



# **Determinants For Youth Access To Government Procurement Opportunities In Kenya: A Case Of Judiciary**

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## **ABSTRACT**

Public procurement is undergoing a paradigm shift; from a clerical government function to a more strategic function and as such being used as an effective tool to drive policy and development agendas. Statistics however indicate poor Youth access to government procurement. For instance, a survey by the Women Enterprise Fund, established that only 1.4 % of needs were sourced from special interest groups. This study therefore sought to establish the critical success factors for youth access to government procurement as its general objective. The study adopted a descriptive survey research design to study where the main instrument for data collection was a questionnaire. The target population for the study was hence drawn from the 302 employees of the judiciary in Nairobi; with the sample size of 169 respondents, obtained through stratified sampling of employees from judiciary offices in Nairobi. Descriptive analysis such as mean, frequencies and percentages were used to analyze the data; and the data is presented in graphs, bar chart and pie charts all generated by the use of microsoft windows office version 10. With the assistance of Statistical software, the study applied inferential statistics to analyze the relationship between Youth access to government procurement and; Access to financial resources, Access to information, ethical issues and technical capacity using the regression analysis presented in this project. After the multiple regression analysis using the SPSS package version 21, the software determined R-squared a quantity used to check for goodness of fit and determine the percentage variation on the dependent variable explained by the independent variable. The analysis of variance (ANOVA) used to test the level of significance of the variables on the dependent variable at 95% level of confidence. Findings reveal that youth access to government procurement opportunities in the Judiciary of Kenya has improved over the last 5 years, running from 2011 to 2015. Financial resources was found to be a key deterrent to a significant number of youths from accessing government procurement opportunities as most are not in a capacity to raise capital to finance contracts if awarded. It was also found that information on procurement opportunities is however generally highly and widely available for the youth to access. It was however notable that most advertisements are done on print media, which ideally, youth do not have as much interest in, as they would social media. The study also found that a major hindrance to youth access to procurement opportunities is unethical conducts among bidders. The study finally found that most youth bidders possess the requisite technical skills and capacity to participate in bidding.

**Keywords:** Judiciary, government procurement, youth bidders, Kenya

## **INTRODUCTION**

The Youth have the potential to accelerate productivity growth, but left idle, can represent a risk to social stability and in the longer term a risk to development of the nation's economy (RoK, 2013). Ensuring that youths are successfully integrated into the economy through procurement will improve Kenya's competitiveness, raise household incomes, reduce poverty, and create a circle of investment and growth (Gitari & Kabare, 2014). Unemployment has become a huge challenge for the country and the magnitude of the problem especially large among the youth. The overall unemployment rate for the youth is double

the adult average, at about 21%. Statistics on joblessness suggest that the magnitude of unemployment problem is larger for youth with 38% of the youth neither in school nor work aggregating the rates of unemployment and inactivity (RoK, 2007).

The aim of Access to Government Procurement Opportunity (AGPO) Program is to facilitate the youth, women and persons with disability-owned enterprises to participate in government procurement (RoK, 2013). This was made possible through the implementation of the Presidential Directive that 30% of government procurement opportunities be set aside specifically for these enterprises. It is affirmative action aimed at empowering youth, women and persons with disability-owned enterprises by giving them more opportunities to do business with Government. The Public Procurement and Disposal (Preference and Reservations) Regulations, 2011, shall apply to procurements by public entities when soliciting tenders from the following target groups: Disadvantaged Groups (Youth, Women, and Persons with Disability), Small Enterprises, Micro Enterprises, Citizen Contractors, local Contractors and Citizen Contractors in Joint-venture or Sub-contracting arrangements with foreign suppliers.

### **Global perspective on Public procurement**

Worldwide, public procurement attracts a lot of attention. According to (Callendar & Mathews, 2000), this is often because of its size. Most developed nations spend about 20% of gross domestic product (GDP) on public procurement while developing nations spend up to 50% (Schiavo-Campo & Sundaram, 2000). For instance, in the United States, federal public procurement during 2009 accounted for over \$534 billion (Federal Procurement Data System, 2011) and over 13% of the total federal budget.

President Barrack Obama during the State of the Union Address to the American people he reaffirmed his commitment to improve the economy whose labour force stands at one hundred and fifty five million, six hundred thousand (155.6M) people and unemployment at its lowest in five years at fifteen percent (15%); eleven million, two hundred and sixty thousand (11.26M) people. He has urged the youth whose unemployment rate is 5% of the total at three million, eight hundred thousand (3.8M) to embrace the recent action plan on economic stimulus that will reduce the total unemployment figure to just five percent (5%); with the youths numbers reducing to a manageable figure of one point five percent (1.5%). These are instructions to the United States treasury to ease the assessment of funds to start-ups at affordable interest rates and extended payback period (Forbes, 2014).

Apart from the attention public procurement receives due to its size, it is also often used to accomplish specific policy objectives e.g. a decision to privatize; a contract award decision, entails politics. According to Snider & Rendon (2008), public procurement is used by governments to meet service and development objectives for the citizenry. As such, public procurement is unique, as it operates in a political setup, which makes it prone to misuse. Thai (2008) argues that globally, procurement accounts for over 30% of lost funds in public finance management. This affects the ability of a government to meet its service and development objectives. This perhaps explains the momentum of reforms in public procurement around the world.

### **Public Procurement in Kenya**

Public procurement, also known as government procurement is an important function in the development of Kenya and is governed by an act of parliament, the Public Procurement and disposal Act (2005). The act defines procurement as the acquisition by purchase, lease, hire purchase, rent or any other legal means of goods, services including livestock (PPDA, 2005). Procurement must meet the objective of purchasing of goods and services in the right quality, from the right source and the right price to meet a specific need. Public procurement has a huge impact on the economy of Kenya. For instance, independent procurement review Kenya (IPRK, 2005) established that in the period between the years 2003 to the year 2004, the value of government procurement in Kenya has been growing in leaps and bounds. With constant growth of the GDP, the amount expended in government procurement continues to rise and in the year 2014, it is estimated to be about 30% of the Ksh. 1.6 trillion Kenyan National budget (Hansard, 2014) This huge amount if well managed could drive economic growth and could also, according to OECD (2006), spur entrepreneurship among the largely unemployed youth in developing nations through their access in public procurement.

As postulated by Thai (2008), on the paradigm shift from a traditional role towards a policy role, Kenya's public procurement has also undergone the paradigm shift. This is evident in the directive to have 30% of all government procurement set aside for special interest groups. The access of these special interest groups in government procurement is a drive towards social growth particularly stemming unemployment among the Youth.

### **Overview of the Judiciary of Kenya**

The Judiciary is one of the three State organs established under Chapter 10, Article 159 of the Constitution of Kenya. The Judiciary in Kenya is made up of a well-defined and structured court system as well as the Judicial Service Commission and the Judiciary Training Institute. Its chief mission is to resolve disputes in a just manner with a view to protecting the rights and liberties of all, thereby facilitating the attainment of the rule of law ideal (JTF, 2012). It performs this function by providing independent, accessible and responsive for the resolution of disputes.

