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Accepted: August 11, 2020

ABSTRACT

The objective of this study was to investigate the effect of contractual management teams on supplier performance in service state owned enterprises in Kakamega County. The study was guided by the Pareto Analysis theory. Survey research design was adopted targeting 120 State Owned Enterprises officials from 15 Service State Owned Enterprises in the County using a census survey. The study was quantitative in nature and used questionnaires as research instruments. Data was analyzed using both descriptive and inferential statistical methods with the aid of Statistical Package for Social Sciences (SPSS) version 24 and findings were presented in the form of frequency distribution tables. The study established that contract management teams had statistically significant influence on supplier performance. Skillful and knowledgeable contract management teams produced better suppliers to the SOE's. The study recommended that contract management team members to attend in training in procurement process. The enhanced contract management skills would then improve supplier performance in state corporations. This study would help to shed more light on the lack of consensus on the subject matter as identified in this current study.

Key Words: Contractual Management Teams, Supplier Performance

CITATION: Okello, R. A., & Malenya, A. (2020). Effect of contract management teams on supplier performance in service state owned enterprises in Kakamega County. *The Strategic Journal of Business & Change Management*, 7(3), 541 – 550.

INTRODUCTION

The term Contract Management refers to the procedures that allow a Contracting Authority to verify that the Contractor is executing the Project in accordance with the terms of the Contract, providing the services/ supplying the products or constructing the public works that have been set forth by the Tender documents, at the time and in the quantity defined in the Contract but also with the quality and the cost that have also been defined in it (Aman, et al., 2012). Contract Management, apart from the acceptance management includes administrative tasks and most important, the building and keeping of a good working relationship with the Contractor. Also according to Waigwa & Njeru (2016), the central aim of contract management is to obtain the services as agreed in the contract and achieve value for money.

However, both studies and practice have proven that ineffective contract management may bring about the following: timely decisions are not often made thus exposing the organization to potential risks; it gives greater autonomy to the Contractor who proceeds to execute the Project based on the assumption that he has formulated himself regarding the contract requirements, without realizing the actual goals and results expected from the execution of the project, and; the Project implementation described in the contract is underestimated by the Contractor both in terms of time and human resources required, leading eventually to deviations from the initial planning and possibly to exceeding the initially estimated budget (Kibogo & Mwangangi, 2014). Also it leads to slower implementation of the projects (Rotich, 2014).

Other issues cited include lost opportunities to improve value for money; the variations in the contract are not realized according to the specific and agreed manner thus increasing the possibility of new risks emerging during the implementation of the project and the products, services and public works are delivered/ accepted without meeting the acceptance criteria that had been set for them (H.

Y. Chong et al., 2011). All these underscore the importance of contract governance in the procurement system. As such, all contract managers should have a good knowledge of the operation and performance of the contracts under their responsibility in order to enhance contract outcomes.

The performance of suppliers is determined by a number of complex factors. In connection with the aspect of performance of suppliers, performance of suppliers constitutes results of the impact of factors, that is relationships between suppliers and buyers, asymmetric powers of two parties and intensity of competition .Business relationships between suppliers and modern retailers concerns transaction costs. Based on the relation contracting theory, an effective contracts could strengthen relationships between suppliers and buyers and create stronger competitiveness of buyers. If the competitiveness is applied to management of suppliers, it would increase the value of supply chain that will contribute to the better performance of suppliers .

Contract management is based on the idea that the contract is an agreement, a partnership with rights and obligations that must be met by both sides to achieve the goal. Contract management is aimed not at finding fault, but rather at identifying problems and finding solutions together with all contracting parties involved. According to the Interagency Procurement Working Group (IAPWG) in (2012), the purpose of contract management is to ensure that all parties to the contract fully meet their respective obligations as efficiently and effectively as possible, delivering the business and operational outputs required from the contract and providing value for money. It also protects the rights of the parties and ensures required performance when circumstances change.

Good contract management is the process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to continually deliver both the business and operational objectives required from

the contract. Furthermore, successful contract management is defined as existing when: The arrangements for service delivery continue to be satisfactory to both customer and supplier; Expected business benefits and value for money are being delivered and realized; The supplier is co-operative and responsive; All parties know their obligations under the contract; Disputes are rare; and the contract is fully compliant and satisfies both legislative and audit requirements. However, the contract management phase of the procurement life cycle often receives the least attention and effort until problems arise (MAV, 2016). In the public sector, this leads to the loss of a substantial amount of money through inept contract governance systems in the procurement goods and services.

