



Does Planning Pay Off? Investigating Role of Procurement Planning in Fostering Organizational Performance: The Case of Kenyan Judiciary.

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ABSTRACT

With the ever increasing competitions, complexity of business systems and structures buoyed by government regulations and deregulations, business organizations and corporates are turning to strategic practices with the view of improving their performance. performance itself is not a new phenomenon, though achieving results in purchasing firms has become a bone of contention. The purpose of this article is to investigate effect of procurement planning on organizational performance basing on the judiciary of Kenya. We achieved this through a quantitative paradigm in a correlational survey design, with data being obtained from a sample of 50 respondents. The results showed planning procurements pay off, procurement planning has a positive significant effect on organizational performance ($R^2=.647$, $\beta=.269$) denoting that planning procurement explains 64.7% change in organizational performance with unit adoption of planning resulting into 0.269 units in organizational performance. Findings ground theoretical position in the institutions theory that firms can create a socially responsible environment and better their results through planning practices. Study concludes: it's about planning to get best deals in procurement and wider firm performance

KEY WORDS: *Planning, Procurement planning, Organizational performance, Institutions theory*

1.1 Introduction

Public procurement has been an argued term for quite a period of time. It has globally been acknowledged as a sect that plays strategic roles in eloquent management and administration of citizen resources. Many countries have made an effort to incorporate it into a more considered view of government efforts. Aschhoff & Sofka (2008) reasons that procurement is a strategic element in the working functions of any arm of government as it is used for acquiring goods, works and services in the right quality, from the right source and at the right price all to meet identified needs. They further allude that every government has a sole responsibility of providing fundamental services to its citizens through public procurement. It is an important function of government because of the great impact it has on the economy and needs to be managed well (Ambe & Badenhorst-Weiss 2012; Aschhoff & Sofka, 2008).

Kipchilat (2006) referred to public procurement as the acquisition of supplies using public funds. Public Procurement and Asset Disposal, PPAD Act 2015, defines public procurement as procurement by procuring entities using public funds. From this explanation, it can be stated that procurement is in one or all ways, related to acquisition of materials that an organization needs. The writer also notes that the procurement process needs to be efficient in order for public organizations to achieve value for money, more efficient use of resources, greater social inclusion, and better risk management. Mentzer, Stank and Esper (2008) additionally establishes that an efficient procurement process is it that ensures that the right materials from the right source are available at the right place, in the right time and acquired at the right price. This can be achieved through effective planning practices (Ambe & Badenhorst-Weiss 2012).

The PPAD Act (2015) contains principles that are meant to successfully ensure that the procurement process is fair and just, the first principle being procurement and disposal planning (Part VI, Sec 53). Several studies in public procurement (Getuno, Awino & Mwaura, 2015; Odhiambo & Kamau, 2013; Mahmood, 2010; Nyaboke & Muturi, 2017) reveal that even after introduction of planning in procurement, 60% of quality systems do not deliver expected results in public procurement. The prime reason for the enactment of the Act was to have a legal regime that weeds out inefficiencies, remove patterns of abuse, and the failure of the public purchaser to obtain adequate value in return for the expenditure of public funds but these objectives have never been fully achieved in practice (Odhiambo and Kamau, 2013).

On the contrary, public procurement has been masked by secrecy, corruption and undercutting practices by practitioners despite lucrative efforts by oversight bodies such as Ethics and Anti-Corruption Commission (EACC) and Public Procurement Regulatory Authority (PPRA) to streamline public

procurement practices. In a study conducted by EACC (2010), it is observed that Kenya loses about Ksh.200 billion annually as a result of flaws in public procurement. Mahmood (2010) espouses that huge amounts of resources have been misused through procurement due to lack of professionalism and corruption and since all these resource come from the public, there is need for sound implementation of procurement planning. Wanyama (2010) confirmed this proposition when he contended that government arms such as the Judiciary have challenges implementing the PPAD principles due to constant wrangles with the executive and legislature, external pressures from politicians and interest groups, loss of confidence and lack of awareness by service providers about the procuring process among others (Telgen, Zomer & de Boer, 2012).