However, at a time of societal transformation heralded by our new Constitution, the Kenyan Judiciary is now called upon to do more than simply resolve disputes (JTF, 2012). It must be deliberately repositioned to play the critical role of protecting the Constitution, fostering social and political stability, and promoting national socio-economic development. It must do so by interpreting and implementing the Constitution in a manner that promotes the national values and principles of governance. In short, it bears the onerous duty of breathing life into the aspirations of the Kenyan People as expressed in the Constitution (JTF, 2012).

The history of the Kenyan Judiciary can be traced to the East African order council 1897 and the crown regulations made there under, which marked the beginning of a legal system in Kenya. It was based on a tripartite division of subordinate courts that is native courts, Muslim courts and those staffed by administrative officers and magistrates. The Judiciary in Kenya is divided into Superior Courts and Subordinate Courts. Superior Courts consist of Supreme Court, Court of Appeal, High Court, An Employment and Labour Relations Court and; A court to hear matters concerning the Environment, and the use of, occupation of and title to land. Subordinate Courts Magistrates' Courts, Kadhis Courts, Court Martial, and any other court or local Tribunal established by an Act of Parliament (RoK, 2010).

The Kenya's constitution, Chapter 10 section 173 establishes the judicial fund which will be administered by the Chief Registrar of the Judiciary (RoK, 2010). It will be used for administrative expenses and other purposes for the discharge of the functions of the judiciary (RoK, 2010). These are the funds that are used for procurement of goods and services to facilitate delivery of Justice (RoK, 2010). The promulgation of the Constitution of Kenya 2010 heralded a new beginning of the Judiciary. The institution had to develop a mechanism for renewal of the lost public faith and confidence in it. The Kenyan judiciary working towards equitable access to and expeditious delivery of justice has undertaken transformation based on four key pillars; people focused delivery of justice, Transformative leadership, organization culture and professional motivated staff, financial resources and physical infrastructure and harnessing technology , Judicial Transformation Framework (JTF, 2012).

### **Statement of the Problem**

Mccrudden (2004) portends that public procurement is an effective tool to create jobs and provide foundation for economic recovery and sustained growth. It is against this background that public procurement policy was realigned to governments youth agenda to provide preferential treatment of youth in public procurement. In the financial year 2013/2014, 200 billion (30% of government procurement) was allocated for the youth (WEF, 2014). However, analysis of the financial year 2013/2014 expenditures by the Women enterprise fund on special group access reveal that only Kshs. 2.8b against an allocation of Kshs.200b was expended showing that only 1.4% of the allocation was actually spent on AGPO instead of the mandatory 30% (WEF, 2014). The Kenyan Youth who constitute over 60% of Kenya's population continue to contribute less than 40% of public procurement involvement thus hampering economic growth and achievement of vision 2030 (Transparency international, 2014) even with current preferential treatment. The policy is thus not meeting its objective of creating employment among youth through access to government procurement and the key setbacks need to be established.

This issue has attracted interest among scholars and academicians. WEF (2014) interrogated the factors influencing public bidding by women entrepreneurs, while Gitari & Kabare (2014) assessed Factors affecting access to procurement opportunities in public secondary schools by small and medium enterprises in Kenya. These studies barely focused on YAGPO. More specific to the issues under study were Talal (2014) and Gatere and Shale (2014). Little literature exists on Youth access to government procurement in Kenya. It is against the above background that the study therefore sought to determine the critical success factors for youth access to government procurement opportunities.

### **Study Objectives**

The purpose of the study was to establish the determinants for youth access to government procurement opportunities in Judiciary of Kenya.

The following were the specific objectives of the study:

- i. To establish how financial resources influence youth access to government procurement opportunities in Judiciary of Kenya.
- ii. To determine how access to procurement information affect youth access to government procurement opportunities in Judiciary of Kenya.
- iii. To examine how ethical issues influence youth access to government procurement opportunities in the Judiciary of Kenya.
- iv. To find out how youth technical capacity influence youth access to government procurement opportunities in the Judiciary of Kenya.

### **Research Questions**

The study sought to be guided by the following research questions:

- i. How do financial resources influence youth access to government procurement opportunities in the Judiciary of Kenya?
- ii. Does access to procurement information affect youth access to government procurement opportunities in the Judiciary of Kenya?
- iii. How do ethical issues influence youth access to government procurement opportunities in the Judiciary of Kenya?
- iv. How does youth technical capacity influence youth access to government procurement opportunities in the Judiciary of Kenya?

## **LITERATURE REVIEW**

### **Theoretical framework**

#### ***Resource – Based View Theory***

RBV is an economic theory that suggests that firm performance is a function of the types of resources and capabilities controlled by firms (Barney and Hesterly, 2008). A resource is a relatively observable, tradable asset that contributes to a firm's market position by improving customer value or lowering cost (or both); and a capability denotes the ability of a firm to accomplish tasks that are linked to higher economic performance by increasing value, decreasing cost, or both. (Walker, 2004). Barney and Hesterly (2008) also describe resources as tangible and intangible assets a firm uses to conceive of and implement its strategies; and capabilities as a subset of resources that enable a firm to take advantage of its other resources. Eisenhardt & Martin (2000) argues that availability of substitute resources tends to depress returns of the holders of a given resource and this justifies the reason why they should be shielded from competitors. By conducting an effective value chain analysis, an organization is able to identify these scarce resources that give it competitive advantage and apply appropriate mechanisms to protect the resources from competitors.

In relation to this study, the theory relates with the specific objective to establish the influence of financial resources on youth access to government procurement opportunities in the judiciary of Kenya under the framework that public procurement is anchored on a competitive bidding process, embracing transparency and efficiency in the system

### ***Empowerment Theory***

According to Tones and Tilford (2001), Empowerment theory has been identified as a principal theory across various disciplines. Adapted from Zimmerman's (1984) work, Rappaport (1987) adapted it to community psychology studies. Ever since, the theory has found its way into social studies as a key concept in remedying inequalities and towards achieving better and fairer distribution of resources for communities (Rose, 2001).

According to the theory, empowerment refers to the ability of people to gain understanding and control over personal, social, economic and political forces in order to take action to improve their life situations. It is the process by which individuals and communities are enabled to take power and act effectively in gaining greater control, efficacy, and social justice in changing their lives and their environment. It is a process that fosters power in people, for use in their own lives, their communities, and in their society, by acting on issues that they define as important. (Zimmerman, 2000). In fact, Zimmerman (2000), the originator of this theory, argues that empowered individuals have the characteristics of high self-esteem, self-efficacy, control over their life and increased socio-political and civic access.

### ***General Systems Theory***

According to Rudolf (2011), The general systems theory was developed initially by Von Bertalanffy (1969) in the field of biology and extended by Weinberg (1975), Miller (1978) and Yourdon (1989) into paradigms of management. Bertalanffy (1969), a biologist who through his work on general body systems found that given the interaction between a system's components, a system was often more than just the mere sum of its components; it involves the interaction between components, and subsystems within the larger system. Miller (1978) argued that in most cases, real world systems are open systems which interact with, and are often influenced by the external environment. Another important concept of a system is the definable boundary that separates a system from its environment and allows inputs to and outputs out of the system (Rudolf, 2011).