State owned enterprises refer to agencies, companies or intergovernmental organizations that have political influence and are distinct from the government though their activities directly or indirectly serve the state. Such organizations can also be partly or wholly owned by a government. Under the State Corporations Act, chapter 446 of the constitution, Kenya has established many SOEs, usually referred as Parastatals. These firms have the autonomy of running and concentrating on particular mandates so as to enhance the public service delivery (Government of Kenya, 1986). Even though they have Board of Directors and equivalent governing bodies to supervise their operations, such institutions act within the general supervision of their respective ministries. These organizations are highly indispensable in the Kenya since they provide significant avenues through which the state reaches out to the people and serve them appropriately. These organizations are relevant in the study because they all undertake procurement practices under the PPADA 2015 Act. The country loses a lot of taxpayers' money through poor procurement and contract management practices. Therefore, it would be insightful to discover the extent to which state owned enterprises in Kenya conduct contract management practices. It is also

worthwhile to understand how contract management practices affects the overall operational performance particularly the supplier performance of these SOEs. Therefore, the study will gain valuable information from these SOEs in relation to contract management and supplier performance, and that the context forms a fertile ground for the study

Statement of the Problem

Public procurement is the main process through which any government operates and spends public money. Public sector procurement makes up 10-20% of the Gross Domestic Product (GDP) of developed countries and accounts for up to 30-36% of most developing nation's GDP in Sub Saharan Africa. In Kenya it is estimated that public procurement accounts for over 10% of the Gross Domestic Product (GDP), making it a large market for suppliers and contractors PPOA (2009). A significant amount of the state's procurement budget is channeled to SOEs for recurrent expenditure, maintenance, operations and capital improvement so as to enhance service delivery. The country's public sector entities such as ministries, government agencies, state corporations have vastly adopted contracting as model to increase flexibility, access better expertise, improve quality of services, reduced capital investment as well as improved internal user satisfaction

and obtain value for money hence relieving the taxpayer of additional expenses (Ntayi et al., 2010). Contracted functions include technology, consultancy, cleaning services, security, waste management, training, roads construction among others to improve supplier performance. However, supplier performance has not been impressive in Kenya's public sector to date. Evidence suggests that Kenya's public entities are suffering from long lead times, poor quality of goods and services delivered and high levels of contract violations (PPOA, 2009). It reported that more than \$200 million is lost every year due to suppliers' failure to deliver as per terms of the signed contracts, and

this is despite the presence of a contract management system.

Ordinarily firms use governance mechanisms to structure their relationships in order to mitigate risks arising from contractual relationships (Kay, 2010; Macneil, 1969). As an emerging practice in contracts management, contract governance gives the contracting authority discretionary powers in overseeing the implementation of the procurement contracts to its satisfaction. This, therefore, leads to questions regarding the efficacy of the procurement contract management system and even more importantly on the state of the procurement contract governance in ensuring both parties honor their agreements to the letter. This study, therefore, intended to undertake a critical assessment of the contract governance practices with respect to supplier performance of service state owned enterprises in Kakamega country.

Objective of the Study

The objective of this study was to investigate the effects of contract management teams on supplier performance of service state owned enterprises in Kakamega County. The study was guided by the following research hypothesis;

- **H₀:** Contract management teams do not significantly affect supplier performance in service state owned enterprises in Kakamega County

LITERATURE REVIEW

Pareto Analysis

The Italian statistician Vilfredo Pareto (1848-1923) discovered a common statistical effect. About 20% of the population own 80% of the nation's wealth. About 20% of items account for 80% of the firm's expenditure (Lysons & Farrington, 2012). This analysis is very applicable to this study in a sense that the operating company has to put more effort, time and resources on contract management for 20% of contracts to monitor contractors' performance which amount 80% of the whole total contract value in the organisation. Due to limited

resources on contract management function, organisation should focus and put more effort on key contracts to monitor contractors' performance. In other words, company will spend more CM resources on high value and high risk contracts which makes 20% of whole contracts.

Empirical Review

No contract arrangement can guarantee a problem free in project execution, it is the quality of the people, management system of the company and contractor that are the best guarantor of success. Although there are well documented procedures on CM, some contractors have not been performing to the agreed level, for example, they characteristically exhibit poor quality works, health and safety incidents and late completion of works (Kose et al., 2012; Mturi, 2013). Shiwa (2014), however, attributes this development to the inefficiency of the CM team especially from the contracting agency who fail to take ownership of the contract leading to reduced control of cost, late invoice payments for service delivered/completed, which causes cost overrun and complains to contractors which could affect the relationship and contractor's performance. However, Dimitri et al., (2006) maintain that it is indispensable to have a contract management team from each contract parties.

