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Exploring the Misuse of Public-Private Partnerships in Kenya's Public Procurement: A Study of Governance, Accountability, and Implementation Challenges

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Abstract

Purpose: The purpose of this study was to explore the Misuse of Public-Private Partnerships in Kenya's Public Procurement.

Methodology: In this research, a qualitative research methodology was adopted, with a focus on desktop research as the main method for data collection.

Findings: The study found that Political influence significantly erodes the integrity of PPP procurement processes in Kenya. Often, politicians and government officials leverage their authority to get contracts for firms or individuals that matches with their interests, frequently disregarding the technical and financial qualifications of bidders. The findings also revealed that bribery among other incentives are major concerns in public procurement environment in Kenya, particularly in relation to PPPs. Public officials, as well as those that are involved in procurement, frequently solicit kickbacks from private Companies in return for preferential treatment in contract awards. Lastly, the study revealed that competition is significantly hindered by unclear tendering procedures, selective bidding invitations, and unfair disqualifications of competitors.

Unique Contribution to Theory, Practice and Policy: The study provides a unique contribution to the theory, practice, and policy surrounding Public-Private Partnerships (PPPs) in Kenya by highlighting the interplay of political influence, corruption, and institutional shortcomings in procurement processes. The Principal-Agent Theory and Theory of Institutionalism demonstrate how government contracts, intended to be executed transparently and efficiently, often suffer due to favoritism, nepotism, and weak regulatory enforcement. The findings emphasize the need for stronger regulations, transparent tendering procedures, and improved transparency to curb corruption and ensure competition. In practice, this demands reforming procurement laws, bolstering the capacity of oversight institutions, and ensuring a merit-based, transparent process. Policy wise, the study advocates for comprehensive legal reforms, the establishment of digital platforms for procurement management, and the enforcement of anti-corruption laws to foster a fairer, more competitive environment in public procurement, ultimately enhancing public trust and ensuring wise use of public resources.

Keywords: *Public Procurement, Tendering, Bidding, Public-Private Partnerships (PPPs), Corruption, Conflict, Interest, Political Influence*

JEL Codes: *H57, L32, D73, D72*

INTRODUCTION

The growing adoption of Public-Private Partnerships (PPPs) globally is regarded as a promising strategy for accelerating infrastructure development, improving public service delivery, and promoting economic growth by leveraging private sector expertise and financial resources. Public-private partnerships (PPPs) have played a key role in addressing infrastructure funding gaps around the world, both in wealthy nations and in those still developing. But despite their potential, PPPs often face major setbacks due to governance issues like corruption, favoritism, and a lack of fair competition. These problems tend to be more severe in developing countries, where laws and regulations are often weak, institutions lack the capacity to oversee projects properly, and systems for carrying out plans are often flawed. According to the OECD (2015), ensuring transparency, accountability, and adherence to the rule of law is essential for PPPs to work effectively. Unfortunately, in many sub-Saharan African countries Kenya included these principles are not well integrated into public procurement processes. As a result, these partnerships frequently suffer from inefficiencies, poor use of resources, and growing public mistrust.

In Kenya, public-private partnerships (PPPs) have become a popular strategy for tackling the country's infrastructure challenges, especially in critical areas like transport, energy, and healthcare. While the government has put legal frameworks in place such as the Public Procurement and Asset Disposal Act of 2015 and the Public-Private Partnerships Act of 2013 to promote fair, transparent, and competitive procurement, problems still remain. In practice, the governance of PPPs continues to face serious hurdles. Weak implementation, limited oversight, and political interference often get in the way, raising ongoing concerns about how PPPs are being used and whether they truly serve the public interest. For instance, the Auditor-General's reports have consistently flagged irregularities in PPP projects, highlighting cases of inflated project costs and non-compliance with procurement guidelines (Office of the Auditor-General, 2021). Similarly, Kenya continues to rank poorly on global corruption indices, scoring 31 out of 100 and ranking 126th out of 180 countries in the 2023 Corruption Perceptions Index by Transparency International, reflecting deep-rooted systemic corruption.