The performance of the entire procurement system can be seen as a combination of the outputs of different subsystems that make up public procurement in Kenya. The subsystem on preferential procurement, as outlined in this study, is seen as not interacting within the larger procurement system which relates to the specific objective to establish the influence of ethical issues on youth access in government procurement opportunities in the judiciary of Kenya.

### ***Institutional Theory***

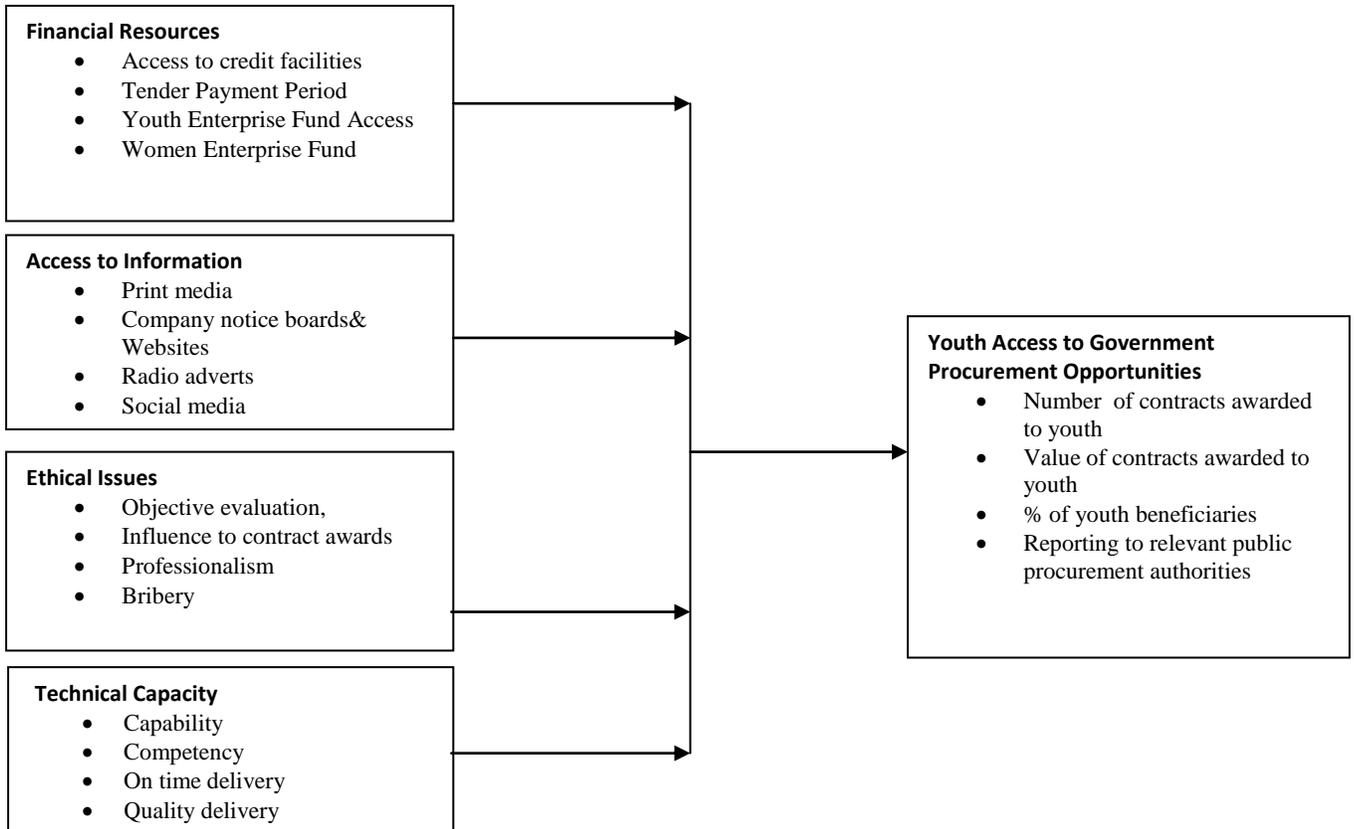
Institutional theory is a widely used theory in social studies. Kraft's public policy (2007) summarizes the theory as a policy-making that emphasizes the formal and legal aspect of government structures. It considers processes by which structures, including schemes and rules become established by authoritative figures as guidelines for social behavior. Scott (2008) portends that it explains how the elements are created, diffused, adopted, and adapted over space and time; and how they fall into decline and disuse. Institutions, according to Scott (2004), are transmitted by various types of carriers, including symbolic systems, relational systems, routines, and artifacts. Institutions operate at different levels of jurisdiction, from the world system to localized interpersonal relationships.

In this context, YAGPO, is entrenched and implemented within the purview of the law, to provide tangible support to the youth who form above 60% of the population yet facing wide unemployment. However, as this study has established, the rate of success of this institutional agenda is not giving an impressive output. As Scott (2008) explains, this theory assisted the researcher to understand how the specific objective of determining the influence of youth technical capacity on access to government procurement opportunities in the judiciary of Kenya: the elements of YAGPO are created, diffused, adopted, and adapted over space and time; and how they fell into decline and disuse, for instance due to ethical issues or lack of supportive elements such as finances. Youth access to public procurement opportunities could be enhanced by studying the critical success factors that affect implementation of this policy.

### ***Conceptual Framework***

According to Orodho (2009) a conceptual framework describes the relationship between the research variables. An independent variable is that variable which is presumed to affect or determine a dependent

variable. A dependent variable is a variable dependent on another variable like the independent variable. A conceptual framework is a basic structure that represents the observational and analytical aspects of a system, laying out the conceived interconnection of variables. Informed by the relevant fields of enquiry, broad ideas and principles, are used to structure a visual representation showing the expected relationship between variables where the dependent variable responds to the independent variable (Bogdan & Biklen, 2003). The independent variables in this study were; access to financial resources, access to information, ethical issues and youth technical capacity. The dependent variable was youth access government procurement opportunities.



**Independent Variables**

**Dependent variable**

**Figure 1: Conceptual Framework**

The Republic of Uganda (ROU, 2011), conducted a survey on SME access to the procurement market with a view of establishing the challenges faced. The survey deduced that SMEs were not faring well in the procurement market. Whilst there was clearly a proportion of SMEs which are both able to effectively tender for work and rely heavily on these types of contracts; there was also a much larger proportion of SMEs which are unable to successfully participate. The reasons most cited included insufficient knowledge therefore being rated poorly on technical capacity by buyers. From the survey, most public entities cited that working with SMEs is frustrating with a considerable portion having been awarded contracts and not delivered.

Obanda, (2011) analyzed the strategic and management interventions that can enable youth SMEs in Uganda obtain public procurement contracts to maximize sustainability in the context of inclusive growth. The study established that the challenge SMEs face in accessing public contracts also depends on how they themselves increase their capacity to fulfill government contracts. The study recommended among other things that governments in developing economies should play a significant role in eliminating the supply side constraints. Waltermeyer (2003) study of preferential procurement systems particularly in South Africa established that among other factors affecting the success of these policies is the inherent level of education and skill among the target groups of these systems. Thus, these groups may not benefit from such preferential procurement systems.

