Procurement Contract Formulation and Its Effect on Government-Funded Project Performance in Public Secondary Schools in Makueni County in Kenya

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Procurement contract formulation is critical in ensuring the successful implementation of government-funded projects in the public sector. This study sought to determine the relationship between procurement contract formulation and the performance of government-funded projects in public secondary schools in Makueni County, Kenya. A descriptive survey design was adopted, and data were collected from a stratified sample of 175 respondents using structured questionnaires. Descriptive statistics revealed that most respondents strongly agreed that essential components such as special conditions of contract, requirement schedules, and contract agreement forms were consistently applied, with a high overall mean score of 4.48 (SD = 0.690), indicating effective and frequent use of contract formulation practices.

Inferential regression analysis showed that procurement contract formulation had a statistically significant and positive effect on project performance ($\beta=0.478, p<0.001$), with an R² value of 0.351, indicating that improvements in contract formulation could explain 35.1% of the variance in project performance. Enhancing procurement contract formulation, thus, significantly contributes to effectively delivering government-funded projects in public secondary schools. Furthermore, the study recommends the need for capacity building of relevant parties on contract formulation procedures for improved outcomes.

Key Words: Procurement Contract Formulation, Infrastructure, Government-Funded Project Performance, Procurement

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INTRODUCTION

1.1 Background of the Study

A contract is a legally enforceable agreement that gives rise to reciprocal obligations that can be enforced by law (Leka, 2020). The contract, which is either oral or written, spells out the terms of an agreement to parties that include obligations, rights, and remedies. In procurement, well-designed contracts play a significant role by outlining responsibility, commitment, timeline, and deliverables, hence avoiding disputes and enhancing project efficiency (Mwangi, 2017). Procurement contract design is thus critical to determining whether government-financed projects succeed (Hassan & Omwenga, 2023).

From the International Association for Contract and Commercial Management (IACCM, 2017) perspective, contracts are crucial in securing collaboration, reducing risk, and enhancing compliance and execution in government institutions. Leka (2020) also emphasises that well-written contracts ought to properly define the intention of every party involved and be congruent with organisational strategic goals. Moreover, as noted by Turner (2017), provisions for critical contract components, such as offer, acceptance, and consideration, must be included to ensure their enforceability and effectiveness.



Internationally, public procurement is the end-to-end process of acquiring goods, works, or services, including need identification, solicitation, contract award, and administration (UNDP, 2007). In large-scale engineering and infrastructure programs, Pal, Wang, and Liang (2017) observe that effective contract design, particularly in specifying performance specifications, delivery schedules, and problem-solving methods, is directly related to project success and stakeholder relationship quality.

Sub-Saharan Africa regional studies indicated inconsistencies in procurement practices and contract management with differential adoption of social and environmental considerations (Stoffel et al., 2019). Procurement systems, however, continue to evolve as formal contract management practices that embrace accountability and performance become more prevalent.

In Kenya, Mwangi (2017) noted that contract design and administration significantly impact compliance with procurement procedures and government project success. Defects in contract design, such as vague deliverables, unclear time frames, or poorly defined roles, have been linked to delays in implementing public sector projects and cost escalation. Oromo and Mwangangi (2017) suggest that incentives and better contract planning could enhance project delivery.

Regarding educational facilities, publicly financed schemes in state secondary schools are evaluated based on cost, time, and quality parameters. Singh et al. (2016) propose a balanced scorecard for measuring these performance areas. He mentions that contracts that specify objectives, such as meeting expectations of timely delivery of infrastructure within budgetary allocations, and meeting quality expectations, can be expected to achieve targets.

In Makueni County, where government funding is relied upon by its schools to undertake projects and building works, crafting procurement contracts is one of the determinants of success in these projects. Understanding how structure and contract specification influence project success is important to increasing efficiency, transparency, and value for money when spending in the education sector.

1.2 Statement of the Problem

Contract formulation is crucial for proper project execution where government funding is used. However, poorly defined contract terms, poor risk allocation, and non-compliance are significant reasons for inefficient project execution, particularly in government-sponsored secondary schools (Mwangi, 2017). Unclear and poorly defined contracts lacking necessary enforceability and completeness have been the leading reasons for project delay, cost overruns, and failure.

In the years before 2005, an omission in enacting inclusive public legislation in Kenya left loopholes, thereby permitting widespread abuse of procurement rules and misappropriation of public funds (Kinuthia, 2018). Since establishing procurement laws, institutional deficiencies in contract development remain. For example, Koech (2018) observed that contracts were awarded to favoured contractors by public secondary schools in Nandi County in contravention of procurement norms, indicating non-compliance with equitable and competitive contract processes.

