

PROCUREMENT POLICY

THE KENYA SCOUTS ASSOCIATION

2019

Rowallan Scouts Camp,
P.O. Box 414200- 00100,
Nairobi.
info@kenyascouts.org
www.kenyascouts.org

VALIDATION OF POLICY

Validation signed on.....*29th Sept 2019*.....

Signed by.....*MOS*.....

Mr. Moses O Danda

National Executive Commissioner, KSA

Signed by*Lydia Kiburu*.....

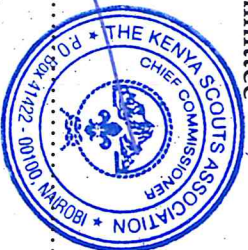
Ms. Lydia Kiburu

Chairperson, Executive Committee

Signed by*Mr. Victor Radido*.....

Mr. Victor Radido

Chief Commissioner, KSA



KSA VISION

Creating a better world.

KSA MISSION

Educating young people to play a constructive role in the society.

This is achieved by: -

Involving the youth throughout their formative years in a non-formal educational process.

Using a specific method that makes each individual the principle agent in one's development as a self-reliant, supportive, responsible and committed person.

Assisting them to establish value system based upon spiritual, social, and personal principles as expressed in the scout's law and promise.

KSA CORE VALUES

1. Professionalism
2. Transparency and Accountability
3. Integrity
4. Selflessness
5. God-Fearing

PREFACE

The Kenya Scouts Association is the national Scouting association of Kenya. Scouting was founded in British East Africa in 1910, and became a member of the World Organization of the Scout Movement in 1964. The Kenya Scouts Association (KSA) is the leading Scouting presence in Africa and the largest youth movement in Kenya where it was established in 1910. As part of the World Organization of the Scout Movement, KSA aspires to create a better World through provision of a value-based and skills-oriented education for young people. Scouting contributes to young people's education and development by providing a safe environment where young people can learn and grow by making decisions, doing and discovering for themselves, while experiencing fun, adventure and challenge. The Scouts' value system is based on three principles: Duty to God, Duty to others and Duty to self. Scouts values are expressed in the promise and law, a voluntary personal commitment to do one's best to adhere to an ethical code of behavior.

This policy seeks to give guidance, advice and operating instructions on all matters relating to procurement within the association. The Constitution of Kenya, 2010, The Public Procurement and Asset Disposal Act, 2015 and The Public Procurement and Disposal Regulations, 2006, guide procurement in the Public Service. The Constitution of Kenya 2010 sets out the values, which are paramount in any Procurement. It states that when a state organ or public entity contracts for goods and services, it should do so in accordance with a system that is fair, equitable, transparent, competitive and cost effective.

It is expected that full commitment and compliance in the implementation of this Procurement policy will prevail. I therefore assure you of my unreserved support in its implementation. Thank you to all who worked hard to realize the development of this policy.

VICTOR RADIDO
CHIEF COMMISSIONER, KENYA SCOUTS ASSOCIATION

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LIST OF ABBREVIATIONS AND ACRONYMS

DN	Delivery Note
GoK	Government of Kenya
HoD	Head of Department/Division
PO	Procurement Office
Nec	National Executive Commissioner
NSB	National SCOUT BOARD
HQ	Headquarters
IAC	Inspection and Acceptance Committee
LPO	Local Purchase Order
LSO	Local Service Order
PE	Procuring Entity
PU	Procurement Unit
PPADA	Public Procurement and Asset Disposal Act
PPDR	Public Procurement and Disposal Regulations
PV	Payment Voucher
TC	Tender Committee
SO	Stores Officer
PO	Procurement Officer
TOR	Terms of Reference
POA	Public Procurement Oversight Authority

DEFINITION OF TERMS

"**Procurement**" means the acquisition by purchase, rental, lease, hire purchase, license, tenancy, franchise, or by any other contractual means of any type of works, assets, services or goods including livestock or any combination and includes advisory, planning and processing in the supply chain system;

"**Public procurement**" means procurement by procuring entities using public funds;

"**Procurement contract**" means an agreement concluded between the procuring entity and a contractor (or contractors) resulting from a tendering proceeding;

"**procuring entity**" means a public entity making a procurement or asset disposal to which this Act applies;