Empirical works in literature have shown rousing interest in procurement planning in the decade to the present. Ogubala & Kiarie (2014) undertook a study on factors affecting procurement planning on performance of county governments in Kenya. They explained that procurement and asset disposal planning is the act of thinking, deciding and integrating procurement and asset disposal functions so as to achieve the supply chain set goals. Their results indicated that procurement planning has a positive significant relationship with performance in Kenyan County Governments. In his research study, Kiarie (2017) using a census design observed that procurement and asset disposal planning is a holistic approach that carries more weight by the top management. Henceforth, it can be explained that procurement and asset disposal planning refers to integration of procurement and asset disposal activities, more so by the top management. These studies do not however pin point the influence of procurement and asset disposal planning on performance.

The Judiciary of Kenya is a system of courts that interprets and applies the law in Kenya. Its chief mission is to resolve disputes with a view of protecting the rights and liberties of all, thereby facilitating attainment of the rule of law. This assignment of a narrow role of the Judiciary was achieved through the establishment of the constitutional rules which enabled the executive to control the Judiciary. These rules remained in place until the promulgation of a radically different constitution of Kenya in August 2010. The Chief Accounting Officer of the Judiciary is the Chief Registrar, who convenes all committees involved in procurement matters. According to Ezer (2016) the Judiciary is enshrined in professionalism, integrity, excellence in service, team work, transparency and accountability as its core values. The figure below presents a schematic structure of the Judiciary.

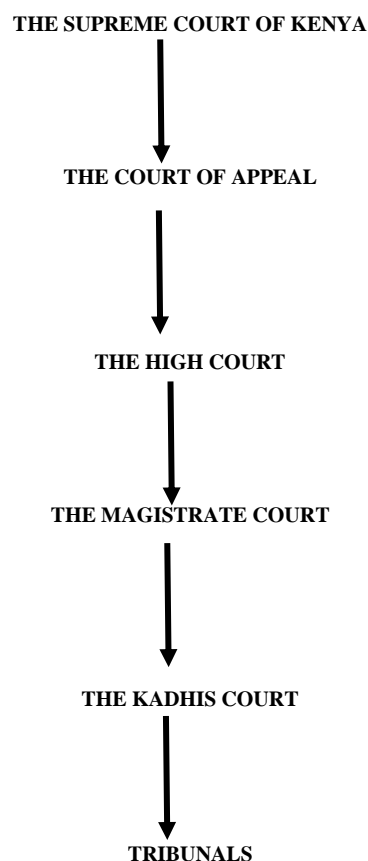


Figure 1.1: Structure of the Judiciary

Source: (Judiciary, 2023)

The Supreme Court of Kenya, SCOK, is the largest court in the land and houses offices of Chief Justice, Chief Registrar of Judiciary as well as the Judicial Service Commission. Additionally, the court houses directorate of Procurement and Supply Chain, a supreme division charged with ensuring that the judiciary acquires quality supplies at the right time and in the right manner (Ezer, 2016). The core mandates of the judiciary include expeditiously administering justice to all irrespective of status, protecting and promoting the purpose and principles of the constitution, promoting alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms.

Against a back drop of a sharp criticism of the judiciary by civil and political leaders which saw the institution put as sixth most corrupt in the country (Corruption report, 2007), it is important for the judiciary to uphold the principles of the PPAD Act in order to realize its key objective of acquiring quality goods and services as well as achieving the value for money, given the multiplicity of functions that the court systems serve. Additionally, the PPAD principles are enshrined in the constitution of Kenya, specifically chapters 227 and chapter 6. As a custodian of the constitution, the judiciary is expected to apply these sound procurement principles. The study will thus delve in examining the effect of PPAD principles on performance of the

1.2 Objectives of the study

i. To determine the effect of procurement and disposal planning on performance of the Judiciary, Kenya