Teams are composed of people who work together. They are multidisciplinary, cut across organizational boundaries and are often a one-off arrangement to tackle a specific non-routine and perhaps difficult problem. The effectiveness of any team relates to many key factors. Primarily these are based around the ways in which the project team operate and interact to produce the final product or net output (Kinyanjui, 2013). Teamwork involves the effective cooperation of a group of people in activities that are directed towards a common goal. The main advantage of teamwork is that the performance of the group as a whole is better than would be sum of the performance of the individuals comprising that group (i.e synergy). The key factors identified to be influential in deciding the levels of management of

synergy are as follows. Clear distinction between these various factors is hardly possible and all the factors overlap and interact with each other (Simpson, 2007).

A contract management team is a group of experts who provide a wide range of services to all project participants involved or interested in the activities relating to the purchasing of materials and supplies required for project implementation (UNEP-Fi & Asset Management Working Group, 2007). Accordingly, it is important to ensure that the right people are in place to carry out the contract management activities is crucial. To be successful the contract manager (or team) must: Have a detailed knowledge of the specification, governing contract and other relevant issues such as SLAs and KPIs; Actively participate in the tender process or have a full handover from the staff responsible for the tendering/contract award; Have the appropriate contract management skills, commercial awareness and industry expertise to manage the contract and resolve any issues; Hold the necessary delegated authority to monitor the financials and ensure variations are appropriately approved by Procurement and in accordance with the organization's requirements (McCrudden, 2008).

Ketchen (2007) explains that a competent CM team do help to prepare a good contract Scope of Work (SOW) which stipulates all the details of the specifications, which lead to no or less contract variations hence cost effective since no budget overrun caused by missed details on the first contracted specification requirements. A competent CM team with clear roles and responsibilities do conduct a detailed risk assessment to prepare clear and robust SOW and specifications and contract requirements, select the right contractor, put together smart KPIs, and have a good relationship to manage the contractors' performance to deliver a project safely, timely and within budget. Appropriate and well-defined KPI, with penalties and incentives stipulated, agreed by both company and contractor teams due to good

working relationship, assist to score the performance and evaluate if contractor is achieving the agreed targets in terms of compliance to the contract requirements. This includes the delivery schedule, quality specification, regulations and standards.

A study by Shiwa (2014) on the effectiveness of contract management on contractors' performance focusing on Oil and Gas Companies in Tanzania established that CM teams had direct relationship with HSE performance; in average an increase unit of CM team will have 0.5-unit increase of HSE performance. The study findings also confirmed those of Basheka et al., (2012) who observed that among the major determinant to effective CM are accurate definition of roles and diverse CM knowledge of the CM team. In his report insisted the need of having a staffed and competent CM team to monitor contractor's performance. Shiwa (2014) further established that some of the SOW is weak and other robust depends on the experience, skill and knowledge of the demand manager. Notwithstanding the above fact, Basheka et al., observed CM as being qualified workforce, quality of people and management system of the company in monitoring contractor's performance outcome. Mturi, (2013), however, differed on the need of adequate skills when recruiting and retaining more experienced and qualified key CM staff in managing contractor's performance. Kutosi et al., (2015) study in Ugandan SOEs revealed that teams entrusted with negotiating do not abide with the contract objectives and sometimes do not have the ability to contract. The study also found that the absence of clear procedures tempts the contracting team to set their own procedures.

Wanyonyi & Muturi (2015) in their study found that the main areas that were observed to be the key contributors to staff competence included the training of new employees in the procurement departments, enhancing team work of procurement staff, acquaintance of the procurement Act by the procurement team and employing qualified and competent personnel in the procurement

departments among others. Ogwel et al., (2016), failed to find any association between planning on team work and procurement performance in their study on factors influencing performance of public procurement function in Trans-Nzoia County, Kenya.

Wanyonyi and Muturi (2015) examined factors affecting performance of procurement function among public technical training institutions in Kisumu County, Kenya. In relation to this, the study also sought to establish whether the members of the procurement team were well acquitted with Act. Most of the respondents were in agreement. This implied that the procurement teams in both institutions are well acquitted with the procurement Act 2015. Since procurement tasks demand professionals with high-level strategic, tactical as well as operational skills which are

needed to improve performance of the procurement function. Mwanjumwa and Simba (2015) sought to find out factors influencing procurement performance in humanitarian relief organization using the International Committee of the Red Cross in Kenya as a case study. The study, however, failed to find a significant association between teamwork and procurement performance. Khadija and Kibet (2015) studied factors affecting implementation of public procurement procedures and practices in Elgeyo-Marakwet County. The study found that the personal integrity of the team leader is the most significant factor in the context of the leadership skills critical for implementation of the PPP. The personal integrity of the leader sets the tone for the team member on how they should behave and as such is the most integral component in relations to leadership skills influence on PPP.