Similar studies that have empirically determined existent of correlation between technical capacity and government procurement include: the Republic of Uganda (ROU, 2011); Obanda (2011); and NNPPU (2007). Though these studies majored on SMEs access to government procurement, the studies suggest that improving technical capacity can improve access to government procurement. This forms the basis of the conceptual relationship between technical capacity and youth access to government procurement in this study. Similar surveys, for instance a survey in the European Union (EU) by the National Public Procurement Policy Unit (NNPPU 2007) indicated that the main problems experienced by small and medium sized firms interested in the public procurement market to be the unnecessarily high qualification levels, financial and technical capacity. More recently, though remotely, in a study on challenges facing implementation of access to government procurement opportunities for special interest groups in Nairobi County, Gatere and Shale (2014) noted that technical capacity is a challenge. The study recommended training Public procurers who can help in the development of an effective and efficient SME sector by providing appropriate opportunities for SMEs which are mostly run by special groups to demonstrate their skills and capabilities, including the purchase of goods and services which allows SMEs to develop and demonstrate innovative goods and services.

#### **Youth Access to Government Procurement Opportunities in Kenya**

Various authors, (Thai, 2007; Martini, 2012; Ogachi, 2008) have rightfully argued that government procurement can be a very useful avenue to accomplish government and development objectives. However, they also acknowledge that the process, due to magnitude of procurement, often attract fraudsters and political influence. Transparency International (TI) in a report by Maria (2012) notes that the Kenyan procurement system is considered among the most corrupt functions of the government. This according to Maria (2012) is consistent to the World Bank and IFC 2007 enterprise survey which indicates that 71 % of the companies surveyed expect to give gifts to secure a government contract, with the value of the gift representing 8% of the contract amount. According to this report, corruption remains pervasive in procurement processes, with widespread practice of favoritism towards well-connected firms and individuals when deciding upon contracts and policies. This by extension means that the access of the youth will be harder to achieve. This was the reason for the enactment of the law to safeguard and guarantee the youth an opportunity at participating in government procurement. Information posted on AGPO website states that "In February 2012, His Excellency the Retired President, Hon. Mwai Kibaki directed that 10% of all Government contracts be earmarked and awarded to the youth. The Policy directive was informed by the Government's realization that in order to meaningfully address the issue of youth unemployment. It is necessary to give them opportunities to participate in government contracts and tenders. In 2013, His Excellency the President Uhuru Kenyatta, pledged that the procurement rules

would be amended to allow 30 per cent of contracts to be given to the youth, women and persons with disability without competition from established firms” (ROK, 2015).

**RESEARCH METHODOLOGY**

**Research Design**

The study will adopt descriptive research design in collecting data from the respondents. According to Kothari (2004), the descriptive method is preferred because it ensures complete description of the situation, making sure that there is minimum bias in the collection of data. He also indicated that the purpose of descriptive survey is to collect detailed and factual information that describes an existing phenomenon. This approach was vital to enable an understanding of the critical success factors for Youth access to government procurement opportunities.

**Target Population of the Study**

Population is the entire group of individuals or items under consideration in any field of inquiry and has a common attribute (Mugenda & Mugenda, 2003). This study sought to collect data on youth access to government procurement opportunities at the judiciary of Kenya. Accordingly, the target population was all the 302 employees of the Judiciary of Kenya who are based at the Supreme Court, Milimani Law Courts, Kibera Law Courts and Makadara Law Courts concentrating on administration, procurement and finance (accounts). This is illustrated in Table1. The reason the judiciary was selected for the study was that it is one of the three arms that constitute the Kenyan government. It’s primarily an independent organ that has to conform to the constitution of which legal notice 114 focus was on the 30% preferential allocation for special interest groups’ access in government procurement opportunities with key focus on the youth. The judiciary received a 25% rise in budget up to Kshs. 17billion in the year 2015/2016 of which 60% of it goes to procurement. Meaning the special groups are entitled to Ksh. 3.06 billion.

**Table 1: Target Population**

<b>Level/Court</b>	<b>Supreme</b>	<b>Milimani</b>	<b>Kibera</b>	<b>Makadara</b>	<b>Total</b>
Administration	41	35	25	39	63
Procurement	17	24	22	20	54
Finance & Accounts	14	15	23	21	52
<b>Total</b>	<b>92</b>	<b>78</b>	<b>60</b>	<b>70</b>	<b>169</b>

Source :( Judiciary, 2015)

**Sample Size**

According to Kothari (2004), a sample frame is the list that includes all members of the population from which a sample is to be taken; it is the complete list containing all the sampling units of the population. The sample size was 169 respondents. Considering the relatively large number of the target population, the study employed the Neuman (2008) as illustrated below. This is in line with similar studies that have employed the said formula, notably, Ndeti (2013) in his study of Interpersonal communication and HIV/AIDS. Mugenda and Mugenda (2003) also endorse the formula. According to Neuman (2008), the following formula applies for relatively large population sizes:

$$n = \frac{Z^2pq}{d^2}$$

Where n = the required sample size, when the target population is more than 10,000

Z = is standard normal deviate at the required confidence level (1.96) at 0.05

p = is the proportion of the target population estimated to have the characteristics being measured when one is not sure, so one takes middle ground (0.5)

q = 1-p

d is the level of statistical significance

$$\text{Therefore } n = \frac{1.96^2 \times 0.5 \times 0.5}{0.05^2} = 384$$

This gives a sample size of 384 which can be adjusted when population is less than 10,000 using the following relationship.

$$n_f = \frac{n}{1 + n/N}$$

$n_f$  is the desired sample size when population is less than 10,000

$n$  is the desired sample size when population is more than 10,000

Given the total target population to be 302, the sample size was calculated as follows:

$$n_f = \frac{384}{1 + 384/302} = 169.049$$

Therefore the Sample Size was 169.

**Table 2: Sample Size**

Level/Court	Supreme	Milimani	Kibera	Makadara	Total
Administration	21	15	15	12	63
Procurement	17	14	12	11	54
Finance & Accounts	14	15	12	11	52
<b>Total</b>	<b>52</b>	<b>44</b>	<b>39</b>	<b>34</b>	<b>169</b>

**Sampling Technique**

This study sought to collect data on youth access to government procurement opportunities at the Judiciary of Kenya. Having adopted a stratified sampling technique, of the judiciary of Kenya in Nairobi. The reason the administration, procurement and finance (accounts) departments were selected is because the three form the dockets in which procurement is practiced along with the logistical arrangements thereto, and were therefore deemed possessive of pertinent information to the study variables.

**Data Collection Instruments and Procedure**

This study used primary data for statistical analysis. According to Kothari (2004), primary data is data which is collected afresh and for the first time, and thus happens to be original in character. Semi structured questionnaires were used. A response rate of 81.7% with 138 respondents reached, out of the 169 targeted.

**Pilot Study**

Questionnaires were first administered to 16 respondents prior to the main study to ensure validity and reliability of the questionnaires. According to Mugenda and Mugenda (2003), 10% of the sample is sufficient for pilot test. These respondents were however not included in the main study. Mugenda and Mugenda (2003) asserted that, the accuracy of data to be collected largely depended on the data collection instruments in terms of validity and reliability.