1.3 Hypothesis of the study

H₀: Procurement & disposal Planning has no significant effect on performance of the Judiciary, Kenya

1.4 Conceptual framework



Figure 2.2: Conceptual framework of the effect of procurement & disposal plans on procurement performance of the Judiciary, Kenya

The conceptual model of the study above shows an association between procurement & disposal planning and procurement performance which exhibits a cause and effect relationship. The independent variable is procurement & disposal plans. Aspects of procurement & disposal plans in place (use of standard formats, sanctioning and approval of plans, time frames in preparations) may affect procurement performance of Judiciary. With this therefore, it is expected that procurement performance (estimated in this case as quality compliance, cost effectiveness, cycle time) may be achieved by Judiciary. Therefore, the study is composed of two main variables; independent variable (procurement & disposal planning) dependent variable (procurement performance) as shown in the figure 1.1

2.0 Literature Review

2.1 Institutions Theory

Institutional theory came into being in 1930 (Bansal & Clelland, 2014; Hoffman, 2009; Jennings & Zandbergen, 2015) in understanding the response of the firm to increasing pressures for management of the environment. Due to increased public awareness of organizational failure and environmental demands, institutional theory recommends that companies can only gain legitimacy through reduction of their environmental impact and being socially responsible (Bansal, 2005; Bansal & Clelland, 2014). This is achieved through adequate planning.

Institutional pressure has led firms to adopt planning practices, more so in public procurement. They can be; Preparing procurement & asset disposal plans in a standard format as set out by public procurement regulatory authority, ensuring approval by relevant authorities such as chairperson of tender committees, chief executive officers (CEO), budget i.e. planning & disposal within an approved budget and after confirmation of availability of funds. Firms can create good relationships with regulators by participating in government-sponsored voluntary program which develops a voluntary agreement between government agencies and firms hence encourage technological innovation and reduction in pollution (Delmas & Toffel, 2008). Companies can also work with their customers as well as their suppliers to improve their environmental performance through exchange of ideas/information, suggestions and correction (Nelson & Winter, 2012).

Meyer and Rowan (2016) on Institutional Theory argue that the institutional environment strongly influences the development of formal structures in an organization more than market pressures. To improve efficiency in organizations, innovative structures are legitimized. Ultimately these innovations reach a level of legitimization where failure to adopt them is seen as "irrational and negligent". Here, new and existing organizations will embrace the structural form even if it does not boost efficiency. This means that the "institutional myths" are ceremoniously accepted so that organizations maintain legitimacy in the institutional environment with vocabularies of structure such as job titles, procedures and roles.

2.2 Procurement & disposal planning and performance

In the perspective of the public sector, research indicates that procurement and asset disposal planning in government arms is a chief part that drives performance (Aschhoff and Sofka, 2008). Reflecting broader concerns to achieve long term maintenance of development; planning in procurement has in the recent times acquired the policy framework that govern procurement process that is followed by public entities. Public procurement has been

regarded as the process where business entities and organizations meet the needs for goods, works and services and utilities while also gaining the value for money in totality for all the shareholders involved, while considering the environmental aspect. This in essence, is made possible when there is good procurement planning and asset disposal.

The procurement exercise follows steps according to the PPAD Act, 2015. Section 53 (2) of the Act states that an accounting officer shall prepare an annual procurement plan which is realistic in a format set out in the Regulations within the approved budget prior to commencement of each financial year as part of the annual budget preparation process. It further states that all asset disposals shall be planned by the accounting officer concerned through annual asset disposal plan in a format set out in the Regulations. These steps must be observed in order to ensure that all the stakeholders involved in the procurement exercise obtain fair treatment.

The steps include; planning for the required procurement over a given period, identifying the source of the items, highlighting specifications/initiation of procurement, determination of procurement procedure, Sourcing (soliciting) offers, evaluation of offers, post qualification, commencement of contract, contract performance (delivery) and management, record keeping and accountability, payment and post contract performance (PPDA, Act, 2015). Section 53(6) provides that, all procurement and asset disposal planning shall reserve a minimum of thirty per cent of the budgetary allocations for enterprises owned by women, youth, persons with disabilities and other disadvantaged groups.

