



**MASINDE MULIRO UNIVERSITY OF SCIENCE AND  
TECHNOLOGY  
(MMUST)**

**UNIVERSITY EXAMINATIONS  
2021/2022 ACADEMIC YEAR  
SECOND YEAR, SEMESTER II**

**SPECIAL/SUPPLEMENTARY EXAMINATIONS  
FOR THE DIPLOMA  
IN  
BUSINESS ADMINISTRATION**

**COURSE CODE: DBA 226**

**COURSE TITLE: PROCUREMENT LAW**

**DATE: THURSDAY, 4<sup>TH</sup> AUGUST 2022 TIME: 2:00 – 4:PM**

**INSTRUCTIONS TO CANDIDATES**

**ANSWER QUESTION ONE ANY OTHER TWO QUESTIONS**

**TIME: 2 HOURS**

### **QUESTION ONE**

The Constitution of Kenya 2010 sets new standards with regard to procurement. Article 227 requires public procurement systems to be fair, equitable, transparent, competitive and cost effective. Article 227 also requires Parliament to pass procurement regulations that will provide for preferential allotment of contracts, protection of disadvantaged categories of persons and sanctions against nonperforming contractors, and those guilty of corrupt practices, tax violations and labour laws.

Write a brief about the following:-

- i. The various sources of in Kenya (10 marks)
- ii. Circumstances under which a procuring entity may terminate or cancel procurement proceedings without entering into a contract (10 marks)
- iii. E-Procurement and the role of ICT in procurement (10 marks )

### **QUESTION TWO**

- (i) Highlight the functions of the Judiciary in relation to procurement (10 marks)
- (ii) Outline the Factors vitiating a procurement contract (10 marks)

### **QUESTION THREE**

Explain what you understand by the following terms as applied in procurement;

- i. Advertising (5 marks)
- ii. Arbitration (5 marks)
- iii. Asset Disposal (5 marks)
- iv. Award (5 marks )

### **QUESTION FOUR**

As a Procurement expert, advise your employer on:

- i. Requirement of patentability (10 marks)
- ii. Provisions regarding conflict of interest (10 marks)

### **QUESTION FIVE**

- (i) Highlight the main steps in a procurement process indicating possible areas of litigation (10 marks )
- (ii) How do you relate ethics and procurement (10 marks)