"**Assets**" means movable and immovable property, tangible and intangible, including immovable property, stores, equipment, land, buildings, animals, inventory, stock, natural resources like wildlife, intellectual rights vested in the state or proprietary rights;

"**Common-user items**" means goods, works or services that are usable by procuring entities across the board irrespective of type or category, and the items include office equipment, furniture, motor vehicles and stationery

"**Pre-qualification**" means the procedure to identify and shortlist tenderers that are qualified, prior to invitation for tenders;

"**Public money**" includes monetary resources appropriated to procuring entities through the budgetary process, as well as extra budgetary funds, including aid, grants and loans, put at the disposal of procuring entities by donors;

"**Services**" means any objects of procurement or disposal other than works and goods and includes professional, consultancy services, technical services, non-professional and commercial types of services as well as goods and works which are incidental to but not exceeding the value of those services;

"**User department**" means the unit of a procuring entity that requisitions the goods, works or services being procured

PART ONE: BACKGROUND & INTRODUCTION

1.0 INTRODUCTION

This policy serves as a guide to implementation of the Public Procurement and Disposal Act and the Regulations. It is meant to promote effective and efficient performance of the procurement function in the Association. The policy sets out functional relationships and internal controls that promote transparency and accountability in the procurement process.

1.1 BACKGROUND: THE KENYA SCOUTS ASSOCIATION EDUCATIONAL PROPOSAL

Kenya Scouts Association (KSA) is a registered member of the World Organization of the Scouts Movement (WOSM). It is a voluntary, on-political and educational Movement for young people open to all without distinction of origin, race, gender, creed or ethnic/tribal background in accordance with the purpose, principles and method as conceived by the founders as stated below;

a) Purpose

To contribute to the development of young people in achieving their full physical, intellectual, emotional, spiritual, social, and character potentials as individuals, as responsible citizens and as members of their local, national, regional and international communities.

b) Principles

Duty to God

Adherence to spiritual principles. Loyalty to the religion that expresses them and acceptance of duties resulting there from.

Duty to others

Loyalty to our country in harmony with the promotion of local, national, regional and international peace, understanding and co-operation/integration.

Participation in the development of society with recognition and respect for the dignity of one's fellow man and for the integrity of nature.

Duty to self

Responsibility of the one's self; realization of ones right to develop, learn and grow, learning to assert oneself, make one's decision, set aims and identify the necessary steps to achieve one's full potentiality.

c) Method

Is a system of progressive self-education that should be applied to all sections, taking into account the socio-cultural environment of the young people.

The Scout method is applied in the following ways:

Law and promise.

Learning by doing.

Membership of small groups (patrol system) requiring adult guidance, progressive discovery and acceptance of responsibility and training towards self-governance directed towards the development of competence, self-reliance, honesty and leadership skill objectives.

Progressive and stimulating programs (progressive scheme) consisting of varied activities based on one's own interest including games, useful skills and service to community, all taking place largely in an outdoor setting.

Symbolic framework or symbolic background where the scouts relate to their socio-cultural background in order to have a programmed that has a national touch.

Relationship between adults and young people where leaders have the responsibility to keep an eye on the young ones especially the Sungura, as they are delicate majority.

Life in nature, it is not just animals, trees, rivers etc. for scouts. Nature is a club where one can enjoy themselves, a laboratory where one feels closer to God and can

1.2. POLICY JUSTIFICATION

The procurement policy is an attempt to streamline procurement activities in the association in line with public procurement regulations. It provides guidance regarding procurement activities within the association. It is also expected to address issues regarding the efficiency and effectiveness of the procurement function.

2.0 POLICY STATEMENT

The public procurement reforms in Kenya have culminated in promulgation of the Public Procurement and Disposal Act 2015 and the Public Procurement and Disposal Regulations 2006 that provide a legal framework for regulating public procurement, with oversight functions carried out by the Public Procurement Oversight Authority (PPOA). A Public Procurement Policy in KSA provides detailed guidance on general issues in procurement that are not adequately covered by the Act and Regulations.

This policy is prepared to address the specific procurement requirements of Kenya Scouts Association, which have not been explicitly addressed in the referred instruments. The procurement processes set out in this policy have reference to the salient provisions of the Act, Regulations and the Procurement General Manual (obtained from PPOA) which should be read together with this policy. Some of the vital and general steps leading to effective procurements for Kenya Scouts Association have been incorporated in this Policy. HODs of all units are therefore required to familiarize themselves with the guidelines provided in this policy and strictly adhere to them. The National Executive Committee as a guide to the systems and procedures that should govern the procurement of all association's goods, works and services has approved the policy.