Many corporate board members in Africa, especially of state-owned companies, have limited understanding of their roles, and are usually open to manipulation by management, chairmen, or principal shareholders. Some are outright incompetent. Non-executive directors in Africa need to play any meaningful role in the ensuring compliance. However, many simply act as rubber stamps for decisions taken outside the board. In this perspective, compliance arises from a dynamic equilibrium between the various powers of the state and understanding what their roles are (Mentzer *et al.*, 2008).

Ogubala & Kiarie (2014) undertook a study on factors affecting procurement planning in county governments. They affirmed that one of the factors causing of non –compliance with procurement and asset disposal planning is the level of familiarity with the procurement regulations. Focusing on information communication technology, top management support, staff competence through a descriptive research design, the study questioned 100 respondents and observed that sound procurement and asset disposal planning ensures fair competition and the promotion of value for money. It was acknowledged that value for money is an important concept that should guide all supply chain organization. Value for money is an intricate term which confines supply chain entities to acquire purchase at the prevailing market prices. Competition on the other hand denotes that there are equal chances to interested parties such as vendors for procurement and asset disposal opportunities. For that reason, it is fundamental to note that prudent procurement and asset disposal planning means that the supply chain will improve its service delivery, given that there would open competition and achievement of value for money (Ogubala & Kiarie, 2014).

Kiarie (2017), through a census research design studied the factors influencing procurement planning in county governments and argued that Procurement and Asset Disposal planning is fundamental in performance. Studying all his target population, Kiarie established that deficient familiarity of the procurement procedure by all the internal stakeholders may affect performance. He posited that there are six dimensions through which we can judge the level of institutionalization of any structure and its ability to adapt to change, including: autonomy, complexity, coherence, congruence and exclusivity. Implementation of procurement and disposal principles depends on the relationships between procurement and asset disposal planning and budgeting, competency of procurement staff and management support.

3.0 Methodology and design

The way a research is done depends on its design (Bloomfield & Fisher, 2019). Research design refers to the overall strategy that a study adopts in conducting a research and begins from deciding on the types of data, collection of data and reporting of the findings. According to Rezigalla (2020) research design is the plan of action adopted to coordinate parts of a study in a uniform and systematic way. The researcher further lists four main types of designs for a study: correlational, descriptive, quasi and experimental designs.

The study adopted a correlational design given that objective of the study was relational, that is, determining effect of procurement planning and performance. A correlational design is an attempt to establish the relationship among variables and is important where the researcher has little or no influence, nor intends to influence constructs in the period of study (Curtis, Comiskey & Dempsey, 2016). The study was conducted in the judiciary of Kenya at the supreme court's directorate of supply chain management services. The supreme court was chosen since all the major procurements and disposals are carried out in the court. The target population was made up of 100 suppliers and staff from the directorate, from which a sample of 50 respondents was selected by Taro Yamani's (1967) mathematical approach.

Table 3. 1: Target population

Population category	Population target	Percentage
Supply Chain Officers	20	20.0
Senior Managers	15	15.0
Departmental Heads	20	20.0
Suppliers	45	45.0
Total	100	100.0

Source: (Judiciary, 2018)

In arriving at the sample, Taro Yamani's (1967) mathematical approach was used

Given a population of 100 and precision level of 0.1 the sample size will be calculated as;

$$n = N / 1 + (e)^2$$

Where; n is the sample size; N is the population size and e is the level of precision (0.1)

$$n = 100 / 1 + 100 (0.1)^2$$

$$n = 50$$

Stratified random sampling technique, where respondents were stratified into supply chain officers, senior managers, departmental heads and suppliers was used.