**Validity of Research Instrument**

Validity is the degree to which results obtained from the analysis of the data actually represents the phenomenon under study (Robinson, 2002). Validity is ensured by having objective questions included in the questionnaire and by pre-testing the instrument to be used through a pilot study in order to identify and change any ambiguous, awkward, or offensive questions and technique as emphasized by Cooper and Schindler (2003). The questionnaires were administered to 10 procurement officers and 3 administrators and 3 Accountants and with the help of the university Lectures at the department, the responses were analyzed to determine the instrument's validity and reliability. The content validity formula by Amin (2005) will be used. The formula is; Content Validity Index = (No. of judges declaring item valid) / (Total no. of items). It is recommended that instruments used in research should have CVI of about 0.78 or higher and three or more experts could be considered evidence of good content validity (Amin, 2005).

**Reliability of Research Instrument**

Reliability refers to a measure of the degree to which research instruments yield consistent results (Mugenda & Mugenda, 2003). In this study, reliability was ensured by pre-testing the questionnaire on a

selected sample from select respondents from the Judiciary, Nairobi. The Cronbach's alpha was used to test reliability of the data collection instrument and an alpha of between 0.7 and 0.8 were considered to be sufficient enough to confirm and reflect the internal consistency of the instrument (Mugenda & Mugenda 2003). This study adopted a threshold of 0.78.. Nunnally (1978) established the Alpha value threshold at 0.7 which the study benchmarked against. Access to government procurement opportunities had the highest reliability ( $\alpha=0.891$ ) followed by Ethical issues ( $\alpha=0.821$ ), then Financial Resources ( $\alpha=0.817$ ), while Access to procurement information ( $\alpha=0.796$ ) and Youth technical capacity had the lowest ( $\alpha=0.728$ ). The study thus found that the questionnaire was reliable and could be used for further

### **Data Analysis and Presentation**

To enable the researcher understand the data collected and assign meaning to the resulting statistics, an analysis of data was done to summarize the essential features and relationships of data in order to generalize and determine patterns of behavior and particular outcomes. The completed questionnaires were edited for completeness and consistency before responses could be processed. Qualitative and quantitative techniques were used in the data analysis. Content analysis was done, while descriptive analysis such as mean, frequencies and percentages were used to analyze the data. To test for relationship between variables, regression analysis was used. Data was organized and interpreted on account of concurrence to objectives using assistance of the computer package, statistical package for the social sciences (SPSS) version 21, to communicate research findings. The study used the following regression model:

$$Y = \alpha + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 X_4 + \varepsilon$$

Where Y = Youth access to government procurement at the Judiciary of Kenya,

$\alpha$  = Constant term,  $\beta$  = Beta Coefficients;  $X_1$  = Financial Resources;  $X_2$  = Access to procurement information;  $X_3$  = Ethical issues;  $X_4$  = Technical capacity;  $\varepsilon$  = Error term

The model explained the extent to which the study variables explain Youth Access to government procurement at the Judiciary of Kenya. ANOVA was used to test the level of significance of the variables on the dependent variable at 0.05 level of significance.

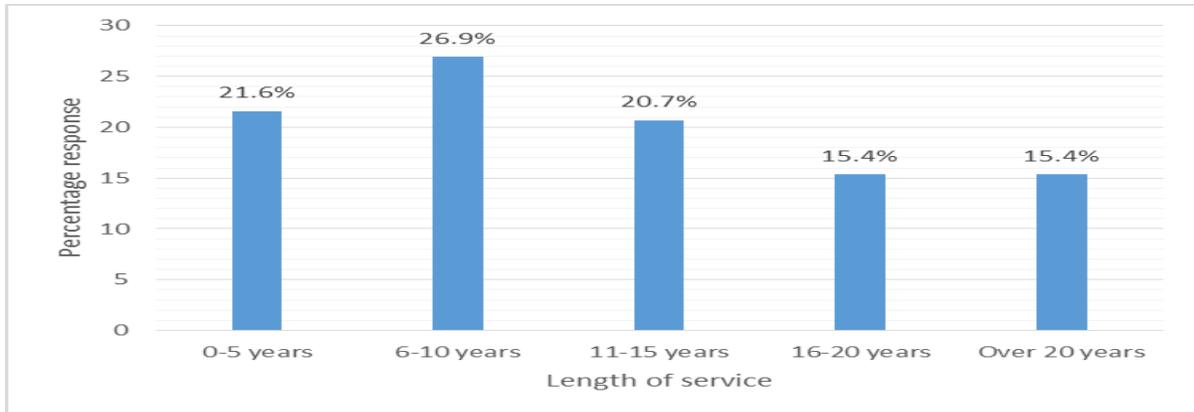
## **RESULTS AND DISCUSSION**

### **Demographic Information**

#### ***Response by Length of Service***

With some level of working experience necessary in establishing the study objectives, the study found it appropriate to establish the length of service of the respondents, in years, serving at their respective institutions. This would ascertain that responses were already informed by diverse experience owing to respondents' respective lengths of service. Figure 2 presents the findings. The study found that a majority of respondents, 26.9% had worked in the study area for between 6 and 10 years. This was followed by those having worked for less than 5 years, as indicated by 21.6% of the respondents while 20.7% of the respondents had worked for 11 and 15 years. Only 15.4% of the respondents were found to have worked in their respective institutions for either between 16 and 20 years and over 20 years.

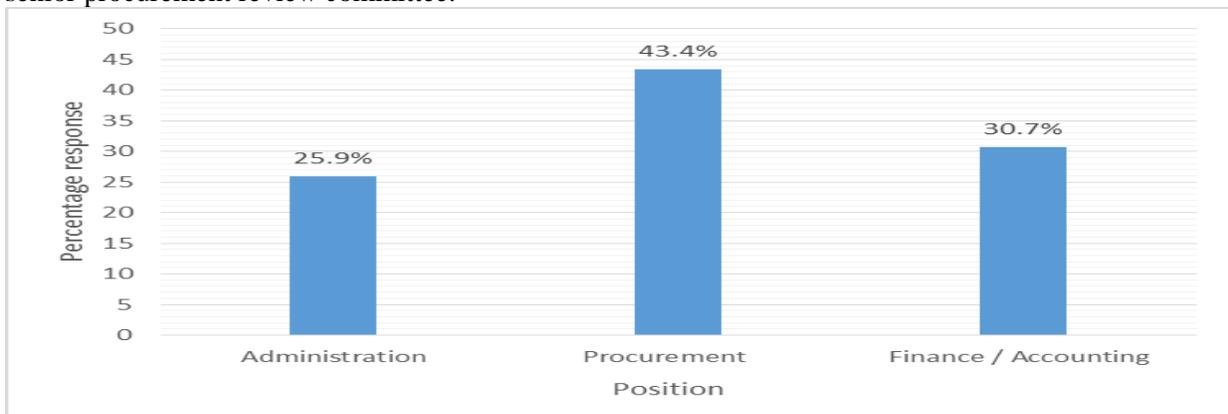
The results present a rather skewed distribution across the years representing the length of experience. With a majority of respondents having worked for at least 5 years, responses can be deemed as being informed by adequate experience on pertinent procurement matters in the study area and hence helpful in addressing the study objectives. Wanyama (2010) concludes that procurement officers' job experience is crucial in ensuring that all actions in respect of the procurement process, including proper selection of the procurement strategy (for example use of Advance Contract Award Notices (ACANs)), evaluation criteria and solving contractual disputes are strategically carried out in an effort to earn competitive advantage among procurement firms.