A well-known case illustrating these challenges is the Standard Gauge Railway (SGR) project, which has faced criticism for inflated costs, lack of competitive bidding, and opacity in contract award procedures (World Bank, 2020). Similar concerns were raised in the Managed Equipment Services (MES) program in the health sector, which involved questionable leasing arrangements with little public oversight, raising doubts about value for money and project sustainability (Parliament of Kenya, 2020). These examples underscore the gap between policy intent and actual practice.

Corruption continues to be a major challenge in Kenya's public-private partnership landscape. It skews procurement decisions, wastes public resources, and drives away credible investors. As Kariuki (2018) points out, it's not uncommon for companies to engage in unethical practices like bribery to win contracts even when they lack the skills or financial backing to deliver quality results. This not only compromises the standard of infrastructure projects but also shakes investor confidence. Although the Public Procurement and Asset Disposal Act (2015) calls for open and competitive bidding, the reality on the ground is often different. Many contracts are still awarded through single-sourcing or restricted tenders, frequently influenced by political ties or personal interests (Juma, 2020).

Favoritism also contributes significantly to the misuse of PPPs in Kenya. Political elites frequently exert influence over contract allocation, favoring firms affiliated with them or those from their constituencies. Thuo & Mutua (2019) observe that such practices compromise fairness and contribute to substandard project implementation, leading to cost overruns, delays, and operational inefficiencies. The problem is compounded by weak enforcement and oversight mechanisms. Institutions such as the Public Procurement Regulatory Authority (PPRA) and Public-Private Partnerships Directorate are often under-resourced, lack independence, or are constrained by political interference, limiting their ability to ensure accountability (Mwaniki, 2017).

Kenya has been making efforts to improve its public-private partnership (PPP) framework, including amending the Public-Private Partnerships Act in 2021. The changes aimed to simplify approval processes and give county governments a bigger role in decision-making. While these updates are a step in the right direction, critics argue that they don't go far enough. Key concerns such as a lack of transparency and limited public involvement remain largely unaddressed. So far, the reforms have yet to show clear, measurable improvements on the ground (Institute of Economic Affairs, 2022).

Problem Statement

Public-private partnerships (PPPs) are often presented as forward-thinking solutions to Kenya's infrastructure and public service delivery needs. The country has established a solid legal and institutional foundation to support these partnerships, guided by key laws such as the Public-Private Partnerships Act of 2013, the Public Procurement and Asset Disposal Act of 2015, and the updated PPP Amendment Act of 2021. Yet, serious governance issues continue to hold back their full potential (IEA, 2022). Corruption, favoritism, and a lack of healthy competition remain deeply rooted problems. These challenges not only erode transparency and reduce value for money but also hinder the broader developmental impact that PPPs are meant to deliver (Kariuki, 2018; Transparency International, 2023).

Empirical evidence and audits of high-profile PPP projects in Kenya, such as the Managed Equipment Services (MES) program and various infrastructure undertakings, have revealed irregular procurement practices, political interference, and a lack of accountability (Parliament of Kenya, 2020; Office of the Auditor-General, 2021). Corruption distorts contract awards and inflates project costs, while political favoritism often results in contracts being awarded to connected firms rather than competent bidders (Thuo & Mutua, 2019). Lack of genuine competition due to rigged tendering processes reduces the likelihood of selecting the most qualified service providers, which compromises efficiency and public trust in procurement systems (Juma, 2020).

Although legal reforms have attempted to address these concerns, there is a notable absence of rigorous analysis on how governance-related issues continue to affect PPP implementation in practice. The gap between formal regulation and actual enforcement highlights a systemic weakness in institutional oversight and political accountability (Mwaniki, 2017; OECD, 2015). This study therefore, seeks to investigate these discrepancies and assess the extent to which governance failures particularly corruption, favoritism, and lack of competition impact the effectiveness of PPPs in Kenya's public procurement landscape. The findings will inform policy reforms aimed at strengthening transparency, competitiveness, and public confidence in PPP mechanisms.