Table 3. 2: Sample Size

Population category	Sample size	Percentage
Supply Chain Officers	14	28.0
Senior Managers	6	12.0
Departmental Heads	10	20.0
Suppliers	20	40.0
Total	50	100.0

Source: (Judiciary, 2018).

From a sample of 50 questionnaires issued, 41 questionnaires were dully filled and returned, giving a response rate of 82.0%. In the analysis of data, multiple regression was selected to annul the effect of planning on performance in the judiciary of Kenya.

4.0 Results and Discussion

4.1: Procurement & Asset Disposal Planning

The study sought to establish the influence of procurement and asset disposal planning on performance. Respondents were asked to react to a set of questions on a five-point scale. The findings are illustrated in table 4.3 below. The first statement asked respondents whether preparing procurement and asset disposal plans in an acceptable and understood format improves performance. A mean of 3.474 indicated that majority of the participants were neutral in their opinions. The second statement inquired from the respondents whether suggesting to accounting officers the exact amount of supplies to be procured may help improve performance. The respondents agreed as indicated by a mean score of 3.577 that procurement practitioners need to suggest the exact materials to be procured to accounting officers in order to improve performance of the procurement function.

Further, the third statement asked respondents whether adequate preparation of procurement and disposal plans may improve performance. The respondents unanimously agreed (3.684 mean) to this statement, positing that timely and adequate preparation of procurement and disposal plans is crucial in performance. A fourth statement asked the respondents whether providing adequate time frame, for instance planning, procuring and asset disposal improves performance. The mean of 3.4735 implies that the respondents were impartial to the statement. The fifth statement asked respondents whether ensuring approvals, timely approvals in procurement and supply chain by relevant authorities i.e. accounting officers improves performance of the performance. Majority of the respondents agreed (3.789) as regard to the statement.

The sixth statement inquired from the respondents whether doing procurement and disposal planning within an approved budget improves performance in the Judiciary's Supreme Court. The mean score of 3.579 posited that majority of the respondents were in agreement with the statement. The researcher further evaluated whether ensuring preferences and reservations when planning for procurement and asset disposals ensures improvement in performance in the long run. The respondents majorly agreed as depicted by a mean score of 3.737.

Table 4. 1: Procurement & Asset Disposal Planning

Statements	N	Mean
Preparing procurement & asset disposal plans in a format understood by all parties improves performance of the procurement function	41	3.4735
Suggesting the exact amount of supplies to be procured by procurement practitioners	41	3.5768
Adequate preparation of procurement and asset disposal plans	41	3.684
Time frame i.e. adequate time for planning, procuring & asset disposals	41	3.4735
Ensuring approval by relevant authorities	41	3.7893
Budget i.e. planning & disposal within an approved budget	41	3.5786
Ensuring preferences and reservations i.e. to persons with special interests	41	3.7366
Selection of the correct procurement and asset disposal methods	41	3.6245
Composite Mean		3.6171

Source: (Field Data, 2018)

Table 4.2: Regression Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Significance
	.661 ^a	.647	.639	.167	.005

a. Predictors: (Constant), Procurement Planning

Source: (Field data, 2018)

Table 4.2 above presents the model summary results. The adjusted R value is .639 denoting that there was a significant positive direction in the results. R is the correlation between the observed and predicted values of the dependent variable. Wong & Hiew (2005) examined that the R values often range from -1 to 1, where the sign of R indicates direction of the relationship, i.e. either positive or negative. Furthermore, the absolute value of R shows the strength, with larger absolute values showing stronger relationships. So then, the R value at .639^a shows a positive correlation between observed and predicted values in a positive relationship.

The R square value was 0.647. This indicates that 64.7% of variance in the dependent variable; organization performance, was estimated and examined by the independent variable (procurement and asset disposal planning). 35.3% denotes other variables causing variations in the dependent variable not accounted for in the current study. These results are in agreement with those of Mesa *et al.* (2017) who observed that performance in the Judiciary is influenced and determined by a number of aspects, specifically mentioning planning.