Public schools within Makueni County were said to be plagued by recurrent project delays, costs, and poor quality of work. Such problems typically stem from inaccurate and inadequate contract design. Though Onyango, Otieno, and Malot (2019) elaborated on financial accountability in spending within Makueni County, their study did not investigate the extent to which procurement practices in the education sector address procurement contract design as an influencing determinant of project performance.

Consequently, this study strives to address the gap by investigating the linkages of contract design to government-sponsored project outcomes of public secondary schools in Makueni County, Kenya. Understanding how they relate is important to improving accountability and project execution in Kenya's national school system.

1.3 Justification of the Study

Contract formulation is essential to enhance public spending accountability, transparency, and



value-for-money. The study is of crucial relevance to education sector stakeholders, including school boards, county government departments of education, procurement officers, and policymakers. Examining contractual practice in Makueni County's public secondary schools aims to provide actionable insight to enhance procurement planning and execution. Moreover, evidence-supported recommendations developed through the study inform national and county-level policy change. Such reforms can create more effective procurement frameworks to use public expenditure effectively, leading to real improvements in the education sector.

1.4 Scope of the Study

The study investigated how procurement contract design enhances performance for publicly funded school projects in Makueni County, Kenya. School heads, procurement committee members, and officials responsible for planning and executing similar projects within sampled schools comprised the target population. Specifically, it quantified contract specificity, observance of contractual provisions, involvement of stakeholders at contract design, and contract terms enforceability. The study was conducted from March to April 2024 using sampled schools with ongoing procurement functions and proved to have an established paper trail of the execution of externally financed projects. Findings were established based on qualitative and quantitative data collected using indepth interviewing, questionnaires, and documentary reviews to confirm whether and to what extent procurement contract design affected punctuality of projects, cost-effectiveness, and quality of delivery.

2.0 LITERATURE REVIEW

2.1 Theoretical Framework

A theory is an organised framework of interdependent ideas and propositions to explain and predict phenomena (Kerlinger, 1986). In this research, the Resource-Based View (RBV) Theory is employed as the conceptual framework of reference. The RBV describes how an organisation's internal capabilities and resources result in competitive advantage and organisational performance, particularly procurement and contract management. Barney's Resource-Based View (RBV) Theory (1991) asserts that a firm's capacity to acquire and maintain competitive advantage is through strategically managing its resources. Internal capacities, including effective procurement processes, contract design expertise, strong administration mechanisms, good communication channels, and regular performance measurement mechanisms, qualify as strategic assets in this setting.

Miller (2019) also identifies that organizational success closely relates to the ability to integrate and realign internal assets to accommodate changing demands. Transferred to contract management in procurement, RBV stresses institutional knowledge, coordination among stakeholders, contract record-keeping practices, and performance measurement tools as essential abilities that can be used to improve project success.

Nonetheless, it is not without shortcomings; McDougall, Wagner, and MacBryde (2019) hold that causal ambiguity due to organisations' unawareness of their competitive advantage's exact source causes some of their assets to remain underutilised and mismanaged, especially in dynamic settings like implementation in the public sector. Despite all this, the RBV applies to this study. It is an excellent framework to analyze how procurement-related assets and processes, properly leveraged, play a crucial role in successfully executing top-up government-financed projects in public county-level secondary schools in Makueni County.

2.2 Conceptual Framework

The conceptual framework for this study illustrates the relationship between procurement contract management practice (independent variables), in particular,

Procurement Contract Formulation and the performance of government-funded projects in public secondary schools (dependent variable).



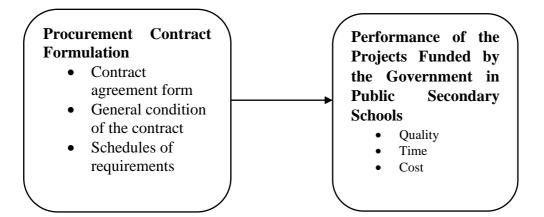


Figure 1: Conceptual Framework 2.3 Empirical Review

Mchopa (2015) conducted a study in Moshi Municipality, Tanzania, to assess the influence of procurement contract management on the effectiveness of public procurement systems. The study revealed that contract formulation and administration were critical to realizing value for money. Specifically, the research highlighted that well-structured contract documents, clearly outlining deliverables, timelines, payment schedules, and performance expectations, formed a strong foundation for successful project implementation. The study further highlighted the importance of thorough contractor selection processes, which ensure that only qualified and competent service providers are engaged.