LITERATURE REVIEW

The misuse of Public-Private Partnerships (PPPs) in Kenya's public procurement system reflects a convergence of governance weaknesses, political interference, and institutional capacity gaps. The misuse of public-private partnerships (PPPs) can be better understood by looking at certain economic theories. Principal-Agent Theory, for example, explains how problems arise when public officials (the principals) and private companies (the agents) have different goals and access to unequal information. This gap often creates room for opportunistic behavior, where private firms take advantage of the system (Lane, 2005). Likewise, Transaction Cost Economics points out that when it's hard to enforce contracts or expensive to monitor performance, PPPs can become inefficient and open to abuse (Williamson, 1996).

Empirical studies confirm that favoritism remains a pervasive form of PPP misuse in Kenya. Okumu and Makokha (2021) found that contracts are frequently awarded based on political or personal affiliations rather than merit. This practice compromises service quality by sidelining technically qualified bidders in favor of politically connected firms. Yet, some studies, such as Githongo (2022), argue that in rare cases political backing may expedite project approval and implementation. However, such benefits are typically outweighed by long-term inefficiencies and reputational damage to public institutions.

Corruption is a recurring issue in discussions around PPPs. Mburu (2019) describes how practices like bribery, kickbacks, and embezzlement frequently disrupt projects leading to inflated costs and, in many cases, incomplete or abandoned infrastructure. Yet, there's limited research on why anti-corruption reforms have struggled to make a real difference. Juma (2020) points to a significant enforcement gap, noting that many regulatory agencies lack both the political independence and technical capacity needed to hold powerful individuals accountable. This gap between what the laws say and what actually happens in practice reveals a deeper problem: strong policies on paper don't always translate into meaningful action on the ground.

Limited competition also plagues Kenya's PPP framework. Tse and Wang (2020) note that non-transparent prequalification criteria and insider bidding reduce market access for competent but unconnected firms. While competitive bidding is a cornerstone of public procurement reform, there is little evidence that such processes are consistently applied in practice. Kariuki (2018) critiques Kenya's procurement laws for being extensive on paper but weak in enforcement, with many provisions lacking corresponding institutional mechanisms for compliance and accountability.

Transparency is still a major challenge in Kenya's PPP landscape. As Juma (2020) points out, the public often has little to no access to crucial procurement information like bid documents, evaluation methods, or details of awarded contracts which makes it difficult for outsiders to hold decision-makers accountable. Without clear systems like open contracting and independent audits, the process remains murky and vulnerable to abuse. Adding to the problem is the lack of accessible data on how PPP projects actually perform. This gap makes it hard to track progress or assess whether these partnerships are delivering real value, a concern also raised by the Office of the Auditor-General (2021).

Political interference is perhaps the most entrenched barrier to effective PPP implementation. Thuo and Mutua (2019) document how elected officials manipulate procurement decisions for electoral or personal gain, often bypassing regulatory processes. Despite efforts to insulate PPPs from political capture, the reality on the ground remains resistant to reform. As Mwaniki (2017) points out, the absence of political will to enforce sanctions or institutional reform weakens public confidence and perpetuates impunity.

Finally, institutional capacity constraints continue to undermine PPP governance. Many government agencies tasked with managing PPPs face severe resource shortages, limited technical expertise, and fragmented coordination frameworks (Mwaniki, 2017). Although legal frameworks such as the Public Procurement and Asset Disposal Act (2015) and the Public-Private Partnerships Act (2013, amended in 2021) provide structural guidelines, their practical application is hindered by bureaucratic inefficiencies and lack of trained personnel (Institute of Economic Affairs [IEA], 2022).

What emerges from this body of literature is a significant gap between scholarly recommendations and real-world implementation. While the academic discourse emphasizes transparency, competition, and accountability, the practical governance of PPPs in Kenya remains plagued by deeply entrenched political and institutional challenges. This study contributes to the existing body of knowledge by offering a focused investigation into the governance failures—particularly favoritism, corruption, and lack of competition—that continue to distort PPP implementation in Kenya, despite legislative reform and donor-supported capacity-building initiatives.