**Figure 2. Length of Service**

***Response by Position***

Respondents were asked to indicate their management levels in order to further ascertain representation and diversity thereof in perspectives. To this end, two managerial cadres were targeted in the present study purposively owing to their expected possession of the information of interest with respect to the variables. Figure 3 presents the findings. The analysis revealed that a majority, 43.4% of the respondents belonged to the procurement department, followed by 30.7% from Finance/Accounting and 25.9% from Administration. This indicates the diverse perspectives as informed by tasks and duties characteristic of the respective management levels. It can be deduced therefore, that the study reached respondents across various areas of specialization in the study area, hence diverse perspectives in responses as informed by activities in the respective departments. This is in agreements with Edler and Georghiou (2007) who provide that diverse expertise is paramount in addressing various procurement challenges and to provide oversight function, a key component of the broader set of management controls that are used to ensure the sound management of government procurement. In many departments, the principles of fairness, openness and transparency in procurement are safeguarded through oversight, review and monitoring by a senior procurement review committee.



**Figure 3. Managerial Position**

**Study Variables**

***Financial Resources***

The study sought to establish the influence of financial resources on youth access to government procurement opportunities at the Judiciary of Kenya. Respondents were thus asked to indicate the extent to which various statements relating to financial resources in youth access to government procurement opportunities in the Judiciary of Kenya applied in their respective institutions. Responses were given on a

five-point scale where: 1= Not at all; 2 = To a little extent; 3 = To a moderate extent; 4 = To a great extent; 5 = To a very great extent. Table 4.3 below presents the findings. With a grand mean of 3.614, majority of respondents can be said to have highly agreed with most statements posed as regards influence of financial resources on youth access to government procurement opportunities at the Judiciary of Kenya. Majority particularly highly agreed that the judiciary timely pays for tenders performed (3.923); women enterprise fund provides capacity for most tenders (3.792) and that youth enterprise fund provides capacity for most tenders (3.692). A majority however only moderately agreed that most youth bidders have adequate capital to undertake contracts they bid for (3.332); and that youth bidders have capital resources to finance contract if awarded (3.329).

It can be deduced from the foregoing finding that whereas the judiciary pays for contracts awarded to the youth in a timely manner, and that both youth and women enterprise funds provide capacity for most tenders, they do not seem to agree on whether most youth bidders have adequate capital to undertake contracts they bid for and if youth bidders have capital resources to finance contract if awarded. Financial resources can thus be deemed a key deterrent to a significant number of youths from accessing government procurement opportunities as most are not in a capacity to raise capital to finance contracts if awarded. This is in agreement with Polo (2008) who argues that due to the large quantities of supplies required, the capital requirement can be high. Yet processing an invoice can take months. This is supported by Gichure (2007) who offers that due to the limited financial capacity and the competitive nature of public procurement processes, access to public sector contracts by smaller entities, including youth owned SMEs, is often seen as a problem, at national and global level.

**Table 3: Influence of Financial Resources**

<b>Statements</b>	<b>Mean</b>	<b>Std. Dev</b>
Most youth bidders have adequate capital to undertake contracts they bid for	3.332	.7786
Youth bidders have capital resources to finance contract if awarded	3.329	.7698
The judiciary timely pays for tenders performed	3.923	.8923
The youth enterprise fund provides capacity for most tenders	3.692	.7225
The Women enterprise fund provides capacity for most tenders	3.792	.7225
<b>Composite mean</b>	<b>3.614</b>	

**Access to Information**

The study sought to determine the effect of access to procurement information on youth access to government procurement opportunities at the Judiciary of Kenya. Respondents were thus asked to indicate the extent to which various statements relating to access to procurement information in youth access to government procurement opportunities in the Judiciary of Kenya applied in their respective institutions. Responses were given on a five-point scale where: 1= Not at all; 2 = To a little extent; 3 = To a moderate extent; 4 = To a great extent; 5 = To a very great extent. Table 4 presents the findings. With a grand mean of 3.889, a majority of respondents can be said to have highly agreed with most statements posed as regards influence of access to procurement information on youth access to government procurement opportunities at the Judiciary of Kenya. A majority particularly highly agreed that the best place to access procurement opportunity for youth is the social media (4.351); all judicial tenders meant for special groups are nationally advertised (4.248); and that advertisement done on the judiciary website is accessible to youth (4.219). A majority however only moderately agreed that youth can easily access adverts on company notice boards (3.361); and that that youth easily access print media adverts (3.261).

It can be deduced from the finding that procurement opportunities is widely advertised nationally and that interested youth can easily access the same. It was however notable that most advertisements are done on print media, which ideally, youth do not have as much interest in, as they would social media. Information on procurement opportunities is however generally highly and widely available for the youth to access. The finding agrees with Ndhlovu and Twala (2007) who found that access to government

financial support is a problem in South Africa due to lack of interest, and lack of information and existence of such funds as well as the disbursement mechanism. Mass and Herrington (2006) agree that most youths are not aware of the various support programs available and as a result, youths with entrepreneurial tendencies perceive that there is no support from government. According to Nelson (2007), improved information techniques mostly through the internet for buying goods and services using modern quality standards and business practices in the government can help improve the efficiency of special group's suppliers as they compete for government contracts with big players.

**Table 4: Effect of Access to Procurement Information**

<b>Statements</b>	<b>Mean</b>	<b>Std. Dev</b>
All judicial tenders meant for special groups are nationally advertised	4.248	.8457
Youth easily access print media adverts	3.261	.7430
The best place to access procurement opportunity for youth is the social media	4.351	.7579
Advertisement done on the judiciary website is accessible to youth	4.219	.8878
Youth can easily access adverts on company notice boards	3.361	.7430
<b>Composite mean</b>	<b>3.889</b>	

**Ethical Issues**

The study sought to establish the influence of ethical issues on youth access to government procurement opportunities in the Judiciary of Kenya. Respondents were thus asked to indicate the extent to which various statements relating to ethical issues in youth access to government procurement opportunities in the Judiciary of Kenya applied in their respective institutions. Responses were given on a five-point scale where: 1= Not at all; 2 = To a little extent; 3 = To a moderate extent; 4 = To a great extent; 5 = To a very great extent. Table 5 presents the findings. With a grand mean of 3.678, a majority of respondents can be said to have highly agreed with most statements posed as regards influence of ethical issues on youth access to government procurement opportunities in the Judiciary of Kenya. A majority particularly highly agreed that not all registered youth groups are composed of youth (4.042); bribery and gifts is a factor affecting youth access (3.957); and that some youth bidders engage in procurement malpractice (3.819). A majority however only moderately agreed that mainstream suppliers bid for reserved tenders (3.351); and that there is influence to award tenders to mainstream suppliers (3.223).

