommendations for addressing the weaknesses are captured in Section Four of this report. The procuring entity should implement the recommendations within the specified timelines and update the Authority on the same for purposes of follow up.