3.0 RESEARCH METHODOLOGY

The study's research methods were meticulously designed to address its objectives, beginning with the adoption of a descriptive survey design, as supported by Kothari (2004) who defined research design as a blueprint for data collection, measurement, and analysis, and Yin (2004) who highlighted its effectiveness in gathering factual information and comprehending variables in their natural state. This approach was specifically chosen to assess how procurement contract formulation practices influenced the implementation and performance of government-funded projects within public secondary schools in Makueni County. The target population, defined by Mugenda and Mugenda (2003) as a complete set of individuals or items sharing specific characteristics relevant to a study, consisted of 395 government-funded projects in these schools. The units of observation were individuals directly involved in project procurement, including principals, deputy principals, Boards of Management (BOM) chairpersons, bursars/accounts clerks, and project committee members, while the units of analysis were the actual government-funded projects themselves. To determine the sample size and sampling technique, a stratified random sampling technique was employed to ensure adequate representation across these key stakeholder groups involved in the procurement contract process, aligning with Mugenda and Mugenda (2003)'s recommendation that a sample size ranging from 10% to 30% of the population is sufficient for generalization. The respondents were stratified into five categories, with each respondent randomly selected per category from each of the 118 selected schools. This method yielded a total sample size of 175 respondents, comprising 35 principals, 35 BOM chairpersons, 35 deputy principals, 35 bursars/accounts clerks, and 35 project committee members, representing a 30% proportion from each category of the total population of 590 (118 schools x 5 categories of individuals). For research instruments, the study relied on primary data collected through a semi-structured questionnaire that incorporated both open- and closed-ended questions. This instrument was designed to capture essential data on procurement contract formulation and project performance. Sutrisna (2009) supported the use of surveys for their efficiency, reliability, and suitability for broad geographical coverage, while Marshall and Rossman (2014) emphasized their

effectiveness in collecting large-scale data within short timeframes. The data processing and analysis involved several steps. Completed questionnaires were first meticulously checked for completeness and consistency before being coded. Quantitative data were then analyzed using both descriptive statistics, including means, percentages, and standard deviations, and inferential statistics, specifically correlation and regression analysis. All statistical computations were performed using SPSS Version 22. The study employed a simple linear regression model: $Y = B_0 + \beta_1 X_1 + \epsilon$, where Y represented the performance of government-funded projects in public secondary schools, X1 denoted procurement contract formulation, B0 and β_1 were the constants of the regression model, and ϵ was the error term. This systematic approach ensured the collection of relevant data and its rigorous analysis to address the study's objectives and research questions.

4.0 RESULTS AND DISCUSSIONS

4.1 Demographic Information

The study examined respondents' educational background and work experience in managing procurement contracts for government-funded projects in public secondary schools in Makueni County.

4.1.1 Education Level

Figure 4.1 indicates that most respondents possessed at least a bachelor's degree. Most of the 28.4% of the respondents held undergraduate degrees, 24.8% master's degrees, 19.8% diplomas, 16.8% PhDs, and 10.2% certificates. These results indicate that the personnel tasked with procurement contract responsibilities attained a high level of education, suggesting a strong foundational capability to apply best practices in procurement contract formulation.

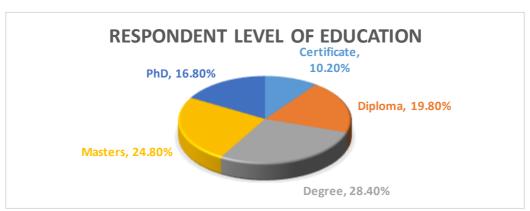


Figure 4. 1: Level of Education 4.1.2 Years of Experience

32.6% of respondents had 6–10 years of experience, followed by 18.9% (1–5 years), 16.6% (11–15 years), 15.4% (16–20 years), and 14.7% (over 21 years) as shown in Figure 4.2. The findings confirm that most individuals had significant experience, supporting the assertion that procurement contract management is handled by knowledgeable and experienced staff in the sampled schools.



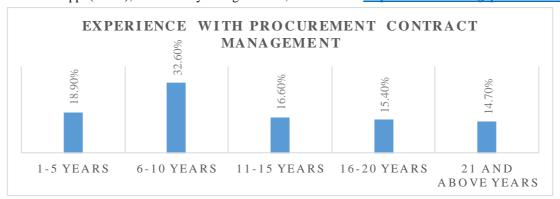


Figure 4. 2: Experience with Procurement Contract Management

The findings of this study are consistent with the study by *British Journal of Education* (2020) which revealed that many procurement personnel in public secondary schools in Kajiado County held higher education qualifications, including similar to this study's outcome. Additionally, Masoud et al. (2024) found that adequate contract preparation, the competence of contract management teams, and adequate budget allocation for contracts were positively and significantly associated with improved procurement performance. These findings collectively underscore the critical role of academic qualifications and professional competence in enhancing procurement outcomes in public institutions.