It can be deduced from the foregoing that another major hindrance to youth access to procurement opportunities is unethical conducts among bidders, ranging from non-youths registering as youth; bribery and gifts; as well as mainstream suppliers bidding for reserved tenders. Such malpractices impart negative perception of bidding processes and deter most youth from participation in procurement opportunities. This argument is supported by Carter (2000) who argues that business ethics affect organizations relations with suppliers, in procurement and supply chain operations, who are core in any procurement system. Accordingly, OECD (2007), in a report titled BRIBERY: actors, methods and measure, notes that major part of the world's exports of merchandise and commercial services are linked to public procurement. Evidence of the relationship between ethics and supply chain operations is exemplified in a study by Mugerwa (2010) of supply chain performance of essential medicine in eastern Uganda that asserts the importance of ethical behavior in ensuring supply chain performance.

**Table 5: Influence of Ethical Issues**

Statements	Mean	Std. Dev
Mainstream suppliers bid for reserved tenders	3.351	.7579
There is influence to award tenders to mainstream suppliers	3.223	.8888
Bribery and gifts is a factor affecting youth access	3.957	.7424
Not all registered youth groups are composed of youth	4.042	.7602
Some youth bidders engage in procurement malpractice	3.819	.8913
<b>Composite mean</b>	<b>3.678</b>	

**Youth Technical Capacity**

The study sought to determine the effect of youth technical capacity on youth access to government procurement opportunities in the Judiciary of Kenya. Respondents were thus asked to indicate the extent to which various statements relating to youth technical capacity in youth access to government procurement opportunities in the Judiciary of Kenya applied in their respective institutions. Responses were given on a five-point scale where: 1= Not at all; 2 = To a little extent; 3 = To a moderate extent; 4 = To a great extent; 5 = To a very great extent. Table 6 presents the findings. With a grand mean of 3.650, majority of respondents can be said to have highly agreed with most statements posed as regards influence of youth technical capacity on youth access to government procurement opportunities in the Judiciary of Kenya. A majority particularly highly agreed that youth bidders deliver on time (3.932); youth possess skill required to fill tender documents effectively (3.751); and that youth competency is at same level as mainstream suppliers (3.751). A majority however only moderately agreed that youth possess skill on quality management to deliver quality (3.461); and that youth have technical experience for works and services contracts (3.354). It can be noted from the finding that most youth bidders possess the requisite technical skills and capacity to participate in bidding. However, going by the moderately agreement levels, it can be deduced that a significant number of youths are barred from bidding owing to the lack of pertinent technical experience for works and services contracts. The findings are in tandem with Polo (2008) who argued that the technical skills required for complex contracts may require vast experience. As has been established before, the rate of youth access in the allocated 30% public procurement is below expectation. Also, Zwicker and Ringeheim (2004) postulated that uninformed inefficient government suppliers provide poor value to their national government, and are unlikely to engage in any meaningful private sector trading partnerships in the era of global competition. According to Obanda (2011), training of participants in public procurement could raise their technical understanding of public procurement processes and thus result in stimulate an increase in the number of SMEs' accessing and winning contracts.

The study probed respondents on what the level of youth access to government procurement opportunities in the Judiciary is, and what, in their opinion, hinders youth access in public procurement. A majority of respondents were of the opinion that youth access to government procurement opportunities have been improving significantly over the last five years, a majority attributing the same to increased awareness levels on the 30% provision of procurement opportunities to special groups. A majority further attribute hindrance to youth access in public procurement to negative perceptions that it is difficult for the youth to access these opportunities.

**Table 6: Effect of Youth Technical Capacity**

Statements	Mean	Std. Dev
Youth possess' skill on quality management to deliver quality	3.461	.7430
Youth possess skill required to fill tender documents effectively	3.751	.7579
Youth have technical experience for works and services contracts	3.354	.7460
Youth bidders deliver on time	3.932	.7826
Youth competency is at same level as mainstream suppliers	3.751	.7538
<b>Composite mean</b>	<b>3.650</b>	

**Youth Access to Government Procurement**

The study sought to determine how youth access in government procurement opportunities in the Judiciary of Kenya has performed over the last 5 years. The study was particularly interested in the number of contracts awarded to youth, value of contracts awarded to youth, percentage of youth beneficiaries and reporting to relevant public procurement authorities. Table 7 presents the findings. It reveals improved access by youth to government procurement opportunities across the 5 year period running from the year 2011 to 2015. In number of contracts awarded to youth, a majority of respondents affirmed having grown incrementally from less than 10% in 2011 (41.9%), to growth by 10% in 2013 (34.8%), then by more than 10% in 2014 (39.0%) and 2015 (36.2%). Value of contracts also recorded positive growth with a majority affirming to less than 10% in 2011 (42.3%) and 2012 (37.7%), to 10% in 2013 (36.1%) then more than 10% in 2014 (41.1%) and 2015 (37.5%). A similar trend was recorded in percentage of youth beneficiaries, growing from less than 10% (44.1%) in 2011, to more than 10% in 2013 (36.4%), 2014 (40.4%) and 2015 (37.3%). Reporting to relevant public procurement authorities further recorded positive results with a majority affirming to its decrease by less than 10% in 2011 (37.9%) and 2012 (35.9%), to 10% in 2013 (35.9%) and 2014 (35.3%) then by more than 10% in 2015 (36.2%).

**Table 7: Supply Chain Performance**

Number of contracts	2011	2012	2013	2014	2015
Increased by less than 10%	41.9	37.9	33.8	29.7	29.1
Increased by 10%	33.2	29.6	34.8	31.3	34.7
Increased by more than 10%	24.9	31.5	31.4	39.0	36.2
Value of contracts	2011	2012	2013	2014	2015
Increased by less than 10%	42.3	37.7	31.6	30.7	29.5
Increased by 10%	31.8	32.9	36.1	28.2	33.0
Increased by more than 10%	25.9	29.4	32.3	41.1	37.5
Percentage of youth beneficiaries	2011	2012	2013	2014	2015
Increased by less than 10%	44.1	35.2	33.4	25.7	27.1
Increased by 10%	31.7	32.6	30.2	33.9	35.6
Increased by more than 10%	23.5	32.2	36.4	40.4	37.3
Reporting to relevant public procurement authorities	2011	2012	2013	2014	2015
Decreased by less than 10%	37.9	35.9	31.2	25.7	33.1
Decreased by 10%	36.2	31.3	35.9	35.3	30.7
Decreased by more than 10%	25.9	32.8	32.9	39	36.2

It can be deduced from the findings that youth access to government procurement opportunities in the Judiciary of Kenya has improved over the last 5 years, running from 2011 to 2015. This can be attributed to the preferential treatment policy enacted in 2013 where procuring entities are supposed to set aside 30% of total procurement for the youth. This conforms to Mccruden (2004) who articulates that public procurement is an effective tool to create jobs and provide foundation for economic recovery and sustained growth. This employment is both direct, through project and works, and demand driven, through supply contracts. The finding is also in agreement with ROK (2013) who asserts that the Youth

have the potential to accelerate productivity growth, but left idle, can represent a risk to social stability and in the longer term a risk to development of the nation's economy. Gatere (2014) asserts that ensuring that youths are successfully integrated into the economy through procurement will improve Kenya's competitiveness, raise household incomes, reduce poverty, and create a circle of investment and growth. It thus became necessary to motivate them to participate in government contracts and tenders.

**Multiple Regression Analysis**

In addition, the study conducted a multiple regression analysis so as to test relationship among variables (independent) on the youth access to government procurement opportunities. The study applied the statistical package for social sciences (SPSS V. 22) to code, enter and compute the measurements of the multiple regressions for the study. According to the model summary Table 8, R is the correlation coefficient which shows the relationship between the independent variables and dependent variable. It is notable that there exists strong positive relationship between the independent variables and dependent variable as shown by R value (0.899). The coefficient of determination ( $R^2$ ) explains the extent to which changes in the dependent variable can be explained by the change in the independent variables or the percentage of variation in the dependent variable and the four independent variables that were studied explain 80.80% of the youth access to government procurement opportunities as represented by the  $R^2$ . This therefore means that other factors not studied in this research contribute 19.20% to the youth access to government procurement opportunities. This implies that these variables are very significant therefore need to be considered in any effort to boost youth access to government procurement opportunities. The study therefore identifies variables as critical success factors which influence youth access to government procurement opportunities

**Table 8: Model Summary**

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.899	.808	.786	.006

Further, the study revealed that the significance value is 0.000 which is less than 0.05 thus the model is statistically significant in predicting how financial resources, access to procurement information, ethical issues, youth technical capacity affect youth access to government procurement opportunities. The F critical at 5% level of significance was 4.165. Since F calculated (35.316) is greater than the F critical (value = 4.165), this shows that the overall model was significant.

**Table 9: ANOVA**

Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	16.980	4	4.245	35.3163	.000 <sup>a</sup>
	Residual	15.987	133	.12020		
	Total	32.967	137			

**NB:** F-critical Value = 4.165; **Predictors: (Constant):** Financial resources, access to procurement information, ethical issues, youth technical capacity

The study ran the procedure of obtaining the regression coefficients, and the results were as shown on the Table 9. Multiple regression analysis was conducted as to determine the relationship between youth access to government procurement opportunities and the four variables. As per the SPSS generated in Table 9, the model equation would be ( $Y = \beta_0 + \beta_1X_1 + \beta_2X_2 + \beta_3X_3 + \beta_4X_4 + \epsilon$ ) becomes:  $Y = 33.876 + 0.765X_1 + 0.733X_2 + 0.721X_3 + 0.706X_4 + 0.223$ . This indicates that youth access to government procurement opportunities =  $33.876 + 0.765(\text{Financial Resources}) + 0.733(\text{Access to procurement information}) + 0.721(\text{Ethical issues}) + 0.706(\text{Youth technical capacity})$ . According to the regression equation established, taking all factors into account (financial resources, access to procurement information, ethical issues, youth technical capacity) constant at zero youth access to government procurement opportunities was 33.876. The data findings analyzed also shows that taking all other independent variables at zero, a

unit increase in financial resources will lead to a 0.765 increase in youth access to government procurement opportunities.; a unit increase in access to procurement information will lead to a 0.733 increase in youth access to government procurement opportunities, a unit increase in ethical issues will lead to .721 increase in youth access to government procurement opportunities and a unit increase in youth technical capacity will lead to 0.706 increase in youth access to government procurement opportunities. This infers that financial resources contributed most to youth access to government procurement opportunities. At 5% level of significance, financial resources had a 0.000 level of significance; access to procurement information shows a 0.001 level of significance, ethical issues shows a 0.003 level of significance and youth technical capacity shows a 0.005 level of significance hence the most significant factor is financial resources on youth access to government procurement opportunities.

**Table 10: Regression Coefficients**

Model		Unstandardized Coefficients		Standardized Coefficients	T	P-value.
		$\beta$	Std. Error	$\beta$		
<b>1</b>	(Constant)	33.876	.223		2.615	.000
	Financial Resources	.765	.093	.602	5.098	.000
	Access to procurement information	.733	.050	.554	4.087	.001
	Ethical issues	.721	.047	.416	3.008	.003
	Youth technical capacity	.706	.033	.363	2.546	.005

## CONCLUSIONS

From the foregoing findings and discussions thereof, it can be concluded that youth access to government procurement opportunities in the Judiciary of Kenya has improved over the last 5 years, running from 2011 to 2015. This can be attributed to the preferential treatment policy enacted in 2013 where procuring entities are supposed to set aside 30% of total procurement for the youth.

Financial resources can thus be deemed a key deterrent to a significant number of youths from accessing government procurement opportunities as most are not in a capacity to raise capital to finance contracts if awarded. It can also be deduced from the foregoing findings that whereas the judiciary pays for contracts awarded to the youth in a timely manner, and that both youth and women enterprise funds provide capacity for most tenders, they do not seem to agree on whether most youth bidders have adequate capital to undertake contracts they bid for and if youth bidders have capital resources to finance contract if awarded.

It was established that access to procurement information plays a key role to access to procurement information. It is also hereby concluded that procurement opportunities are widely advertised nationally and that interested youth can easily access the same. It was however notable that most advertisements are done on print media, which ideally, youth do not have as much interest in, as they would social media. Information on procurement opportunities is however generally highly and widely available for the youth to access.

It can further be deduced that most youth bidders possess the requisite technical skills and capacity to participate in bidding. However, going by the moderately agreement levels, it can be deduced that a significant number of youths are barred from bidding owing to the lack of pertinent technical experience for works and services contracts. Finally, the study concludes that among the critical success factors significantly determining Access to government procurement opportunities in the study include financial resources, Access to procurement information, business support services and ethical Issues.

## RECOMMENDATIONS

The financial resources play an important role on youth access to government procurement opportunities at the Judiciary of Kenya. There is need to continue offering the youths with means to access credit to

have adequate capital to finance their groups and encourage them to participate in the public procurement. The youths also need timely pays for tenders performed to continue encouraging them to participate to bid for procurement opportunities.

From the findings and conclusion, the study recommends the following: Brochures and booklets on access to government procurement opportunities should be provided by the Procurement Regulatory Authority (PPRA) to the target group to enhance provision of information on the programme. PPRA should enhance its monitoring of access to government procurement opportunities programme to ensure that government entities set aside 30% of their contracts to youth, women and PWDs.

The business skills training manual and syllabus should be provided to the trainees before registration for the training to ensure that the target groups register for a training they need. The implementation of access to government procurement opportunities programme should be enhanced in the digital platforms like social media to ensure that more youth owned enterprises are brought on board. The regulations put in place concerning the complaints system structure for special groups such as the youth, women and PWDs should be revised to enhance adequacy.

It is recommended that there is need to offer the youths technical skills and capacity to participate in bidding. This can remote the barriers that a significantly hinder them since number of youths are barred from bidding owing to the lack of pertinent technical experience for works and services contracts to access the youth access to government procurement opportunities.

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