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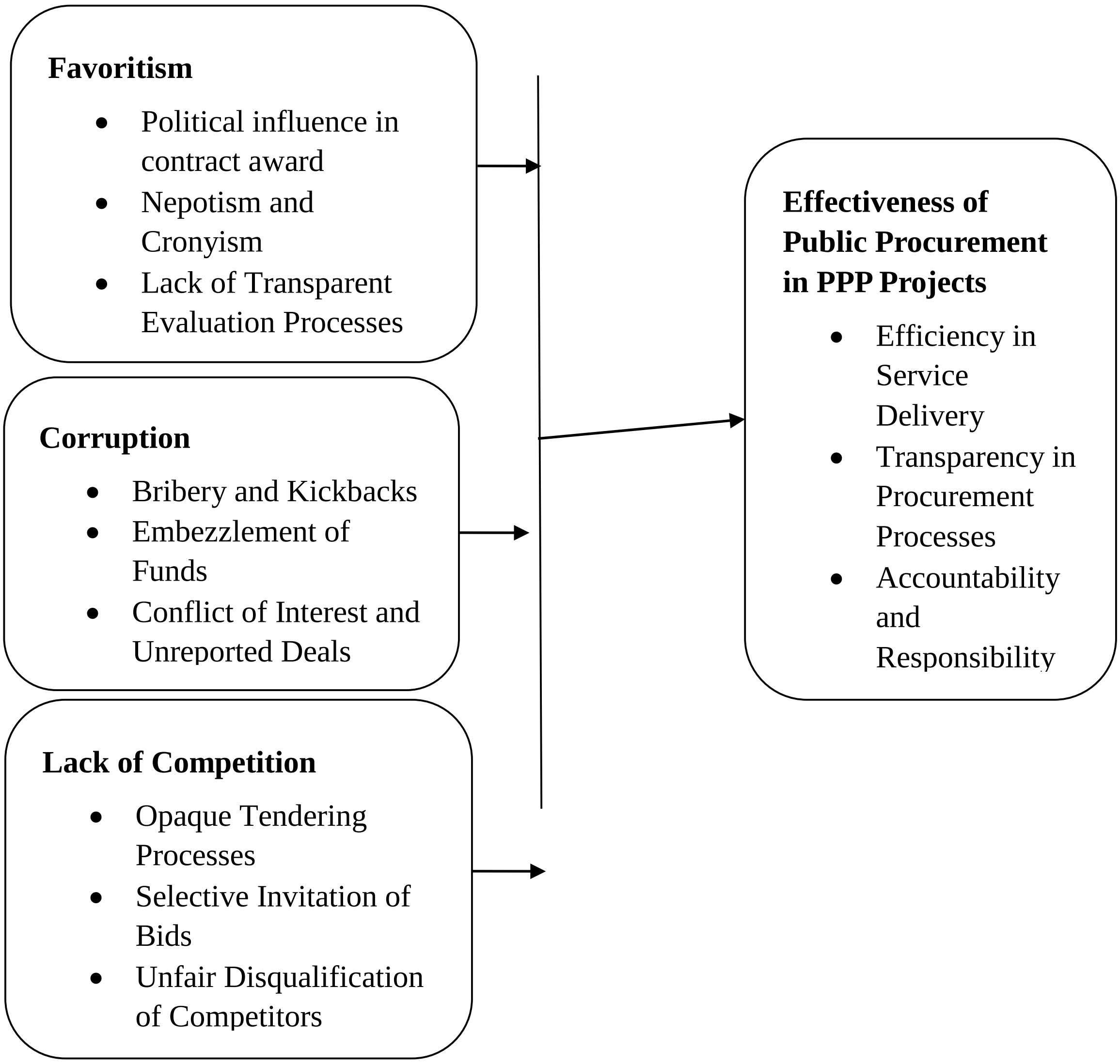
Conceptual Framework



Independent Variable *Dependent Variable*

Figure 1: Conceptual Framework

METHODOLOGY

In this research, a qualitative research methodology was adopted, with a focus on desktop research as the main method for data collection. This approach involved gathering and analyzing secondary information sourced from a variety of existing materials. These materials included relevant literature, policy documents, government reports, academic articles, and case studies that pertain to Public-Private Partnerships (PPPs), governance, accountability, and procurement practices in Kenya. By utilizing desktop research, the study aimed to synthesize perceptions from these diverse sources to better understand the complexities and dynamics of PPPs within the Kenyan context.