3.0 AUTHORITY/LEGAL FRAMEWORK

1. This Policy Framework is subject to The Kenya Scouts Association Revised Constitution of December 2016 and the KSA Act cap 219 and the Laws of Kenya.

4.0 OBJECTIVES OF THE POLICY

Objectives of these procurement procedures as guided by the Act and Regulations are to:

- i. **Guide procuring units:** by providing guidelines on the procurement processes and procedures for PEs to adhere to Regulations and guidelines;
- ii. **Enhance economy:** by promoting competition among suppliers, KSA shall ensure best practices that will obtain best prices and quality;
- iii. **Enhance efficiency:** by providing a choice of alternative procurement methods where efficiency shall be achieved without hindering competition as set out in section 29 and Part VI of the Act;
- iv. **Increase transparency:** by following formal written procedures throughout the process and using explicit criteria to award contracts. To the extent possible, information on tender process shall be made available to the public;
- v. **Increase integrity and public confidence:** by adopting procedures that are in line with the PPD Act and Regulations to ensure fair treatment of suppliers;
- vi. **Ensure full accountability** through proper management and monitoring of the procurement, delivery and receiving processes.

5.0 SCOPE

The policy shall be used in acquisition, receipt, storage, distribution and disposal of goods, works and services in Kenya Scouts Association. This Procurement policy is meant to be used by KSA, which is procuring entity as defined in the PPADA, 2015 for their procurements.

This policy covers:

- i. The generic and specific steps in procurement for Kenya Scouts Association;
- ii. Institutional arrangements for provision of oversight functions within the Kenya Scouts Association;
- iii. Procurement planning and its linkage to budgeting process and implementation;
- iv. Administration of the complete procurement cycle up to and including the receipt and acceptance of items procured;
- v. The disposal of unserviceable, obsolete or surplus stores, other assets and equipment.

6.0 GENERAL PRINCIPLES

1. Professionalism
2. Integrity
3. Shared Goals
4. Accountability
5. Equity and Fairness
6. Commitment
7. Consistency

7.0.1 PART TWO: POLICY GUIDELINES/PROCEDURES

7.1 PROCUREMENT POLICY OVERVIEW

The Kenya Scouts Association considers the expenditure of funds to be an important responsibility and requires all persons involved with the purchase of goods and services to exercise good judgment in spending KSA funds. KSA Procurement Policy is drawn and guided by the Public Procurement and Assets Disposal Act (PPADA 2015). The purpose of PPAD Act 2015 is to establish procedures for the procurement and the disposal of unserviceable, obsolete or surplus stores and equipment by public entities to achieve the following objectives:

- i. To maximize economy and efficiency;
- ii. To promote competition and ensure that competitors are treated fairly;
- iii. To promote the integrity and fairness of those procedures;
- iv. To increase transparency and accountability in those procedures;
- v. To increase public confidence in those procedures
- vi. To facilitate the promotion of local industry and economic development

7.2 PROCUREMENT UNIT

The procurement unit shall but not limited to:

- i. Maintain and update annually standing list of registered tenderers required by the organization
- ii. Prepare consolidated procurement and disposal plans
- iii. co-ordinate the receiving and opening of tender documents
- iv. Maintain and archive documents and records of the procurement and disposal activities for the required period.
- v. Carry out periodic market surveys to inform the placing of orders.
- vi. Carry out any other functions or duties as may be provided under the Act or the Regulations

7.3 HOW TO ORDER MATERIALS, EQUIPMENT AND SERVICES

Purchasing starts with the need that develops in a department. This need for materials, supplies, services and equipment is satisfied and expressed in the form of a purchase requisition. This need must not wait until an emergency exists because of failure to plan properly. The department shall anticipate far enough in advance allowing ample time for its proper procurement. KSA shall invite tenders from only the persons who have been pre-qualified as laid down in Public procurement and disposal Regulations 2006.

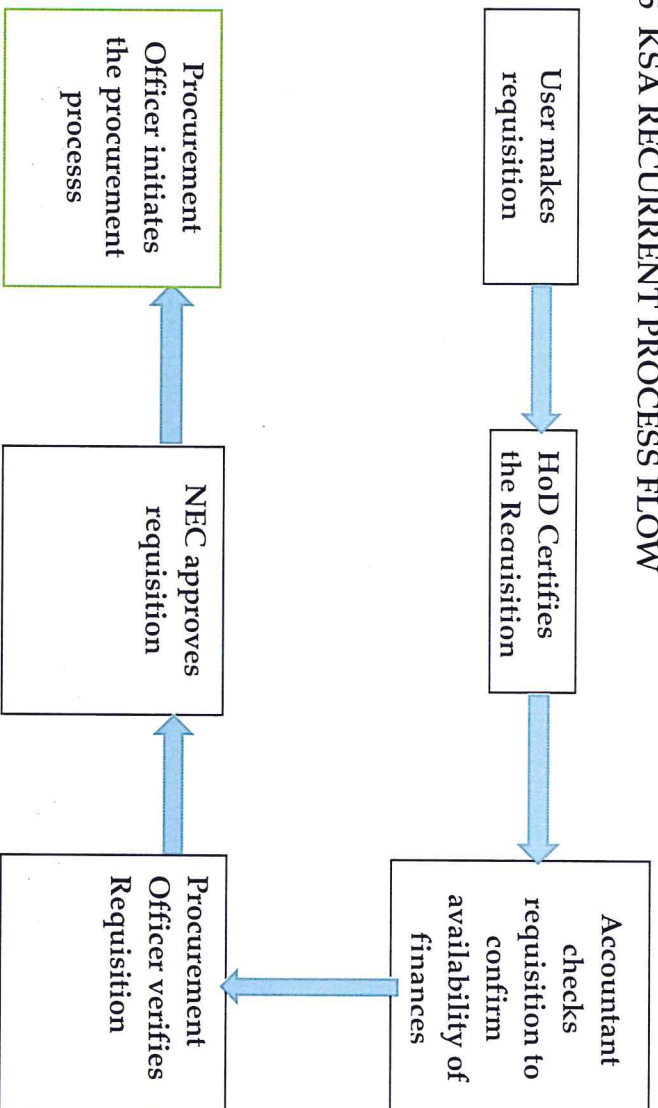
7.4 THE PROCUREMENT CYCLE

The Kenya Scouts Association is responsible for carrying out all the procedures pertaining to the complete procurement cycle. It is important to be familiar with the complete procurement cycle and to ensure that there are effective management procedures in place to properly manage each step.

The complete Procurement Cycle shall include:

- (a) Preparation of Procurement Plan
- (b) Preparation of procurement specifications and initiation of the procurement process
- (c) Tender Bids documents
- (d) Advertisement/initiation of bids
- (e) Receiving of bids
- (f) Evaluation
- (g) Professional opinion
- (g) Adjudication and Contract Award
- (h) Notification of Contract Award
- (i) Negotiations (where applicable)
- (j) Preparation and Signing of Procurement Contract
- (k) Contract Administration
- (l) Receipt Inspection and Acceptance of goods, works, services and consulting services.
- (m) Storage and Inventory Management

7.5 KSA RECURRENT PROCESS FLOW



7.6 PURCHASING REQUIREMENTS

- i. Kenya Scouts Association shall undertake procurement in accordance with the threshold matrix set out in Public procurement & Disposal regulations, 2006. The approval of authorities for all procurement methods shall be set out in the first schedule. This will help in determining the procurement method applicable.
- ii. The Accounting Officer (NEC) shall be responsible for signing contracts for the procurement and disposal activities on behalf of the organization for contracts entered into in accordance with the Act and the Regulations and for contracts above 4 million by Chief Commissioner as per Finance Guidelines.
- iii. All procurement shall be within the approved budget of the organization and shall be planned by the organization through an annual procurement plan.
- iv. The organization shall establish committees, procurement unit and such other bodies as are required under the Regulations for the purpose of making such decisions on behalf of the organization as are specified in the Act and the Regulations

7.7 PROCUREMENT PLANNING

Overview

The procurement plan is an instrument for implementation of the budget and should be prepared by the user departments with a view to avoiding or minimizing urgent procurements that do not enable realization of value for money. The procurement plan must be integrated into the budget processes based on the indicative or approved budget. The budget as well as the procurement plan shall be based on realistic cost estimates derived from the market research database which is to be compiled and updated regularly by the Procurement Unit.

