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Abstract

This research aimed to examine the link among contract management practices and Public procurement performance at MINEDUC during the period from 2020 up to 2022. Researcher stated research problems where the inadequate legal provision to regulate contract management for public procuring entities; several weaknesses in the management of public procurement contracts for works were identified. These included; improper signing of contracts in some cases, some of the contracts lacked important information and documents such as conditions of contract, drawings and specifications and some of the contracts contained non-legal documents such as invitation for bids and instructions. Basing on the observed malpractices and incompliance, it seems that the question of effective contract management in order to achieve public procurement performance in public sector is still a challenge that has to be studied and provide recommendations to the policy makers and other stakeholders. The study takes theoretical references on general theories as the theory of procurement discipline and contract theory. The entire population is target population of 212 including employees of MINEDUC; specifically, the total sample size is 128 respondents who were selected through simple random sampling technique. Therefore, the questionnaire and documentation research techniques were used during data collection. The findings reveal that in long run, the public procurement performance in MINEDUC is explained by effective probabilities of contract negotiation; contract execution; contract monitoring and evaluation that all are less than 10%. Basing on simple regression of each factor influences the public procurement performance in MINEDUC. The $R^2 = 0.955$ and Adjusted $R^2 = 0.949$, show the goodness of fit of the estimated model. Up to 95.5% of long-run appreciation in public procurement performance in MINEDUC is influenced by changes in contract negotiation; contract execution; contract monitoring and evaluation as implemented by MINEDUC. According to the research, the correlation of 0.952 or (95.2%) is located in the interval [0.75 - 1.00] categorized as positive and very high correlation. This leads to confirm that there is significant relationship between contract management practices and public procurement performance in MINEDUC.

1. Introduction

1.1. Background of the study

The procurement is taken as the act of acquiring, buying goods, services or works from an external source, often via a tendering or bid process. It is favorable that the goods, services or works are appropriate and that they are procured at the best possible cost to meet the needs of the acquired ethics in terms of quality and quantity, timely available and location, where the procurement process and implementation are related and involved into some ethical concepts and principles including loyalty and respect for rules and regulations; integrity; impartiality and fairness; transparency; confidentiality; avoidance of appearance of impropriety due diligence. Corporations and public bodies often define processes intended to promote fair and open competition for their business while minimizing exposure to fraud and collusion (Weele, 2015).

In the European Union, the commission has adopted its communication on procurement for a better environment, where proposes a political target of 50% Green procurement to be reached by the States' Members by the year 2010 (Weele, 2015). In procurement, the contracting authorities and entities take environmental issues into account when tendering for goods or services (Arjan, 2016). An important distinction should be made between analyses without risk and those with risks; where risks are involved, either in the costs or the benefits, the concept of expected value may be employed. Based on the consumption purposes of the acquired goods and services, procurement principles toward their activities are often split into two distinct categories. The first category being direct, production related procurement and the second being indirect, non-production-related procurement (Roehrich, 2016).

In Rwanda, the public procurement principles are managed on daily basis by an autonomous organ, the Rwanda Public Procurement Authority (RPPA), which operates under the Ministry of Finance and Economic Planning (MINECOFIN). Public procurement is regulated by the Law N°12/2007 of 27/03/2007 on public procurement which was modified and complemented by the Law N°05/20013 of 13/02/2013. The law is implemented by a Ministerial Order N°001/14/10/TC of 19/02/2014 establishing Regulations on Public Procurement, Standard Bidding Documents and Standard Contracts. Rwanda has a decentralized public procurement system whereby procuring entities (central government organs, local government entities, government projects, commissions, public institutions, parastatals, agencies or any other government entity charged by the Chief Budget Manager to manage public funds) have the power to conduct directly their public procurement principles (RPPA, 2016).

The procurement principles in Rwanda are governed by six fundamental principles namely transparency, competition, economy, efficiency, fairness and accountability. In the national system, bidders have the right to appeal against public procurement procedures they may think were not conducted appropriately. In procurement and disposal entities, almost all purchasing decisions include factors such as delivery and handling, marginal benefit, and price fluctuations. Procurement principles, like many other aspects of management, are top-down. The example set by senior management, its attitude, and its behavior, strongly influence employees at other levels. Senior managers have to demonstrate fairness and transparency to encourage the visibility of the same qualities in procurement executives and teams. Procurement principles have to be on display (RPPA, 2016).

The Rwanda Public Procurement Authority (RPPA) in 2015 identified that cases of delayed and abandoned contracts were still persisting in public entities. A total of 109 contracts worth Frw 210 million had been delayed or abandoned. These comprise of (83) delayed and abandoned contracts worth Frw 160 million identified during the year and (26) delayed and abandoned contracts worth Frw 49 million from the previous annual report that have not been finalized and are still ongoing or abandoned. The delayed and abandoned contracts mainly comprised of energy and water projects managed by EDCL and WASAC respectively and RBC about health services. Other contracts with significant delays were noted for building projects at WDA and districts.

The pursuit for value for money in public spending remains to be a big challenge to governments and their institutions across most countries. While lack of appropriate procurement skills and incompetence among managers and staff entrusted with public procurement activities including contract management practices have been pointed out as some of the impeding factors, rigid rules regulating public procurement systems further complicate the challenge and may render the achievement of value for money a distant goal (Mamiro, 2010).

Procurement evaluation conducted by RPPA in 2009, it was discovered that procurement contracts in 33% of the evaluated public entities (for all 30 PEs) were not implemented as per the terms of the contract. Poor contracts management was contributed by inadequate resources human, financial, supervision vehicles, quality control tools, inadequate project supervision skills, lack of guidelines for community based projects, inadequate contracts management skills and corruption and fails to report or disclose misconduct in public entities were the main causes of procurement problems (RPPA, 2009).

1.2. Statement of the problem

The inadequate legal provision to regulate contract management practices for public procuring entities; several weaknesses in the management of public procurement contracts for works were identified. These included; improper signing of contracts in some cases, some of the contracts lacked important information and documents such as conditions of contract, drawings and specifications and some of the contracts contained non-legal documents such as invitation for bids and instructions. Basing on the observed malpractices and incompliance, it seems that the question of effective contract management practices in order to achieve public procurement performance in public sector is still a challenge that has to be studied and provide recommendations to the policy makers and other stakeholders. Poor agreement management and less communication are the problems that hinder the effective procurement principles into organization. Lack of proper contract control related to the procurement function continue to be big challenge that has made organizations to fail for achieving their intended objectives for delivering services to the public as well as satisfying the needs of all stakeholders (Mineduc, 2018).

1.3. Objective of the study

This study aimed to examine the effect of contract management on public procurement performance in Rwanda at the MINEDUC during the period from 2020 up to 2022.

Specific objectives:

- i. To examine the effects of contract negotiation on public procurement performance in MINEDUC.

- ii. To assess the effects of contract execution on public procurement performance in MINEDUC.
- iii. To establish the effects of contract monitoring and evaluation on public procurement performance in MINEDUC.

1.4 Research hypotheses

- i. **H₁:** There is significant effect of contract negotiation on public procurement performance in MINEDUC.
- ii. **H₂:** There is significant the effect of contract execution on public procurement performance in MINEDUC.
- iii. **H₃:** There is significant effect of contract monitoring and evaluation on public procurement performance in MINEDUC.

2. Literature review

2.1. The Theory of Procurement Discipline

The main disciplinary underpinning of this procurement theory is in organizational sociology, with a focus on political models of decision-making. The basic assumptions underpinning such models are that actors have bounded rationality and differing motivations and preferences, and that intraorganizational conflict is inevitable in situations of joint decision-making. By viewing organizational buying behavior as a multi-actor, multi-agenda process, this literature conceptualizes buying decisions as being a potential locus of intraorganizational politics. This, in turn, highlights the possibility for power to be used to resolve conflicts of interest. Deciding what to buy, drawing up a specification, choosing a shortlist of potential suppliers, assessing the bids submitted and selecting a supplier are seen as intensely political rather than purely technical decisions. This procurement theory has its roots in the seminal texts on industrial buying and marketing by Robinson et al., Webster and Wind and Sheth (2014). A core idea common to these early models is that organizational buying behavior should be treated as a process, in which there are a number of phases or stages representing a sequence of activities. Robinson *et al.* (2015) encapsulated this in their 'buy-grid framework', which presents a number of what they termed 'buy-phases'.

As Johnston and Lewin (2013) note, in terms of searching for information about supplier options, the procurement theory suggests that this will become more active and extensive as procurement risk increases. For a high-stakes buying decision, buying centre participants will be strongly motivated to access a wide variety of formal (trade journals and sales literature) and informal (personal industry contacts) information sources. This can be seen as an effort to mitigate the uncertainty and complexity that characterize high-risk procurement decisions. Moreover, it is argued that known suppliers offering well-proven products and services will be favored in high-risk situations, and there will be an emphasis on non-price selection criteria (i.e. quality, delivery performance, service levels). Price will play a decisive role in selection only if there are two or more suppliers that appear equally capable of satisfying the buying centre's non-price requirements. For less important, less complex, less uncertain and therefore lower-risk procurement decisions, by contrast, buying centre participants will use price as the dominant selection criterion and seek to stimulate competition from as wide a range of suppliers as possible.

2.2. Contract Theory

Contract theory is the study of how people and organizations construct and develop legal agreements. It analyzes how parties with conflicting interests build formal and informal contracts, even tenancy. Contract theory draws upon principles of financial and economic behavior as different parties have different incentives to perform or not perform particular actions. It is also useful for understanding forward contracts, and other legal contracts and their provisions. It also includes an understanding of letters of intent and memorandums of understanding. Contract theory looks at how individuals and businesses build and develop legal agreements. Contract theory looks at how multiple parties trying to come to an agreement work with conflicting interests and different levels of information. Three models have been developed to define ways for the parties to take appropriate actions under certain circumstances stated in the contract: moral hazard, adverse selection, and signaling (Lacoma, 2014).

In an ideal world, contracts should provide a clear and specific understanding of responsibilities and requirements, eliminating the risk of disputes or misunderstandings occurring later. However, that does not always happen. Contract theory covers the implied trust between the different parties and investigates the formation of contracts in the presence of asymmetric information, which occurs when one party to an economic transaction possesses greater material knowledge than the other party. One of the most prominent applications of contract theory is how to design employee benefits optimally. Contract theory examines a decision maker's behavior under specific structures. Under these structures, contract theory aims to input an algorithm that will optimize the individual's decisions (Lacoma, 2014).

2.3. Systems Theory

Public organizations are open systems that receive inputs (demands, support, etc.) from their environment which are being absorbed and manufactured (throughput) through policy processes and the use of management techniques which leads to outcomes that generate new feedback from the organizational external environment and an analysis of how the external environment of organizations influences them to implement changes with regard to the integration of their services. By doing so, open systems theory leads to the insight of contingency or the fact that each public organization works within its own societal environment which is partly identical and partly different or specific (Richard, 2014).

Assessing both the internal and external situational factors becomes necessary in order to understand why each organization has a certain specific character, following the structural contingency theory, this specific character refers to the optimal structure which is different for each organization. Such a perspective emphasizes effectiveness and efficiency (Vander, 2012). Organizational reforms need to be considered as strive for a best fit between organizational structures and the environment surrounding an organization. Contingency theory assumes a rational adaptation to the environment (Scott, 2003).

Organizations continuously adapt system functioning in response to feedback and informational signals to counteract entropy. For example, aligning organizational policies to meet performance targets set by external agencies exemplifies the dynamic interaction between the organization and its external environment (Omanji & Moronge, 2018).

3. Research methodology

3.1. Research design

The study used the descriptive research design in order to find out the relationship between contract management practices and public procurement performance in MINEDUC.

3.2. Study population

The total population of the study is of 212 employees of MINEDUC they were selected through the records of organization structure in MINEDUC

3.3. Sample size and sampling procedure

In this study, the sample size for employees is computed using Yamane formula:

$n = \frac{N}{1+Ne^2}$ where n is the sample size, N is the population size and e is the margin of error at 90% confidence level and 10% the margin of error. Then, $n = \frac{212}{1+212(0.05)^2} = 128$

Simple random sampling technique was used to select members whereby respondents were selected randomly from the list of employees in the respective department through picking the employee after the first name selection, and each respondent had equal chance of being selected.

3.4 Data collection instruments

Questionnaires were distributed to MINEDUC and agencies affiliated. Varieties of data were collected because the selected respondents had different knowledge and responsibilities during contract implementation and management. Every question in a questionnaire either was asked for nominal or ordinal data that enabled the researcher to collect reliable and accurate data while simplifying data coding and entry at the same time. This technique was used to collect data for answering research question one, two and three because they demanded more primary data.

The researcher used this method to review various documents relating contract management practices including contract documents, site inspection reports, variation orders and non-confidential contract control reports. This was useful for finding secondary data to compliment primary data collected in the fields.

3.5. Data processing and analysis methods

The statistical, synthetically, analytical and descriptive research methods for data analysis offered the opportunity to measure and to quantify the results of research and presenting information in the tables. In order to make effective measurement of variables; it is required to present the regression analysis model through ANOVA table (used for presenting the mean and standard deviation) that were compiled, sorted, classified and entered into the computer software analysis using the Statistical Package for Social Scientists (SPSS), and researcher used by calculating; analyzing and interpreting the relationship among variables through the collected data by showing the mean and standard deviation, as follows:

$$Y = \beta_0 + \beta_1X_1 + \beta_2X_2 + \beta_3X_3 + \varepsilon_t$$

Y =public procurement performance in MINEDUC (PP) as dependent variable

The indicators of contract management practices as independent variables including:

X_1 = Contract Negotiation (CN)

X_2 = Contract Execution (CE)

X_3 = Contract Monitoring and Evaluation (CME)

$\beta_1; \beta_2$ and β_3 =Slope or coefficient of estimates.

β_0 = Constant

ε = Error term

And then the real equation became

$$PP = \beta_0 + \beta_1CN_1 + \beta_2CE_2 + \beta_3CME + \varepsilon_t$$

4. Research findings

Chapter four shows analysis of the findings and linked information that were collected in relation with research questions. In addition, this chapter presents statistical analyses by testing hypotheses using statistical regression analysis.

Table 1: The effects of contract negotiation on public procurement performance in MINEDUC

Indicator	Mean	SD	Sum
Through contract negotiation, the strategic discussion influences public procurement performance in MINEDUC	2.02	0.646	259
Through contract negotiation, the implementation of rules and regulations	1.16	0.372	149
Through contract negotiation, the agreement of terms and conditions influences public procurement performance in MINEDUC	2.09	0.589	267
The overall contract negotiation	0.73	0.447	93

Source: Researcher; Field Data, SPSS, June 2023

The section describes the factors that explain the effects of contract negotiation on public procurement performance in MINEDUC find extent to which state corporations engage in contract management by analyzing specific contract management practices. A five-point Likert scale was employed where; 1=Strongly agree; 2=agree; 3=Not Sure (neutral); 4=Disagree; 5=Strongly disagree. The findings under this particular variable depicts that most of the respondents agreed to a great extent that their public procurement performance ensured; in average of all factors defining contract negotiation (Mean=0.73, SD=0.447), but individually from the agreement of terms and conditions influences public procurement performance in MINEDUC (Mean=2.09, SD=0.589), the strategic discussion influences public procurement performance in MINEDUC (Mean=2.02, SD=0.64), and the implementation of rules and regulations (Mean=1.16, SD=0.37).

Table 2: The effects of contract execution on public procurement performance in MINEDUC

Indicator	Mean	SD	Sum
Through contract execution; the coordination of resources influences public procurement performance in MINEDUC	1.99	0.67	255
Through contract execution; schedules of activities influence public procurement performance in MINEDUC	1.4	0.68	179
Through contract execution; contract engrossment influences public procurement performance in MINEDUC	2.09	0.589	267
The overall contract execution	.70	.459	90

Source: Researcher; Field Data, SPSS, June 2023

The section describes the factors that explain the effects of contract execution on public procurement performance in MINEDUC find extent to which state corporations engage in contract management by analyzing specific contract management practices. A five-point Likert scale was employed where; 1=Strongly agree; 2=agree; 3=Not Sure (neutral); 4=Disagree; 5=Strongly disagree. The findings under this particular variable depicts that most of the respondents agreed to a great extent that their public procurement performance ensured; in

average of all factors defining contract execution (Mean=0.70, SD=0.459), but individually from contract engrossment influences public procurement performance (Mean=2.09, SD=0.589), the coordination of resources influences public procurement performance (Mean=1.99, SD=0.67), and schedules of activities influences public procurement performance in MINEDUC (Mean=1.4, SD=0.68).

Table 3: The effects of contract monitoring and evaluation on public procurement performance in MINEDUC

Indicator	Mean	SD	Sum
Through contract monitoring and evaluation; the control of contract progress influences public procurement performance in MINEDUC	2.24	0.894	287
Through contract monitoring and evaluation; the auditing of agreement of acts influences public procurement performance in MINEDUC	1.85	0.7	237
Through contract monitoring and evaluation; the contract assessment influences public procurement performance in MINEDUC	1.26	0.506	161
The overall effects of contract monitoring and evaluation	.58	.496	74

Source: Researcher; Field Data, SPSS, June 2023

The section describes the factors that explain the effects of contract monitoring and evaluation on public procurement performance in MINEDUC find extent to which state corporations engage in contract management by analyzing specific contract management practices. A five-point Likert scale was employed where; 1=Strongly agree; 2=agree; 3=Not Sure (neutral); 4=Disagree; 5=Strongly disagree. The findings under this particular variable depicts that most of the respondents agreed to a great extent that their public procurement performance ensured; in average of all factors defining effects of contract monitoring and evaluation(Mean=0.58, SD=0.496), but individually from the control of contract progress influences public procurement performance (Mean=2.24, SD=0.894), the contract assessment influences public procurement performance (Mean=1.26, SD=0.506), and the auditing of agreement of acts influences public procurement performance in MINEDUC (Mean=1.85, SD=0.7).

Table 4: The factors that present the results of public procurement performance in MINEDUC

Indicator	Mean	SD	Sum
The procurement objectives achievement is the factor that presents the effectiveness of public procurement performance in MINEDUC	2.09	0.589	267
The effective usage of procurement rules and regulations is the factor that presents the effectiveness of public procurement performance in MINEDUC	1.63	0.822	209
The management of goods and services delivery is the factor that presents the effectiveness of public procurement performance in MINEDUC	2.02	0.646	259
The partner's satisfaction is the factor that presents the effectiveness of public procurement performance in MINEDUC	1.16	0.372	149

The significant transparency and integrity are the factors that present the effectiveness of public procurement performance in MINEDUC	1.87	0.594	239
The overall factors that present the results of public procurement performance	.61	.49	78

Source: Researcher; Field Data, SPSS, June 2023

The section describes the factors that explain public procurement performance in MINEDUC find extent to which state corporations engage in contract management by analyzing specific contract management practices. A five-point Likert scale was employed where; 1=Strongly agree; 2=agree; 3=Not Sure (neutral); 4=Disagree; 5=Strongly disagree.