RESULTS AND DISCUSSIONS

Favoritism

Favoritism in Kenya's Public-Private Partnerships (PPPs) is not merely an issue of individual misconduct but is embedded within broader structural and institutional weaknesses. The problem is deeply rooted in Kenya's political culture, where patronage networks, weak enforcement of procurement rules, and a lack of transparency in decision-making all combine to erode fairness in public-private partnerships (PPPs). Instead of awarding contracts based on merit, these factors often tilt the playing field in favor of politically connected firms, undermining the efficiency, accountability, and credibility of PPP projects. At the heart of this issue is the politicization of procurement. Public officials and political elites frequently use the PPP model not just for development, but as a way to reward allies and strengthen their political influence (Kariuki, 2018).

Principal-Agent Theory sheds light on this: political leaders (the principals) often struggle to ensure that government officials (the agents) act in the public's best interest, largely because of poor oversight and unequal access to information (Lane, 2005). This creates opportunities for those inside the system to pursue private or political agendas unchecked. A case in point is the Nairobi Expressway. Although it's hailed as a major infrastructure achievement, the project raised concerns when the contract was awarded to a Chinese firm reportedly linked to the government, sidestepping a fully open and competitive bidding process (IEA, 2022). While such deals may speed up construction, they also reveal how informal political power can quietly undermine formal rules and procedures.

Favoritism is further enabled by the prevalence of nepotism and cronyism, which are manifestations of Kenya's broader political economy. Public procurement decisions often reflect personal networks and ethnopolitical affiliations rather than objective assessments of competence (Mburu, 2019). Contracts are frequently awarded to family members, political allies, or businesses with close ties to the ruling elite. These informal practices thrive in an environment where procurement systems are poorly insulated from political pressures. The consequence is that technically competent but politically unaffiliated firms are excluded, undermining fair competition and the broader developmental objectives of PPPs. Transaction Cost Economics helps explain this dysfunction by highlighting the high costs of monitoring and enforcing procurement contracts in weak institutional environments, making it rational (though inefficient) for actors to rely on trusted but unqualified allies (Williamson, 1996).

A related enabling factor is the persistent opacity of procurement evaluation processes. Although Kenya has developed an extensive legal framework such as the Public Procurement and Asset Disposal Act (2015) these laws are often implemented selectively, if at all (Juma, 2020). Weak institutional capacity, coupled with the lack of digitized, open-access procurement data, means that bid evaluations are rarely subject to public scrutiny. A clear example of how lack of transparency breeds favoritism is the 2017 solid waste management contract in Nairobi County. According to Thuo and Mutua (2019), the deal was reportedly awarded to a firm with political connections but little to no experience in waste management. Without clear evaluation

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criteria or independent audits, it becomes easy for officials to steer contracts toward favored companies. This kind of institutional opacity doesn't just damage public trust it also leads to poor-quality projects and wasted public funds.

Favoritism keeps thriving because the system itself encourages and enables it. There's a clear gap between the rules we see on paper and what happens in reality. While the laws are meant to promote fairness and competition, the systems in place to enforce them are simply too weak to stop corruption. As Githongo (2022) highlights, Kenya's anti-corruption efforts often get stuck at the political level, where there's little real will to address favoritism. This creates a cycle that's hard to break: weak enforcement fuels more favoritism, which in turn further weakens institutional integrity and reduces the quality of public services.