The departmental /sectional procurement plans shall be consolidated by the Head of Procurement to come up with an institution's procurement plan. The Procurement Unit should verify the departmental/sectional procurement plans to ensure that they are representative of the operational requirements of the institution and subsequently forward the same for approval. The consolidated PP for the Association should be discussed and agreed in the senior management meeting.

Procurement Planning Procedures

1. Each individual PU shall prepare a procurement plan based on known or proposed procurement requirements derived from Programme work plans
2. Work plan from which the contents of the procurement plan are to be derived shall include:
 - a. a detailed breakdown of goods, works and services to be procured;
 - b. a schedule of procurement requirements in order of priority; and
 - c. a statement of financial and other resources required supported by a schedule.
3. In planning their procurement activities, the PU shall take the following into account:
 - i. aggregation of requirement to achieve lower unit costs;
 - ii. allocation of biddable lots ensuring that requirements are not split up without a justified reason;
 - iii. joint procurement with other PUs where possible to combine similar requirements and pre-qualification to cover groups of contracts where similar goods, works, services requiring a pre-qualification exercise are required during the financial year;
 - iv. the requirements will be supported with descriptions, specifications and estimated costs;
 - v. the requirements will be related to the institution's budgets and any requirement in excess will be reviewed and scaled down as appropriate;
 - vi. the appropriate method for procurement will be selected depending on the threshold set in this policy; and
 - vii. a procurement schedule showing the various tasks involved in the procurement and the expected delivery time will be entered in the plan.
4. The procurement method to be used shall be selected in accordance with the information contained in the market research data bank and the Threshold Matrix of the PPR 2006.

7.8 PROCUREMENT METHODS

Kenya scouts Association falls under Class C of public entities, and procurement methods are determined by the PPAD Act 2015.

7.8.1 OPEN TENDER METHOD

The preferred procurement method is open tendering as provided in the PPAD 2015 section 91(1). The details of how open tenders should be conducted are contained under Part IX of the PPADA 2015. However, where open tendering is not the appropriate method, the Act provides for use of alternative procurement methods subject to fulfilling the conditions provided. (REQUIRES A MINIMUM OF 14 DAYS AND MAXIMUM)

The KSA when using the open tender method shall be subject to the procurement thresholds (limits) set out in the first schedule. Also the specifications used in open tendering must be clear to give the correct and complete description of what is to be procured and thus allow fair and open competition among the candidates. In case of works the specifications shall include bills of quantities, design and drawings. In case of technical specifications for equipment reference should not be made to particular trademarks, names, brands, design, type, product or service provided or to a specific origin unless it is unavoidable in which case there shall be a statement allowing equivalents of what is referred to.

7.8.2 ALTERNATIVE PROCUREMENT METHODS

Where open tendering is not feasible and justified under Part IX of the PPAD Act 2015 and included in the procurement plan, a procuring entity may use the following alternative procurement methods as provided in the PPAD Act and Regulations:

- a. two stage tendering
- b. design competition
- c. restricted tendering (RT abbreviate)
- d. direct procurement
- e. request for quotations
- f. electronic reverse auction
- g. low value procurement
- h. force account
- i. competitive negotiations
- j. request for proposals
- k. framework agreements

7.8.3 RESTRICTED TENDERING

A procuring entity may use restricted tendering if the following conditions are satisfied -

- a. competition for contract, because of the complex or specialized nature of the goods, works or services is restricted to prequalified tenderers resulting from the procedure under section 94;
- b. the time and cost required to examine and evaluate a large number of tenders would be disproportionate to the value of the goods, works or services to be procured; or
- c. if there is evidence to the effect that there are only a few known suppliers of the whole market of the goods, works or services;
- d. an advertisement is placed, where applicable, on the procuring entity website regarding the intention to procure through limited tender.

7.8.4 REQUEST FOR PROPOSAL

A procuring entity may use a request for proposals for a procurement if –

- a. the procurement is of services or a combination of goods and services; and
- b. the services to be procured are advisory or otherwise of a predominantly intellectual nature.