4.2 Descriptive Statistics

4.2.1 Procurement Contract Formulation

The descriptive statistics in Table 4.1 highlight the effectiveness of procurement contract formulation practices, with an overall mean score of 4.48 (SD = 0.690), suggesting frequent and consistent adherence to standard procedures. A significant majority of respondents (71.8%) strongly agreed that special contract conditions were incorporated, when necessary (Mean = 4.82, SD = 0.598), while 69.7% confirmed effective use of requirement schedules (Mean = 4.46, SD = 0.656). The application of general contract conditions was relatively moderate (Mean = 3.85, SD = 0.751), indicating a potential area for improvement. Furthermore, high mean scores were recorded for the provision of contract agreement forms (Mean = 4.61, SD = 0.699) and stakeholder notification during contract formulation (Mean = 4.67, SD = 0.748), reflecting strong adherence to key procedural standards in contract management.

Table 4. 1: Procurement Contract Formulation

SERVICE	5	1	3	2	1	Mean	S.D
SERVICE	3	4	3	4	1	Mean	5. D
The project committee incorporates special conditions	71.8%	26.3%	1.9%	-	_	4.82	.598
of contact when needed and when formulating contracts. Schedules of requirements are used in contract	69.7%	29.8%	0.5%	_	_	4.46	.656
formulation							
The project committee incorporates general conditions of contact when needed and when formulating contracts.	66.9%	32.7%	0.4%	-	-	3.85	.751
The project committee provides contract agreement form when formulating contracts and when it is needed.	71.4%	27.9%	0.7%	-	-	4.61	.699
The project committee offers notification of the contract award to the relevant stakeholders during contract	65.3%	32.5%	2.2%	-	-	4.67	.748
formulating.							
Overall mean and standard deviation.						4.48	.690

Key: (5) -Strongly Agree (4) – Agree (3) - Neutral (2) – Disagree (1)-Strongly disagree.

These results are in line with Moronge (2019), whose study in Kisumu indicated that regular use of



formalized procurement practice approaches, including inclusion of special and general conditions of contract, making use of requirement schedules, issuing formal agreement contracts, and informing stakeholders, played a significant role in performance in public procurement.

Challenges Identified

Qualitative data through key informant interviews (KIIS) and focus group discussion (FGDS) indicated significant challenges in formulating the procurement contract. One consistent complaint was that some committee members didn't have prior experience, so more time was required to take them through each step. Furthermore, less-than-desirable educational levels among some members compromised their understanding of the technical details of contract making, further delaying progress. An interview participant stated, "Some of the members who participate in formulating never experienced it previously, making it time-consuming because they need to grasp each step." Another said, "Some members have poor educational backgrounds and thus take too much time because it is hard for them to grasp easily." These results concur with Awino and Marendi-Getuno (2014), who indicated that inefficiencies in contract making often stem from insufficient capacity among stakeholders and improper preparation.

4.2.2 Performance of Government-Funded Projects

The study evaluated the performance of completed projects to assess the impact of procurement practices, as shown in Table 4.2. The findings revealed an overall mean performance score of 4.26 (SD = 0.562), indicating high project success across quality, timeliness, cost efficiency, and procedural handover. Key highlights include, 90.7% of respondents strongly agreed that the completed projects were high quality (Mean = 4.21, SD = 0.669); 87.4% confirmed that projects were completed within the expected timeframes (Mean = 3.59, SD = 0.478); 87.9% noted that project costs were within budget, as reflected in school accounts (Mean = 4.47, SD = 0.576); 93.6% affirmed that project acceptance and handover followed the evaluation of standards (Mean = 4.75, SD = 0.526).

The highest-rated indicator was project procedural acceptance and handover (Mean = 4.75, SD = 0.526), reflecting strong adherence to quality evaluation and compliance standards before project closure. In contrast, the lowest-rated aspect was the timely completion of projects (Mean = 3.59, SD = 0.478), highlighting potential scheduling and timeline management challenges. In general, the mean score of 4.26 (SD = 0.562) demonstrates high satisfaction with the performance of government-funded projects in public secondary schools. However, it also points to improved efficiency in project execution timelines.