To address favoritism in PPP procurement, reforms must go beyond procedural fixes and tackle the deeper political and institutional roots of the problem. Strengthening the independence and capacity of procurement oversight bodies, digitizing procurement data, and enforcing consequences for favoritism are essential steps. Without these, PPPs will continue to reflect elite interests rather than serve as tools for public value creation.

Corruption

Research on the misuse of Public-Private Partnerships (PPPs) in Kenya's public procurement system reveals that corruption manifesting in bribery, embezzlement, and conflicts of interest continues to erode the effectiveness, integrity, and public trust in these projects. While corruption is a persistent issue in many procurement systems, the impact in PPPs is especially detrimental due to their complex, long-term nature and the high financial stakes involved.

Bribery and kickbacks are common in Kenya's procurement processes, seriously undermining the fairness of PPP bidding. Procurement officials and public servants often expect informal payments from private companies in return for favorable treatment when evaluating contracts or making award decisions (Mburu, 2019). This type of corruption drives up project costs and places political loyalty or personal gain above technical expertise. A well-known example is the Nairobi Expressway, where allegations suggested that firms with political connections secured contracts through behind-the-scenes deals and kickbacks, raising concerns about whether the best-qualified companies were chosen (IEA, 2022). These distortions lead to poor outcomes because companies selected based on political ties rather than their abilities often underperform or cut corners to make up for the bribery costs. As a result, the goal of achieving value for money in PPPs is often undermined (Kariuki, 2018).

Embezzlement poses a particularly destructive threat to the continuity and timely delivery of PPP projects. Unlike bribery, which typically occurs at the contract award stage, embezzlement affects the implementation phase by siphoning off allocated funds that are essential for project progression. Misappropriated funds disrupt project workflows by creating budgetary shortfalls that delay procurement of materials, suspension of contractor payments, or abandonment of key project stages (Juma, 2020). For example, a 2017 audit revealed widespread embezzlement in the Department of Roads and Public Works, where funds earmarked for bridge and road construction were diverted into personal accounts of senior officials. These diversions caused significant delays, with some projects halted indefinitely due to insufficient remaining funds (Office of the Auditor-General, 2018). The financial uncertainty introduced by embezzlement not only erodes project timelines but also increases costs due to inflation, remobilization, and re-tendering, all of which cumulatively undermine the efficiency of PPP implementation (Githongo, 2022).

Conflicts of interest further exacerbate corruption in PPP procurement. When procurement officers maintain undisclosed financial or familial relationships with bidding companies, objective assessment becomes impossible. Such conflicts often result in the selection of unqualified but politically connected contractors, increasing the risk of poor performance and cost escalation (Thuo & Mutua, 2019). Moreover, side agreements or informal understandings such as land-for-contract exchanges or hidden equity stakes complicate procurement transparency. An illustrative case involves the allocation of public land in Nairobi for commercial development, where government officers were accused of covertly negotiating favorable terms with select private firms without any public oversight (Mburu, 2019). These hidden arrangements not only violate ethical procurement standards but also deepen public skepticism about the legitimacy of PPP projects.

In summary, corruption in Kenya's PPPs is not an isolated problem of individual misconduct but a reflection of deeper systemic failures, including weak regulatory enforcement, poor oversight, and entrenched patronage networks. Embezzlement, in particular, has a direct and measurable impact on project delays by depleting funds essential for project execution. If unchecked, these practices risk turning PPPs into vehicles for elite enrichment rather than tools for delivering public infrastructure and services. A transparent, accountable, and professionally managed procurement framework is essential to reversing these trends.

Lack of Competition

An examination of Kenya's Public-Private Partnership (PPP) procurement landscape reveals that competition is undermined by several intertwined malpractices, including unclear tendering procedures, selective bidding, and unfair disqualification of competitors. Collectively, these practices contribute to inefficient procurement outcomes, inflated project costs, and entrenched corruption. According to the Public Procurement Regulatory Authority (PPRA, 2021), approximately 30% of public tenders in Kenya are affected by irregularities, many of which directly relate to compromised competitiveness through restricted access, biased bidding invitations, or improper disqualifications.

