ABSTRACT

Transparency is one of the key objectives of public procurement law in Kenya. The main legal framework governing public procurement is the Constitution of Kenya 2010, the Public Procurement and Disposal Act No. 3 of 2005 (PPDA), and the Public Procurement and Disposal Regulations, 2006 (PPDR). The PPDA and PPDR, stipulates the procedures to be followed in the public procurement process. They are expected to ensure that the objective of transparency in public procurement process. They are expected to ensure that the objective of transparency in public procurement is realized. The law envisages transparency standards in all stages of public procurement from access to invitations to public bids, tender opening, evaluation of bids and disclosure of evaluation criteria, information on the results of specific procurement transactions and availability of review mechanisms for decisions involving tenders and prompt and impartial resolutions of disputes. Although rules exist to guide the public procurement process, there are instances pointing to the lack of transparency in the tendering process due to among other reasons the wide discretionary powers in the process leading to award of public tenders. Such discretion is prone to abuse by procuring entities to the detriment of the bidders. This study is limited to the transparency standards in the public procurement process from access to invitations to public bids, tender specifications, tender opening, evaluation of bids and disclosure of evaluation criteria, information on the results of the specific procurement transactions and availability of review mechanisms for decisions involving tenders and prompt and impartial resolution of disputes.

Project Year: 2013
Project Status: completed
Project Supervisor: DR. ATTIYA WARIS

Source URL: http://law-school.uonbi.ac.ke/node/1985

Links: