



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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MAIN EXAMINATION

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JANUARY – APRIL 2019 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 421: PUBLIC PROCUREMENT LAW IN EAST AFRICA

Date: APRIL 2019

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

Q1. “The law on public procurement in Kenya provides for the debarment of persons and entities who commit violations of public procurement law and regulations.”
Anonymous.

Citing the relevant statutory provisions and appropriate case law on debarment, discuss the rationale, grounds and consequences of debarment under Kenyan law. **(30 marks)**

Q2. Should Kenya join the World Trade Organisation's Government Procurement Agreement? **(20 marks)**

Q3. “The scope for the application of the constitutional and statutory principles of public procurement reduces as one moves from open tendering to restricted methods of procurement.”

Discuss, with the aid of statutory provisions and appropriate case law. (20 marks)

Q4. The Public Procurement and Asset Disposal Act, 2015 outlines public procurement methods. Explain the meaning of, and circumstances under which, each of the following methods may be used:

- a) Direct Procurement; **(4 marks)**
- b) Restricted Tendering; **(4 marks)**
- c) Force Accounts; **(4 marks)**
- d) Electronic Reverse Auction; **(4 marks)**
- e) Design Competition. **(4 marks)**

- Q5. “The process that the law establishes for the procurement of consultancy services is different from that for the procurement of goods by public entities.”
Discuss **(20 marks)**

END