Unclear tendering procedures are a major roadblock to fair competition in Kenya's PPP system. Ideally, transparency in the tendering process would allow for equal participation by clearly outlining evaluation criteria, bidding timelines, and the reasons behind decision-making. However, in practice, many procurement processes in Kenya are clouded in confusion. Take the Nairobi Railway City redevelopment project, for example, where the criteria for selecting contractors and the results of bid evaluations were kept private. This raised concerns about favoritism and a lack of adherence to transparency standards (Juma, 2020). The problem is further compounded by the inaccessibility of bid documents and delays in announcing results.

This lack of clarity opens the door for manipulation, giving an unfair advantage to politically connected firms and discouraging more capable, but less connected, competitors. Ultimately, this erodes trust in the system and discourages real competition (KIPPRA, 2022).

Selective bidding practices often work in tandem with unclear tendering, further distorting the competitive landscape. Instead of issuing open tenders, procurement authorities sometimes invite a limited pool of pre-selected bidders typically firms with political ties or historical favor. For example, the Mombasa-Nairobi Highway project drew criticism after allegations surfaced that only a few politically favored firms were invited to bid, sidelining other competent contractors (Kariuki, 2018). Such exclusivity undermines competitive pricing and innovation, consolidates market control among elite firms, and narrows the pool of service providers. It is estimated that nearly 40% of tenders in Kenya are awarded through restricted methods, significantly impairing competition (World Bank, 2020).

Unfair disqualification of competitors represents another systemic issue that complements selective bidding and murky tendering. Firms that are initially pre-qualified are sometimes arbitrarily disqualified during later stages, often without clear justification. This practice appears to serve as a mechanism to eliminate firms that threaten politically connected contenders. For instance, the Kisumu Water Supply and Sanitation Project faced scrutiny when several globally recognized firms were excluded from the final stages of bidding despite being initially cleared, with no transparent explanation provided (Thuo & Mutua, 2019). Such actions discourage genuine competition and promote a climate of risk aversion among potential investors wary of political interference.

The issues of unclear tendering, selective bidding, and unfair disqualification are not isolated problems they work together to strengthen patronage networks that control public procurement. When there is a lack of transparency, tender documents and evaluation criteria can easily be manipulated to favor certain bidders. This opens the door for selective bidding, where only those pre-chosen companies are targeted. When other companies try to compete, they are often disqualified, further reinforcing the system. Together, these corrupt practices form a vicious cycle that excludes competition, drives up costs, and breeds inefficiency in Kenya's PPP procurement system.

To restore confidence and promote competitive PPPs, Kenya must enforce stringent transparency measures, mandate open bidding for all large-scale infrastructure projects, and introduce independent oversight bodies capable of scrutinizing procurement decisions. Without these reforms, PPPs risk continuing as vehicles of elite capture rather than instruments of public service delivery.

Conclusion

In summary, the discoveries of this study indicate that favoritism stemming from political influence, nepotism, and cronyism, along with absence of clear appraisal processes, remains a substantial obstacle in Kenya's public procurement system. These issues don't just undermine the fairness and integrity of Public-Private Partnerships (PPPs); they also lead to poor project outcomes, wasted resources, and the mismanagement of public funds. To truly address these problems, we need to implement broad reforms, including stronger regulations, greater transparency, and a commitment to fair procurement processes. These reforms should prioritize technical and financial qualifications over political ties or personal connections.

The study also underscores that corruption seen in forms like bribery, kickbacks, embezzlement, and conflicts of interest remains a major obstacle to the successful implementation of PPPs in Kenya. These corrupt practices disrupt the smooth functioning of PPPs, leading to wasted public funds, higher project costs, poor-quality infrastructure, and a loss of public trust in government institutions. Addressing these issues will require a united effort to strengthen regulatory frameworks, enforce anti-corruption laws, and enhance transparency and accountability throughout the procurement process. By tackling corruption in PPPs, Kenya can boost the effectiveness of these partnerships and ensure they contribute meaningfully to the country's development goals.