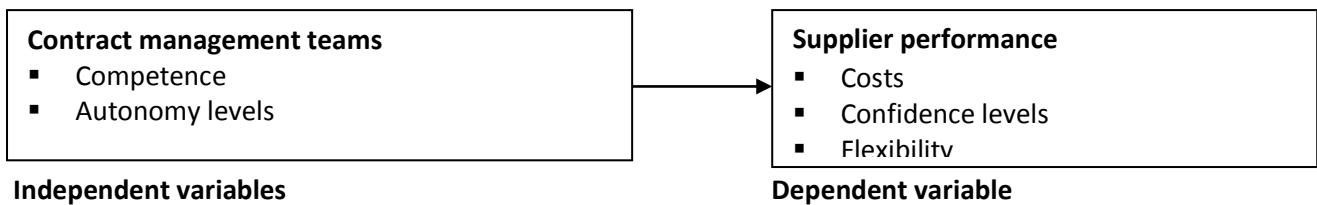


Figure 1: Conceptual Framework

METHODOLOGY

The research design that was adopted in this study was the descriptive survey research design. The design was appropriate because it was used to assess the opinions and attitude on events people and procedures (Kothari, 2004). The study was both qualitative and quantitative in nature. The quantitative results of the study were supported by qualitative narratives so as to provide reasonable insight into their meanings. There were 184 State Owned Enterprises in Kenya. Of these, 15 service SOEs were based in Kakamega County. The target population of this study, therefore comprised of; the Center Directors, Supply chain officers, Human Resource Officers, Finance Officers, Procurement officers, Inventory Officers, Procurement Assistants and ICT officers. Hence, the accessible population was 120 members. This population was chosen

because it was deemed that they could give reliable information for the study and they were highly accessible within the area as most of them had their premises within Kakamega town and its outskirts. The sampling frame were all the officers working within the service state owned enterprises. Since the target population was small the whole population was surveyed through the use of a census technique. A total of 120 officials were surveyed consistent with the recommendations of Kathuri and Pals (1993). The study used primary data which was collected directly from the respondents using the research instruments while secondary data was collected in form of records from reports and other relevant publications. The study used self-administered structured questionnaires as data collecting instruments. Primary data was collected mainly utilizing quantitative and qualitative methods to obtain in

depth information of the study variables. Data was analysed using the Statistical Package for Social Sciences (SPSS) version 24.0 computer program. Descriptive statistical analysis was done using frequencies and percentages to describe the basic characteristics of the data. Inferential data analysis was done using the Pearson's Product-Moment Correlation Coefficient. Correlation analyses were used to measure the relationship between variables.

FINDINGS

Contract Management Teams and Supplier Performance

The third objective of the study was to determine the relationship between contract management teams and supplier performance in service SOE's in Kakamega County. This objective was measured in terms of the teams' competence, experience and autonomy levels. The status of effects of this variable was rated on a 5 point Likert scale ranging from; 1 = strongly disagree to 5 = strongly agree. The results on this are summarized in Table 1.

Table 1: Contract Management Teams and Supplier Performance

Statement	1 Freq(%)	2 Freq(%)	3 Freq(%)	4 Freq(%)	5 Freq(%)	Mean	Std. Dev
Our contract management team members are well conversant with the PPAD Act	2(2)	10(9)	12(11)	50(45)	36(33)	3.98	0.99
Our contract management team members often attend in house training in procurement	0	11(10)	26(24)	47(43)	26(24)	3.8	0.92
Our contract management team members are well experienced	1(1)	8(7)	10(9)	62(57)	29(26)	4	0.86
All our CM team members are allowed to make their decisions independently	0	8(7)	15(14)	42(38)	45(41)	4.1	0.9
The team as a whole makes its decisions independently	1(1)	4(4)	25(23)	57(52)	23(21)	3.88	0.81
The contract management teams were also oversighted for better governance	14(13)	19(17)	39(35)	28(26)	10(9)	3.46	0.86
Aggregate Score						3.87	0.89

The results in Table 1 indicated that most of the respondents were of the view that their contract management team members were well conversant with the PPOA (78%). Majority (67%) reported that the contract management team members often attended in-house training in procurement, and were well experienced in the area (83%). Further, most of the respondents felt that all their CM team members were allowed to make their decisions independently (79%) and that the contract management team as a whole makes its decisions independently (73%). The results also indicate that there was uncertainty over whether the contract management teams were also oversighted for better governance (35%). The aggregated mean (Mean = 3.87) suggests that most respondents were

in agreement with the statements implying that contract management teams were effectively constituted and were autonomous in their decision making.

