University of Choice)

MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY
(MMUST)

UNIVERSITY MAIN EXAMINATIONS
2023/2024 ACADEMIC YEAR

FORTH YEAR SECOND SEMESTER EXAMINATIONS

FOR THE DEGREE
OF
BACHELOR OF COMMERCE

COURSE CODE: BCB 427

COURSE TITLE: PROCUREMENT LAW

DATE: MONDAY 15TH APRIL 2024 **TIME : 3.00 - 5.00PM**

INSTRUCTIONS TO CANDIDATES

1. Answer Question ONE **(compulsory)** and any other TWO questions

TIME: 2 HOURS

MMUST observes ZERO tolerance to examination cheating

This Paper Consists of 3 Printed Pages. Please Turn Over.

QUESTION ONE (30MKS)

You have been appointed as the head of the procurement unit for Delhux Corporation Limited to assist it in attaining its goals and objectives.

a) As the procurement manager in charge, explain what your responsibilities will be? (10mks)

b) Explain the circumstances under which you will be able to apply the following methods of procurement;

i. Request for proposals (2mks)

ii. Request for quotation (2mks)

iii. Design competition (2mks)

iv. Restricted tendering (2mks)

v. Direct procurement (2mks)

c) In the course of your duties as the procurement in charge, procurement conflicts arise. Explain some of the ways you intend to resolve this disputes. (10mks)

QUESTION TWO (20MKS)

a) Clearly explain the principles of public procurement as brought out by the Public Procurement and Asset Disposal Act of 2015. (10mks)

b) There are multiple warning signs that can help identify the risk of fraud, corruption, collusion or coercion in procurement. Discuss (10 marks)

QUESTION THREE (20MKS)

a) Elucidate on the role of the National Treasury in public procurement and assets disposal (10mks)

b) A position of a director general of the public procurement regulatory authority (PPRA) has been advertised. You are one of the interested candidate for the position. Explain the requirements that you need for the position. (10mks)

QUESTION FOUR (20MKS)

a) Under what circumstances would direct procurement be used as an alternative method for procurement? Explain (10mks)

b) One of the responsibilities of the accounting officer of a procuring entity is to constitute procurement committees in accordance with the Act. Discuss the various procurement committees and their functions. (10mks)

QUESTION FIVE (20MKS)

a) Explain the circumstances that may lead to the debarment of a vendor or contractor from participating in any future procurement contracts. (10mks)

b) Discuss the disposal methods for unserviceable and obsolete items are provided by the provisions of the Public Procurement and Asset Disposal Act 2015. (10mks)