



KENYA INSTITUTE OF SUPPLIES MANAGEMENT

Promoting Professionalism in Supply Chain Management

Ref. No. SEC/00-30

Monday, 20th January, 2025

{For Immediate Release}

THE 2025 CPD PRE-RENEWAL REQUIREMENTS FOR LICENSING UNDER SPMA 2007, FOR THE NEWLY ISSUED CPD GUIDELINES.

Dear Esteemed Member,

The Kenya Institute of Supplies Management (KISM) is established under Section 3(1) of the Supplies Practitioners Management Act, 2007 (the SPMA) to, amongst other functions, register, license all Supplies Practitioners in Kenya and to regulate their practice.

Further reference is made to Legal Notice No. 118, The Supplies Management (Continuous Professional Development Programmes) Guidelines, 2024 (CPD Guidelines) which came into effect on the 1st July 2024

Prior to this, a matter filed in Court earlier, challenging the CPD Policy was determined and thus halted the implementation of CPDs for year 2024. It was observed under the petitions below, that;

CONSTITUTIONAL PETITION NO. E023 OF 2021 (OKIYA OMTATAH OKOITI V. KISM & OTHERS):

The petitioner Mr. Omtatah (representing accredited firms) *challenged KISM's CPD policy introduced in 2021, arguing it was unconstitutional, ultra vires, and anti-competitive.*

- a) The court held that KISM could offer CPD training under the Supplies Practitioners Management Act, 2007 but emphasized the need for public participation in formulating such policies.
- b) The CPD policy was *declared null and void* because it lacked adequate public participation, infringing on the principles under Article 10 of the Kenyan Constitution.
- c) The court rejected the argument by Mr Omtatah that KISM's dual role as a regulator and trainer inherently created a conflict of interest.
- d) The court ruled that the CPD policy qualified as a *statutory instrument* and hence should have been subjected to parliamentary oversight.

The KISM Council was tasked with developing a new policy, and to ensure that it is subjected to thorough public participation in compliance with transparency standards. Following rigorous Parliamentary Oversight, the policy was adopted, and the new CPD Guidelines were formally issued by Parliament, reflecting the Council's commitment to professionalism and accountability.



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GLOBAL PROCUREMENT ACADEMY (GPA) V. KISM COURT PETITION- HCJR E138 OF 2023

GPA lodged a similar case which focused on enforcing the Competition Authority of Kenya's (CAK) advisory to KISM on revising the CPD policy to address anti-competitive concerns.

- a) The court found that CAK's recommendations were purely advisory, and therefore not binding, and could not be enforced through judicial review.
- b) The court agreed with KISM that the issues raised were substantially similar to those decided in Okiya Omtatah's case, rendering the application *res judicata*.
- c) The application was dismissed on grounds of being fatally defective, misconceived, and an abuse of the court process.
- d) The court held that the Applicant failed to prove any actionable illegality or procedural impropriety warranting judicial review. The Applicant was ordered to bear the costs of the application.

THE SUPPLIES PRACTITIONER MANAGEMENT ACT (SPMA) SECTION 26.

The operating year of the Institute shall be the period of twelve months ending on the thirty-first of December in each year. CPD hours as per the new guidelines are earned within 12 months. This means from January to last day of December of any year. Under the new CPD guidelines, it was not feasible to start the same mid-stream. The next applicable full year is therefore 2025 from January to December.

EARNING 40 CPD HOURS (30 STRUCTURED, 10 UNSTRUCTURED)

In respect to the Annual Continuous professional learning or development (the CPD's) the required 30 CPD hours of structured learning can be earned in 5 days of training. The new guidelines changed the earning system from the CPD points to the CPD hours system. In the past CPD policy had 24 points which were earned in 4 days (i.e. 6 hours of learning per day, obtained in a 4-day training, making it 24 points).

In the 40 hours CPD systems, 30 hours (6 hours of learning per day by 5 days = 30 hours) are structured and 10 hours are open for individual learning initiative and hence termed unstructured.

The Council confirms that it is fairly easy to earn the learning hours and allows a member upto 25% of self-driven learning. In addition, there are numerous other low-cost or even free online CPD hour sessions that can enable a member to still earn 30 hours without attending main calendar training events. Everyone has been considered and catered for accordingly.



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ACCREDITED FIRMS – CPD TRAINING OPPORTUNITY

The accreditation fees as per issued guidelines by Parliament seem to have been somehow misunderstood. The KISM Council, by dint of the newly issued guidelines, is gradually opening up the Continuous Professional Development (CPD) Training and short & long certification training spaces for its duly accredited, member-owned firms.

Once a firm has been accredited, it will be free to market its programs to all the institutes active members, offer approved CPD training, pay attendant CPD fees and continue with its services as long it fully complies with the CPD guidelines. As accredited firms build capacity, the Institute will gradually transition its focus to its core Regulatory and Quality Assurance roles, empowering members to actively participate in and benefit from the CPD ecosystem.

For instance, a firm training 50 members monthly can impact 600 members annually, creating meaningful business outcomes. This shift demonstrates the Council's commitment to listening to members and creating opportunities for growth while reinforcing the value of professional development. For the record, there are professional bodies which do not accredit any firm to offer CPD Programs.

The KISM Council, being fully cognizant and seized of all the above proceedings, in its sitting held on 14th January 2025, resolved as follows, regarding the application of the newly issued CPD Guidelines;

- 1 That the CPD Guidelines shall be implemented effective **1st January 2025**,
- 2 That during the year 2025, all members shall be **required to earn 40 CPD Hours** (30 structured, and 10 unstructured) in line with the Guidelines,
- 3 The accreditation fees anticipated under paragraph 12(3)(b) of the Guidelines remains effective.
- 4 That the New CPD guidelines opens up the space for accredited firms to fully offer CPD trainings as long as they meet the requirements.
- 5 That all members shall be given an equal opportunity to renew their licenses without consideration of CPD earned in the year 2024.

For clarity, the CPD consideration for 2024 have been waived in line with Court rulings and subsequent issuance of the new guidelines by Parliament. The Council is committed to sensitizing and engaging members through forums to enhance understanding of the new CPD guidelines and their value to Members.

Thank you for your continued support as we work together to elevate our profession and build a stronger Institute.

BY ORDER OF THE COUNCIL.