Supplier Performance in State Corporations

The study sought to determine the status of supplier performance in service SOE's in Kakamega County. The constructs used to rate supplier performance included quantity, timeliness, completeness, quality, innovation and regulatory compliance. The responses to this constructs were rated on a 5 point Likert scale ranging from; 1 = strongly disagree to 5 = strongly agree. The results are as shown by Table 2.

Table 2: Supplier Performance in State Corporations

Statement	1 Freq(%)	2 Freq(%)	3 Freq(%)	4 Freq(%)	5 Freq(%)	Mean	Std. Dev
Our suppliers supply goods in the quantity ordered for in the purchase orders	5(4)	45(41)	10(9)	36(33)	14(13)	3.21	0.94
Our suppliers deliver in full all procured goods or service as agreed in the contracts	17(15)	33(30)	2(2)	49(44)	9(8)	3.3	0.94
Our suppliers strictly observe timelines for delivery of goods or services ordered for	20(18)	31(28)	21(19)	23(21)	15(14)	3.48	0.85
Our suppliers deliver high quality goods or services as contracted	22(20)	25(23)	20(18)	29(26)	14(13)	3.14	0.96
Our suppliers often come up with new products or services resulting in better outcomes	12(11)	46(42)	9(8)	26(24)	17(15)	3.4	0.9
Our suppliers work within legal standards, health and safety protocols and organizational guidelines	12(11)	23(21)	38(35)	25(23)	11(10)	3.3	0.86
Aggregate Score						3.28	0.908

The results in Table 2 suggested that the suppliers contracted by the state firms often supplied goods in the quantity ordered for in the purchase orders as indicated by most respondents (46%). The suppliers delivered in full all procured goods or service as agreed in the contracts (52%). However, most of them did not strictly observe timelines for delivery of goods or services ordered for (35%). Most suppliers also failed to deliver high quality goods or services as contracted (39 %). The respondents were also of the opinion that their suppliers seldom came up with new products or services resulting in better outcomes (53%). There were also doubts on whether the suppliers were working within legal standards, health and safety protocols and organizational guidelines (35%). The aggregated mean score (Mean = 3.28) suggests that the respondents did not agree with most of the statements describing the status of supplier performance in their organizations. These results echo those of who found that since procurement tasks demand professionals with high-level strategic, tactical as well as operational skills which are needed to improve performance of the procurement function.

Hypothesis Testing from the results

The hypothesis was tested on contract management teams versus supplier performance under the null hypothesis;

H₀: The null hypothesis stated that Contract management teams do not significantly affect supplier performance in service SOE's in Kakamega County.

The results deduced that the relationship between contract management teams and supplier performance in service SOE's in Kakamega County was indeed significant ($\beta = 0.585$, $p < 0.05$). Subsequently, the null hypothesis was rejected and, as a result, the view adopted that contract management teams were indeed important to the management of supplier performance in service SOE's in Kakamega County. The findings while agreeing with Wanyonyi and Muturi (2015) on the influence of contract management teams in enhancing procurement, however, disagreed with Ogwel et al., (2016) who failed to find any association between planning on team work and procurement performance in Trans-Nzoia County, Kenya.

CONCLUSIONS AND RECOMMENDATIONS

The results indicated that most of the respondents were of the view that their contract management team members were well conversant with the PPAD Act. The contract management team members often attended in-house training in procurement, and were well experienced in the area. Further, most of the respondents felt that all their CM team members were allowed to make their decisions independently and that the contract management team as a whole makes its decisions independently. The results also indicated that there was uncertainty over whether the contract management teams were also oversighted for better governance. The results implied that contract management teams were effectively constituted and were autonomous in their decision making.

The study concluded that contract management teams significantly affect supplier performance in

service SOE's in Kakamega County. Skillful and knowledgeable contract management teams produced better suppliers to the SOE's.

The study recommended that contract management team members to attend in training in procurement process. The enhanced contract management skills would then improve supplier performance in state corporations.

The study made the following recommendations for further studies; the study recommended a further study on the effect of contractor-supplier relationship on quality of goods and services supplied. This study would help to shed more light on the lack of consensus on the subject matter as identified in this current study. Also, since this study was done within Kakamega County which limits the generalization of study findings to other parts of the country, a further research can be done on other parts of the country to ascertain if the results would be comparable.

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