7.8.5 PROCEDURE FOR LOW-VALUE PROCUREMENTS

A procuring entity may use a low-value procurement procedure if:

- a. the entity is procuring low value items which are not procured on a regular or frequent basis and are not covered in framework agreement;
- b. the estimated value of the goods, works or non-consultancy services being procured are less than or equal to the maximum value per financial year for that low-value procurement procedure as may be prescribed.

7.8.6 SPECIALLY PERMITTED PROCUREMENT PROCEDURE

A procuring entity may use a procurement procedure specially permitted by the Authority which may include concessioning and design competition. For the purpose of this section-

- a. "concessioning" means a procurement that encourages the mobilization of private sector resources for the purpose of public financing, construction, operation and maintenance of development projects and may include build-down and operate, build-own-operate and transfer, build-operate and transfer or similar types of procurement procedures;
- b. "design competition" means a procurement procedure for obtaining competitive bids for services which are creative in nature and which require

that part of the services be carried as part of the bid to facilitate evaluation of the bids and such services include architecture, landscaping, engineering, urban design projects, urban and regional planning and fine arts.

7.8.7 REQUEST FOR QUOTATIONS

A procuring entity may use a request for quotations for a procurement if —

- a. the procurement is for goods that are readily available and for which there is an established market; and
- b. The estimated value of the goods being procured is less than or equal to the prescribed maximum value for using requests for quotations.

At least three firms will be invited to submit quotations using the prescribed request for quotation form those invited will be requested to give their bids within a specified period and in the manner indicated in the request for quotation form.

7.8.8 DIRECT PROCUREMENT

A procuring entity may use direct procurement as allowed under sub-section (2) as long as the purpose is not to avoid competition.

- A procuring entity may use direct procurement if any of the following are satisfied —
- a. the goods, works or services are available only from a particular supplier or contractor, or a particular supplier or contractor has exclusive rights in respect of the goods, works or services, and no reasonable alternative or substitute exists;
 - b. due to war, invasion, disorder, natural disaster or there is an urgent need for the goods, works or services, and engaging in tendering proceedings or any other method of procurement would therefore be impractical, provided that the circumstances giving rise to the urgency were neither foreseeable by the procuring entity nor the result of dilatory conduct on its part;
 - c. owing to a catastrophic event, there is an urgent need for the goods, works or services, making it impractical to use other methods of procurement because of the time involved in using those methods;
 - d. the procuring entity, having procured goods, equipment, technology or services from a supplier or contractor, determines that additional supplies shall be procured from that supplier or contractor for reasons of standardization or because of the need for compatibility with existing goods, equipment, technology or services, taking into account the effectiveness of the original procurement in meeting the needs of the procuring entity, the limited size of the proposed procurement in relation to the original procurement, the

- reasonableness of the price and the unsuitability of alternatives to the goods or services in question;
- e. for the acquiring of goods, works or services provided by a public entity provided that the acquisition price is fair and reasonable and compares well with known prices of goods, works or services in the circumstances.

7.9 COMPOSITION AND ROLES OF COMMITTEES

7.9.1 EVALUATION COMMITTEE

The Accounting Officer shall ensure that an ad hoc evaluation committee is established in accordance with the Act and Regulations and from within the members of staff, with the relevant expertise. However, where technical expertise is required from outside the organization, such expertise may be obtained from other procuring entities or procured to join the committee, on recommendation, in writing, by the head of the procurement function, and the committee shall be appointed by the accounting officer, in writing.

The evaluation committee established shall —

- a. deal with the technical and financial aspects of a procurement as well as the negotiation of the process including evaluation of bids, proposals for prequalification, registration lists, Expression of Interest and any other roles assigned to it;
- b. consist of between three and five members appointed on a rotational basis comprising heads of user department and two other departments or their representatives and where necessary, procured consultants or professionals, who shall advise on the evaluation of the tender documents and give a recommendation on the same to the committee within a reasonable time;
- c. have as its secretary, the person in charge of the procurement function;
- d. complete the procurement process for which it was appointed and no new committee shall be appointed on the same issue unless the one handling the issue has been procedurally disbanded;
- e. adopt a process that shall ensure the evaluation process utilized adheres to Articles 201(d) and 227 (1) of the Constitution

Note: The evaluation and comparison shall be done using the procedures and criteria set out in the tender documents and no additional criteria shall be used.