The findings under this particular variable depicts that most of the respondents agreed to a great extent that their public procurement performance ensured; in average of all factors defining public procurement performance (Mean=0.61, SD=0.49), but individually from procurement objectives achievement is the factor that presents the effectiveness of public procurement performance (Mean=2.09, SD=0.589), management of goods and services delivery is the factor that presents the effectiveness of public procurement performance (Mean=2.02, SD=0.646), significant transparency and integrity are the factors that present the effectiveness of public procurement performance (Mean=1.87, SD=0.594), the effective usage of procurement rules and regulations is the factor that presents the effectiveness of public procurement performance (Mean=1.63, SD=0.822), and partners satisfaction is the factor that presents the effectiveness of public procurement performance in MINEDUC (Mean=1.16, SD=0.372).

Table 5: Coefficients

Model	Unstandardized		Standardized	t	Sig.
	B	Std. Error	Beta		
1					
	(Constant)	-.046	.072		
	The factors that assess the effects of contract negotiation on public procurement performance in MINEDUC	.602	.104	.550	5.772 .000
	The factors that analyze the effects of contract execution on public procurement performance in MINEDUC	.209	.102	.196	2.051 .042
	The factors that determine the effects of contract monitoring and evaluation on public procurement performance in MINEDUC	.121	.062	.123	1.953 .053

a. **Dependent Variable:** The factors that present the results of public procurement performance in MINEDUC

Multiple regression analysis was carried out to establish the existing relationship between public procurement performance and the three variables. As per the model, taking all the contract management practices into account constant at zero, the factors that present the results of public procurement performance in MINEDUC will be reduced by 0.046 but not significant at 5%. The analysis illustrates that, if all independent variables are held together, a unit increase in contract management practices: factors that assess the effects of contract negotiation on will affect a 0.602 increase in the public procurement performance in MINEDUC factors that

analyze the effects of contract execution, with an increase of 0.209 and factors that determine the effects of contract monitoring and evaluation with an increase of 0.121.

This implies that contract management practices significantly contribute to the public procurement performance in MINEDUC. At a 5% level of significance and a level of confidence of 95%, contract management practices had a 0.000, 0.042 and 0.053 level of significance. This shows that there is a positive relationship between contract management practices and the public procurement performance in MINEDUC.

5. Conclusion

For testing whether variables are correlated or not; it's better to find the division and variation of Sum of Squares which is equal to 8.73%. Therefore, the variables are significantly correlated at regressive level. The findings reveal that in long run, the public procurement performance in MINEDUC is explained by effective probabilities of contract negotiation; contract execution; contract monitoring and evaluation that all are less than 10%. Basing on simple regression of each factor influences the public procurement performance in MINEDUC. The $R^2 = 0.955$ and Adjusted $R^2 = 0.949$, show the goodness of fit of the estimated model. Up to 95.5% of long-run appreciation in public procurement performance in MINEDUC is influenced by changes in contract negotiation; contract execution; contract monitoring and evaluation as implemented by MINEDUC. Therefore, the researcher can conclude by saying that the research hypotheses all were tested; verified and then they are confirmed referring to the statistical (regression analysis) findings. The variation of Spearman coefficient correlation is between -1 and 1. Spearman Coefficient correlation is significance when it is equal or greater than 0.01. According to the research, the correlation of 0.952 or (95.2%) is located in the interval [0.75 - 1.00] categorized as positive and very high correlation. As the significant level is at 0.01 (1%), the p-value of 0.000 (i.e. 0.0%) is less than 1%. This leads to confirm that there is significant relationship between contract management and public procurement performance in MINEDUC.

6. Recommendations

The following are effective recommendations were provided: In order to make strong performance, the researcher suggests to MINEDUC to work with the partners constantly to improve its needed public services, Researcher recommend MINEDUC to evaluate constantly the implementation of the contract and also Researcher recommend MINEDUC to harmonize information sharing.

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