Table 4.2 Performance

Tubic 112 I citorinance							
SERVICE	5	4	3	2	1	Mean	S.D
There is quality of the projects completed in school.	90.7%	9.3%	-	-	-	4.21	.669
Projects are initiated and completed within the stipulated	87.4%	12.6%	-	-	-	3.59	.478
time frame.							
The cost of the projects implemented is within the budget of	87.9%	12.1%	-	-	-	4.47	.576
the projects as it reflects in the school account statements.							
Acceptance and handing over of the projects is done after	93.6%	6.4%	-	-	-	4.75	.526
evaluation of the standards achieved							
Overall mean and standard deviation.						4.26	.562

Key: (5) -Strongly Agree (4) – Agree (3) -Neutral (2) – Disagree (1)-Strongly disagree.

Table 4.1: Performance of the Projects Funded by Government in Public Secondary Schools.

The findings of this study are consistent with those of Kiarie and Wanyoike (2016), who investigated the influence of procurement practices on the performance of public sector construction projects in Kenya. Their study concluded that adherence to procurement procedures, particularly budget compliance, timely execution, and quality assurance, significantly enhances project performance.

4.3 Inferential Statistics and Regression Analysis

4.3.1 Regression model



A multiple regression analysis was conducted to establish the relationship between procurement contract management dimensions and the performance of government-funded projects. The model yielded a high correlation coefficient (R = 0.592) and an adjusted R^2 of 0.351, suggesting that 35.1% of the variation in project performance can be explained by procurement contract formulation.

Table 4. 3:Model's Goodness of Fit Statistics

			Std. Error of	the
R	R Square	Adjusted R Square	Estimate	Durbin-Watson
.592ª	.351	.317	.12654	0.6875

a. Predictors: (Constant), procurement contract formulation

4.3.2 Analysis of Variance

Table 4.4 displays the findings of the analysis of variance. Analysis of variance (ANOVA) is shown in the results, and the P-value is 0.000, which is below the 0.05 test significant value. This confirms that the regression model was important for the research.

Table 4.4: Analysis of Variance (ANOVA)

Model		Sum of Squares	df	Mean Square	\mathbf{F}	Sig.
1	Regression	29.189	4	7.297	392.312	.000 ^b
	Residual	2568	138	.0186		
	Total	29.691	142			

a. Predictors: (Constant), procurement contract formulation

4.3.3 Regression Coefficients

The regression results in Table 4.10 indicate that procurement contract formulation was a statistically significant predictor of project performance (p < 0.001). The constant term (1.615) suggests that when all explanatory variables are held at zero, the baseline performance of government-funded projects in public secondary schools is 1.615. However, for every unit increase in procurement contract formulation, project performance improves by 0.478 units, holding other factors constant. This demonstrates a positive and meaningful relationship between effective contract formulation and the successful implementation of government-funded projects in public secondary schools in Makueni County.

Regression equation

Y=1.615+0.478X1Y

Table 4. 2:Regression Coefficients

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B Std. Error		Beta		
(Constant)		1.615	.269		7.356	.002
Procurement	Contract	.478	.091	.241	6.473	.000

Dependent Variable: Performance of the projects funded by the government in public secondary schools.

The findings are consistent with Mugenda and Njeru (2018), who claimed that successful contract formulation is essential for public organizations in Kenya. They clarified that it aided in cost control,



b. Dependent Variable: Performance of the projects funded by the government in public secondary schools.

quality improvement, and timely project completion. Contract writing enhances project performance, demonstrating the need for well-crafted agreements for realistic state-funded initiatives.

5.0 SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATION

5.1 Summary of the Findings

Also, the practice of writing contracts for procurement in Makueni County's public secondary schools was positive. Most respondents pointed out that special contract conditions were added when needed and that requirements were used effectively in the schedule of requirements. State officials have agreed that placing general contract conditions is appropriate, as a high percentage of respondents noted. It was recognised that contract agreement forms and notifications were provided to stakeholders during each stage of contract formation as part of the process.

Inferential statistics revealed that the way contracts are formed plays a significant role in project performance when government money is involved. The results of regression analysis indicated that improvements in contracting led to better performance for public secondary schools in Makueni County.

5.2 Conclusion of the Study

According to the research's conclusions, effective contract design is an essential factor in the success of government-funded projects in public secondary schools in Makueni County. The findings emphasize formal and well-implemented contract practices as necessary to ensure transparency and accountability and achieve project success.

5.3 Recommendations of the Study

To enhance the effectiveness of drafting procurement contracts in public primary schools in Makueni, the study recommends the following:

- Members of the project and procurement committees should be trained on how to draft, interpret, and supervise procurement agreements properly.
- The process for setting up a contract should be simple enough for everyone to understand. This step should include outlining the necessary equipment, specifications, and skills.

Contracts for procurement should detail essential items such as special provisions, the timeline for execution, and standard forms to be used. Such details will improve the transparency and accountability of public primary schools in their work.

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