Table 4. 3: Regression Coefficients

Model	B	Unstandardized Coefficients		Standardized Coefficients	
		Beta	Std. Error	Beta	Sig
(Constant)		0.511	0.096	0.625	0.000
Procurement & Asset Disposal planning		0.136	0.433	0.269	0.004

a. Dependent variable - Performance

Source: (Survey data, 2018)

The model henceforth, took the following form;

$$Y = \beta_0 + \beta_2 X$$

$$y = 0.625 + 0.269X$$

X= Procurement & Asset Disposal Planning

Y= Performance

The multiple regression model established a beta constant of 0.625. This illustrated that a unit increase in procurement and disposal planning other factors held constant, would lead to a 0.625 increase in performance in the Judiciary at 95% confidence level.

4.2. Influence of Procurement & Asset Disposal Planning and Performance

The regression model above further indicates that procurement & asset disposal planning has a significant effect on performance ($\beta=0.269$, $p=0.004$) implying that unit increase in procurement & asset disposal planning results to a 0.269 increase in performance. Practically, if the Judiciary ensures continuity in its procurement and asset disposal planning, then it will witness an increase in performance of its procurement function. The null hypothesis that implementation of procurement & asset disposal planning has no influence on performance of the judiciary was thus rejected. The results of the study are in agreement with those of Ogubala & Kiarie (2014) who explained that procurement planning is fundamental in performance of the procurement function in County Governments in Kenya. They concluded that sound procurement and asset disposal planning improves value for money, which is a fundamental measure of performance. It confines procuring entities to procure suppliers at the prevailing market prices and this do not doubt improves performance of the procurement function.

Furthermore, the study results are in agreement to those of Kiarie (2017) who used a census research design to examine the factors influencing procurement planning in county governments. Kiarie established that procurement planning in County Governments is not a standalone aspect that influences performance of the procurement function. However, procurement planning, which is a fundamental principle of public procurement, is dependent on budgetary allocation, competency of organization staff and the top management support.

In a nutshell, it can be realized that a continued focus on transparency and accountability practices by public procuring entities can significantly improve performance of the procurement function. Transparency in public procurement most embodies access to information by the legitimate parties as well as confidentiality of information which do not require civic attention. An important way of achieving this is adoption of information communication technology. Procurement and Asset Disposal planning further significantly influences performance of the procurement function. Organizations must have

a continuous focus on adequate time frame, budgetary provisions, competency of the procurement staff and relevant approvals since they are the main aspects that measures efficient planning. In the instance when this is harnessed, then no doubt that performance of the procurement function will be witnessed. Furthermore, a continued focus on ethical standards which underpin procurement practices is fundamental in ensuring that there is an enhanced performance of the procurement function. Organizations must have a continual focus on transparency and accountability practices, procurement and asset disposal planning and ethical standards in order to improve their performance.

5.0 Conclusion and recommendation

The study envisioned to achieve an objective by determining the influence of procurement and disposal planning on performance of the judiciary. Procurement Planning has been documented in a number of studies, with each study having differing opinions. The hypothesis that procurement & asset disposal planning had no significant influence on performance was formulated. The study established that procurement and asset disposal planning significantly affects performance. The null hypothesis that procurement & asset disposal planning had no significant influence on performance was thus rejected.

The study determined the influence of procurement and asset disposal planning on performance. It was discovered that having acceptable and understood plans, suggesting the exact amount of materials to be procured, Preparing procurement and disposal plans, ensuring adequate time frames in procurement and disposal plans, ensuring approvals by relevant authorities, doing budgeting i.e. procurement & disposal within an approved budget, segmenting preferences & reservations plans i.e. to persons with special interest and effective selection of procurement & disposal methods effectively influences of the procurement function. It is henceforth concluded that an increase in procurement and asset disposal planning significantly increases performance of the procurement function.

It is about planning in order to get the best deals in terms of performance. It is recommended that the Judiciary should consider undertaking procurement and disposal plans in order to improve performance, given that it significantly influences performance of the procurement function.

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