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A special place
in hell: a public
procurement story

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A special place in hell: a public procurement story

Was there ever a time when there would have been an uproar if the person in charge of buying stuff for the government (the procurement officer) intentionally changed the orders to personally benefit financially? Or was there a time when news like this would hit the national headlines, and heads would roll? If there was, it is not even a vague memory at this point. In fact, in the Kenya I know, people are more likely to be shocked at clean procurement processes more than anything. That would be news.

This is in most part an issue of sheer volume and frequency. Corruption is so rife that Kenyans have but seconds to start to be outraged at one thing before another is on the table. And we don't have enough time in the day for seconds of outrage. Not because we don't care. No, it's because it's exhausting, and the ordinary *mwananchi* wouldn't even know where to begin to make a change. The dailies these days hardly ever report on the ravages of corruption. It's not news.

News by definition, is something that is completely out of the ordinary. Corruption for us is only news when people find new and inventive ways to fleece us.

But I'm talking more specifically about corruption that happens when procurement officers – the officers who buy stuff on behalf of the government – snub the specifications outlined by sectoral experts on the goods they need procured, in order for them to fulfil their service delivery obligations.

Let's take a moment to recall what happened three years ago when a report revealed that Bungoma County had purchased ten wheelbarrows for just about Ksh 1,100,000, putting each wheelbarrow at a cost of almost Ksh 110,000. Was this a clear-cut case of corruption? Well, the answer lies in the follow up questions. Were these the original wheelbarrows requested by the abattoir experts? If they were, why are specialised wheelbarrows needed for use at a chicken slaughterhouse? Who

ordered them? Who approved them? Is there a document justifying their purchase? A standard wheelbarrow bought at the local hardware store costs approximately Ksh 5,000; why aren't these wheelbarrows sufficient for use? Was an investigation conducted? What were the findings? What did the county end up buying? Were the final purchases different from the original order? If they were, why? Now, I am far from a chicken slaughterhouse expert, but this story cannot be taken at face value. There are reasons why counties have to procure certain items, with the proper justification and approvals.

But of course, there is also corruption and the wheelbarrows needed may have been the ordinary hardware store ones, and the whole saga a big masquerade for pieces of grand scale corruption.

A few weeks ago, I went upcountry to one of the more remote regions of Kenya – to a marginalised county. Where there is one good road with one good city with one good supermarket – and the rest is just boundless tracks of untouched land. I was part of a team assessing the capacity of the health sector to effectively deliver public services. When we met the county health officers, we talked about procurement.

We talked about the time when the health team placed an order for incubators including specific details on the brand, size, voltage and whatnot needed, to provide a basic standard of service. What they got was not what they ordered. They got incubators alright, but the specs were all wrong.

The health team was caught between a rock and a hard place. Everyday babies were being born premature, and with complications. They needed these incubators. And they had these substandard incubators ready for use. So they used them. And one of the babies got badly burned.

So all of the incubators were packed up and stacked, one on top of the other, in a storage warehouse, rightfully never to be used again. Millions of taxpayer shillings sitting in a warehouse that could be housing other essentials like drugs. Millions of taxpayer shillings, now irretrievable. And a mother and baby went home scarred physically and emotionally.

The county is now back to square one. No useable incubators, premature babies with complications being born regularly, preventable deaths, and the same procurement officers – their pockets fat with cash, waiting for the next procurement order to fall on their desk. There is a special place in hell for the agents of all corruption, but for this particular type? They will be first in line.

Kenya has a very impressive piece of legislation called the Public Procurement and Disposal Act. It was developed in 2016 and is fondly known as the PPDA. The ink has barely dried on it and it already has innumerable infractions against it.

The PPDA says that when engaging in a procurement activity, an ad hoc evaluation committee must be established to deal with the technical and financial aspects of procurement. The evaluation committee should include heads of the user departments. This way, the orders being placed are clear, and the bids are being evaluated by the departments who requested them in the first place. The committee is constituted per order so as to always have the right team in place – this is why it is ad hoc. There is also an ad hoc inspection and acceptance committee. Their role is to inspect and test the goods received, and ensure that they meet the technical standards defined in the request; and where they are found to be lacking, reject them. This committee also has representation from the user department that placed the order. Both committees are

constituted by the finance department at the county level.

When the incubators and wheelbarrows were purchased, where was the evaluation committee? They told us that the committee was there but the head of the department was not a member. Where was the inspection and acceptance committee when the goods made it to the county doorstep? The accounting officer from the finance department said he had no record of who approved and accepted the goods. Was there a complaint made and follow up investigation by the internal audit department where the goods were accepted under duress? No on both fronts. So what is the use of having a beautiful law that cannot be enforced? The question, unfortunately, turned out to be rhetorical.

So what is the recourse? Well the work lays partly with me and people like me, to read those scary budgets, and laws and accounting reports. I then tell you what they say your money is being spent on and if the correct procedures are being followed. But part of the work also lays with you. The money we are talking about is the money the government convinced us to pay them to provide us services. We should have very many questions when we see our millions of shillings in an unused warehouse in the form of useless incubators. We should be lining up outside the offices of our public officials if we learn that we bought a wheelbarrow for hundreds of thousands of shillings when there was no evidence of it needing to be specialised. We should give a damn in a tangible way that yields consequences in elections.

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