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**FOR IMMEDIATE PRESS RELEASE**

**YOUTH, WOMEN AND PERSONS WITH DISABILITIES POSITION ON ACCESS TO GOVERNMENT PROCUREMENT DRAFT REGULATIONS AND THE PUBLIC PARTICIPATION PROCESS**

**Background**

**1. Appreciation**

We laud the government of Kenya for the establishment and implementation of the public procurement reservation and preference program that has ensured the participation of marginalized groups in public procurement opportunities. AGPO has in effect been instrumental in encouraging a positive culture of entrepreneurship among youth, women and persons with disability, provide alternative sources of employment, and improve livelihoods.

**2. Public Participation Standards**

Whereas there was sufficient time for public participation, the notice for public participation should have been circulated on alternative media platforms such as social media and community radio station in order to reach the diverse audiences who have interest in the public procurement process. Further, the regulation, especially the sections relating to YAGPO should have been broken down to ensure that marginalized community understands the document. As circulated, it was and still is very technical to allow for interaction with non-procurement experts.

Additionally, there was a need to provide an equivalent to the memorandum of objects and reason on the draft regulations in order to inform the lay public on the changes the new regulations bring in the procurement process.

The format for submission of recommendations was also too prescriptive and had the effect of discouraging participation especially in view of the requirement of providing rationale/justification for recommendations provided.

### **3. Implementation of procurement laws and policy**

The Public Procurement Regulations Authority should ensure that there is a strict monitoring of public procurement entities as required by the law. Additionally, in order to make the process participatory, the Authority or the Preference and Reservation Secretariat should publicize the information on AGPO contracts awarded

#### **4. Making the procurement process open and fair for youth, women and persons with disabilities**

##### **a. Language and formatting requirements**

The Public Procurement Regulations Authority should ensure that there are simplified standard format bid documents for YAGPO beneficiaries.

##### **b. Standard provisions for AGPO contracts**

In the procurement process, AGPO bidders do not have bargaining power while negotiating contracting terms. Therefore, PPRA should provide standard contracts, with standard provisions that protect AGPO bidders in the procurement process. The standard contracts should provide for issues such as payment periods,

#### **5. Capacity building for pre-qualified AGPO suppliers**

In addition to the capacity building of women, youth and persons with disability on procurement process, there is need for training AGPO bidders on compliance to bid specifications among other issues relevant to ensure their competitiveness in the process.

#### **6. Market Price Index and other public pricing tools**

Treasury should ensure that the Market price index is up to date in order to protect the integrity of the procurement process. Further, in order to avoid speculation, procurement entities should be required to publicize the budget amount for each item under procurement towards ensuring that the process is open and competitive

#### **7. Mechanisms for corruption reporting, investigations and action**

PPRA should establish means through which AGPO bidders can report corruption and provide a requirement for all procurement entities to avail such relevant information alongside advertisement to tender. Additionally, bidders should also be informed on the procurement investigation process in order to ensure that they are prepared to launch a compliant with evidence all through their engagement with procuring entities.

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