



THE KENYA SCHOOL OF LAW

TRAINING NOTICE

PUBLIC PROCUREMENT LAW AND POLICY: OBLIGATIONS OF PROCURING ENTITIES

DATE: 22–26 November, 2021
VENUE: Nyali, Mombasa
LSK CPD POINTS: 3

SAFETY AND HEALTH OF THE PARTICIPANTS

Cognizant of the risk posed by the Covid-19 pandemic, the School has taken all measures to comply with the Government directives on the handling of the pandemic, including keeping of social distance, wearing masks, sanitizing and washing hands, temperature checks, amongst others. We assure our participants of their safety and health during the training.

ABOUT THE COURSE

The public procurement regulation in Kenya has undergone tremendous changes especially in the last 10 or so years. The changes have involved both legal and policy shifts, including enshrining public procurement issue into the Constitution of Kenya 2010.

From the era of “no regulation” spanning the period from pre-independence days to the year 2001, the public procurement regime has been transformed incrementally through the law, climaxing in its recognition in the Constitution of Kenya 2010. The year 2005 saw a major leap-forward in procurement by the enactment of the Public Procurement and Disposal Act followed by the gazetting of the Public Procurement and Disposal Regulations in 2006, which took effect on 1st January 2007, operationalizing the Act. Article 227 of the Constitution sets the policy and tenor of public procurement regulation by declaring boldly the policy guidelines and the objectives to be attained through public procurement, which accounts for about 20-30% of the gross domestic product (GDP).

In 2013, there were amendments to the 2006 Regulations in an attempt to realise the objectives of procurement by trying to reduce the bureaucracy that was believed to hinder effective procurement. This included reducing timelines for doing certain activities and doing away with some committees and establishing tender processing committee.

In accordance with the *Sixth Schedule* of the Constitution of Kenya 2010, Parliament enacted the Public Procurement and Asset Disposal Act, No. 33 of 2015 to align the procurement function to the Constitution and Government policies. The new law was assented to on 18th December, 2015 and took effect on 7th January 2016. The Public Procurement and Asset Disposal Regulations, 2020 (LN No. 69/2020) were gazetted on 22 April, 2020 and became effective in July 2020.

TRAINING FOCUS

The course will involve an interactive, concrete discussions of:

- Public procurement policy and its impact on public procurement practice;
- Overview of the legal and regulatory framework of public procurement;
- Procurement cycle: procurement strategy & planning;
- Compliance & ethical issues;
- Key procurement legal risks
- Judicial interpretation of various procurement disputes;
- Undertaking audit of procurement function;
- Learning from the past: challenges in implementing the law and policies.

At the end of the course the participants will be equipped to competently-

- a) **Explain** the policy imperatives of public procurement;
- b) **Know** the legal and policy obligations under the Act and Regulations;
- c) **Apply** procurement rules to actual practice within the dynamic legal framework;
- d) **Apply** the requirements under the new Act and the Regulations;
- e) **Develop or amend** internal procurement policies to align them with the changed legal and policy framework;
- f) **Carry** out legal audit of the procurement function;
- g) **Manage** procurement risks;
- h) **Help** their respective accounting officers in effecting compliance with procurement law and guidelines by their institutions.

YOUR INVESTMENT: Ksh. 95,000 inclusive of VAT and registration fee. (Covers *tuition fees, course materials, stationery, lunch and refreshments*). **Those who wish to acquire the 3 CPD points will separately an additional sum of 1,000/= (payable during the training).**

Application:

Application forms may be obtained from Kenya School of Law, Karen, CPD Department Gate A, Ground Floor, Mutula Building, or downloaded from our website http://www.ksl.ac.ke/wp-content/uploads/2018/04/CPD_REGISTRATION_FORM_.pdf

Money should be deposited in the **School's Account No. 202 2029 110, Absa Bank Kenya PLC, Absa Plaza Branch, Nairobi, Kenya** and banking slips presented to the Finance office. Please note that we would wish to have your duly completed application form and proof of payment by **15th November, 2021** to enable us to adequately prepare for the course. Late applicants should confirm availability of space before paying for the course.

NOTE: A person who confirms attending but withdraws within 7 days to the scheduled date of training will forfeit to, or pay, the School 25% of the fee paid or payable, as provided under the CPD Policy.

For more information, please contact Course Coordinator, Mr. Isaac Kuloba or Ms. Christine Mwanza on: Tel: +254- +254(020) 2699581/6

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Mr. Isaac Kuloba

FOR DIRECTOR / CHIEF EXECUTIVE OFFICER

KENYA SCHOOL OF LAW