7.9.2 INSPECTION AND ACCEPTANCE COMMITTEE

An accounting officer shall establish an ad hoc committee known as the inspection and acceptance committee. The inspection and acceptance committee shall be composed of a chairman and at least two other members appointed by the

accounting officer or the head of the procuring entity on the recommendation of the procuring unit.

The inspection and acceptance committee shall immediately after the delivery of the goods, works or services –

- (a) Inspect and where necessary, test the goods received;
- (b) Inspect and review the goods, works or services in order to ensure compliance with the terms and specifications of the contract; and
- (c) Accept or reject, on behalf of the procuring entity, the delivered goods, works or services.
- (d) Ensure that the correct quantity of the goods is received;
- (e) Ensure that the goods, works or services meet the technical standards defined in the contract;
- (f) Ensure that the goods, works or services have been delivered or completed on time, or that any delay has been noted;
- (g) Ensure that all required manuals or documentation has been received; and (e) issue interim or completion certificates or goods received notes, as appropriate and in accordance with the contract.

7.10 RECEIVING AND INSPECTION OF GOODS

Introduction

The receiving and inspection of goods is an important aspect of the procurement process as it ensures compliance with the requirements and conditions of the tender awards.

Receiving goods

Goods or materials must be received into the Central Stores from external suppliers. These goods/ materials must be accompanied by the relevant documents relating to the particular procurement. In particular, the delivery note should indicate the order number, quantity of goods delivered, item description, point of delivery, and any other instructions.

Inspection of goods

Before materials are accepted into the store they must be inspected for quality and quantity against the order specifications and, where relevant, the sample. The Inspection and Acceptance Committee established in accordance with section 17(1)

of the regulations may be required to carry out an inspection before goods are received. If goods are technical in nature, the user shall be called upon to check the technical aspect before final acceptance. In case of defects or quality shortfalls the items shall be rejected and the supplier informed to take back the same.

ISSUING AND DISPATCHING OF MATERIALS

The service rendered by the Stores section to other departments becomes effective at the point where the stores personnel issue goods to the users.. The Stores personnel shall only issue materials upon receipt of a Stores Issue Note/requisition duly authorized by the relevant authority

7.11 PAYMENT FOR GOODS, WORKS AND SERVICES

Goods, works and services received should be paid within 30 working days after all the processes have been completed.

7.12 INVENTORY CONTROL

The Supply Chain Department shall be responsible for the proper accounting of stock and stores. The storekeeper shall maintain adequate records for stock control such as stock control ledgers and bin cards. All receipts and issues of stores must be recorded in the store ledger and bin cards immediately after each transaction. There will be regular stock counts and any discrepancies between the physical stock and bin cards shall be investigated and appropriate action taken. There shall also be an annual stocktaking activity at the end of every financial year, the results of which shall be incorporated in the annual accounts.

7.13 DISPOSALS OF KSA COMMODITIES

Where KSA stores, plant and equipment become unserviceable as a result of fair wear and tear or become obsolete it shall be disposed off in accordance with the PPADA, 2015. Every department shall submit its list of obsolete or unserviceable stores, plant and equipment to the Procurement officer will be required to compile a list of these items.

The Accounting officer shall appoint a disposal committee, which shall include external experts where necessary. Disposals shall only be affected on the recommendations of the disposal committee. The disposal committee shall submit a

report to NEC with recommendations on the best mode of disposal including a reserve price where applicable.
The methods of disposal may include:

- (a) Sale by tender or public auction to the highest bidder subject to a reserve price.
- (b) Transfer to another public entity or a needy department of the association with or without financial adjustment
- (c) Destruction, dumping or burying where stores are harmful to human health such as expired food, chemicals, etc.
- (d) Donation to charitable organizations such as children's homes and orphanages.
- e) Trade-in
- f) Waste Disposal management

Disposal to employees will be as guided in the Public Procurement and Disposal Regulations, 2006 and the regulations resulting from the Public Procurement and Asset Disposal Act, 2015

7.14 PREFERENCES AND RESERVATION IN PROCUREMENT

Subject to availability and realization of the applicable international or local standards, only such manufactured articles, materials or supplies wholly mined and produced in Kenya shall be subject to preferential procurement. Accounting officer shall when processing procurement, reserve a prescribed percentage of its budget, which shall not be less than thirty per cent, to the disadvantaged group and comply with the provisions of the Act in respect to preferences and reservations.