Another key factor undermining the success of Kenya's PPP procurement system is inadequate competition. Ambiguous tendering processes, selective invitations to bid, and unjust disqualifications of competitors restrict firms' opportunities to engage in procurement and limit market-driven competences. These practices not only negatively impact the quality and cost-effectiveness of PPP projects but also foster corruption and political interference, granting undue advantages to Companies with political connections. To promote competition in Kenya's PPPs, it is vital to establish more transparent and inclusive tendering processes, rigorously apply merit-based selection criteria, and create transparent and accountable systems for managing disqualifications.

Recommendations

To address the persistent challenges of favoritism, corruption, and limited competition in Kenya's Public-Private Partnerships (PPPs), targeted and evidence-based reforms are essential. The issues highlighted in the findings such as political interference, opaque tendering processes, and arbitrary disqualification of bidders necessitate a multilayered approach combining legal reform, technological advancement, institutional strengthening, and systematic monitoring mechanisms.

Although Kenya has procurement laws in place, like the Public-Private Partnerships Act (2013) and the Public Procurement and Asset Disposal Act (2015), these laws have loopholes that still allow political influence and favoritism to creep in (Transparency International Kenya, 2022). To fix these issues, the legal framework needs comprehensive reforms to make procurement processes clearer and establish strict ethical standards. For example, updating the laws to ban political involvement in technical evaluations and involving independent observers in major PPP assessments could help prevent the political manipulation of procurement processes (OECD, 2016).

Regulatory bodies such as the Public Procurement Regulatory Authority (PPRA) and the Ethics and Anti-Corruption Commission (EACC) require enhanced institutional capacity. This includes increased budgetary allocation, staffing, and legal autonomy to undertake independent investigations and enforce sanctions. An empowered PPRA could carry out random

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procurement audits, while the EACC could pursue high-profile prosecutions to deter corrupt behavior (World Bank, 2020). Moreover, regular capacity building programs should be provided for procurement officers to ensure adherence to ethical procurement practices.

To dismantle opaque procurement practices, Kenya should adopt a policy of full disclosure regarding tendering documentation, selection criteria, and bid evaluation outcomes. This includes publishing the names of bidders, bid amounts, and justification for final awards. Studies indicate that transparency significantly reduces corruption risks and enhances public trust in procurement systems (Schapper et al., 2006). The Open Contracting Data Standard (OCDS) can serve as a framework for Kenya to implement transparent and standardized disclosure practices across all stages of the PPP lifecycle.

While the original research did not deeply explore digital tools, digitalization is nonetheless a logical and necessary recommendation that directly responds to problems identified especially lack of transparency and poor oversight. Digital procurement platforms, such as e-GP (electronic Government Procurement), can automate processes from tender issuance to contract award, minimizing manual interventions that allow for favoritism or embezzlement (ADB, 2018). These platforms should include traceability features, real-time alerts for anomalies, and public dashboards showing contract status updates.

For reforms to be effective, the government needs to adopt tools that measure performance, such as procurement integrity indices, time-to-completion metrics, and bidder participation rates. These would help track improvements in competitiveness, efficiency, and integrity. It's also important to involve independent groups like civil society organizations and academic institutions in reviewing procurement performance each year to assess whether the digital and legal changes are delivering the expected results.

Tackling corruption requires both preventive and punitive mechanisms. Beyond routine audits, Kenya should adopt real-time forensic audits for large PPP projects and ensure that procurement-related misconduct leads to concrete legal consequences. Strengthening whistleblower protections and incentivizing reporting mechanisms particularly through anonymous digital channels can encourage internal accountability (UNCAC, 2019). A centralized corruption case database can also help track enforcement consistency and highlight systemic gaps.

To promote fair competition, all PPP tenders should adhere to open bidding protocols, with minimal exceptions. Restrictive or selective bidding must be justified and subject to external review. Furthermore, mechanisms should be developed to ensure that disqualified firms receive written explanations, with the right to appeal, to reduce arbitrary exclusions. Enhancing competition will not only improve service delivery but also foster innovation and cost efficiency (Piga & Thai, 2007).

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