7.15 CONTRACT MANAGEMENT AND ADMINISTRATION

The existence of a contract shall be confirmed through the signature of contract document incorporating all agreements between the parties and such contract shall be signed by the, Kenya Scouts Association Accounting officer and the successful bidder. The contract shall be entered into based on the tender documents and any clarifications that emanate from the Procurement proceedings. The written contract shall be entered into within the period of notification but not before fourteen days have lapsed after notification, and within the tender validity period.

A contract is not valid

- Until it is signed by both parties,
- Unless an award has been made,
- If it has been signed without the authority of accounting officer

7.16 CONFLICT OF INTEREST

An employee or agent or the organization or a member of the board or committee of the entity who has a conflict of interest with respect to a procurement

- a) Shall not take part in the procurement proceedings;
- b) Shall not, after a procurement contract has been entered into, take part in any decision relating to the procurement or contract; and
- c) Shall not be a subcontractor for the bidder to whom was awarded contract, or a member of the group of bidders to whom the contract was awarded, but the subcontractor appointed shall meet all the requirement of the Procurement Act

An employee, agent or a member shall disclose the conflict of interest to the organization. If a person does not disclose, and the contract is awarded to the person or his relative or to another person in whom one of them had a direct or indirect pecuniary interest, the contract shall be terminated and all cost incurred by the organization shall be made good by the awarding officer.

A person has a conflict of interest with respect to a procurement if the person or a relative of the person-

- a) Seeks, or has a direct or indirect pecuniary interest in another person who seeks, a contract for the procurement; or
- b) Owns or has a right in any property or has a direct or indirect pecuniary interest that results in the private interest of the person conflicting with his duties with respect to procurement

In this policy relative means-

- a) A spouse, child, parent, brother or sister
- b) A child, parent, brother or sister of a spouse
- c) Or any other prescribed persons

8.0. POLICY IMPLEMENTATION

1. This policy document shall take effect after the approval by the the NSB and to be noted by the next Annual General Meeting (AGM).
2. For effective implementation of this policy, all Association departments are expected to comply with procurement rules.
3. The Executive Committee shall be kept updated on the progress of the implementation of this policy.

9.0 MONITORING AND EVALUATION

Monitoring and evaluation of this policy will be done through quarterly reviews of all the procurement activities undertaken and how the procedures/processes were followed in line with the guidelines of this policy. A report on the same shall be prepared and filed for future reference. In line with this, all relevant ad hoc committees involved in procurement shall maintain signed minutes of their deliberations as part of monitoring the compliance with the procurement rules.

10.0 POLICY REVIEW

This policy will be amended at least every 3 years or when the Act changes to embrace any emerging procurement Best Practices and major policy changes in the procurement regulations of Kenya. Any user of this policy who has suggestions on areas of this policy which may need to be reviewed will notify the National Executive Commissioner KSA. The National Executive Commissioner will on a regular basis analyze emerging issues in the course of the implementation of the policy and notify Management of any areas which may be considered for review. Management shall from time to time appoint a Review Committee which will be charged with the task of reviewing the policy in consultation with stakeholders and relevant program units. The Committee will make recommendations to Management.

The existence of the procurement Policy Framework of Kenya Scouts Association as legal document may be terminated in the event that:

- a. It is repealed by the National Executive Committee;
- b. KSA is dissolved;
- c. There is reorganization or merger of subcommittees by the National Executive Committee.

11.0 PROPOSED PUNITIVE MEASURES

KSA affirms that any person who violates the guiding principles of this policy will be liable to a disciplinary action by the Association as deemed fit by the National Scouts Board. The Kenya law shall also apply as per case basis

12.0 ANNEXES/APPENDICES

- Appendix A: Requisition Form
- Appendix B: Procurement Plan Template
- Appendix C: Tender / Quotation Opening Form

Appendix D: Request for Quotation
Appendix E: Local Purchase Order
Appendix F: Local Service Order
Appendix G: Inspection and Acceptance Certificate
Appendix H: Disposal certificate

13.0 POLICY REVISION HISTORY

Version	Date	Description	Approved By
1.0	2/09/2016	Youth Programme Policy	National Executive Committee
2.0	29/09/2019	Youth Programme Policy	National Scout Board