

EXECUTIVE OFFICE OF THE PRESIDENT
CHIEF OF STAFF AND HEAD OF THE PUBLIC SERVICE

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SH/GM/3 III (10)

23rd August, 2023, 20.....

Ref. No.
and date

All Principal Secretaries/Accounting Officers (*with sufficient copies to all Chief Executive Officers for State Corporations and SAGAs*)

The Clerk, Senate

The Clerk, National Assembly

The Chief Registrar of the Judiciary

All Heads of Constitutional Commissions and Independent Offices

All Trust Secretaries, Pension Funds for Public Entities

**RE: ENGAGEMENT OF UNREGISTERED & UNLICENSED
PROCUREMENT & SUPPLY CHAIN MANAGEMENT
PRACTITIONERS, CONSULTANTS & TRAINING FIRMS**

The Procurement and Supply Chain Management function has undergone tremendous reforms and development aimed at entrenching professionalism. The most fundamental milestone in the reforms was in 2007 when the Supplies Practitioners Management Act, 2007 (the Act) was operationalized. The Act provides for the training, registration and licensing of supplies practitioners; to regulate their practice and for connected purposes. Further, the Act established the Kenya Institute of Supplies Management (KISM) as a national regulator with the mandate to register, license, train, discipline and regulate all supply chain management practitioners in Kenya. In addition, the Act establishes the

Kenya Institute of Supplies Examinations Board (KISEB), Registration Committee and the Disciplinary Committee.

Section 20 (1) of Act instructs that *'no person shall engage in the business of a supplies practitioner unless he has been duly issued with a registration certificate and a practising license by the Institute (KISM) in accordance with the Act.* Further, after the expiry of twelve months from the commencement of the Act, no person shall engage in the business of a supply's practitioner unless he/she has been duly issued with a registration certificate and a practicing license by KISM.

It has come to our attention that although the Act has been in operation for more than sixteen (16) years, there are persons who continue to engage in the business of the supplies practitioner without being registered and licensed. In addition, other members have consistently failed to renew their annual membership and licenses, rendering them, as non-professionals in the practise, pursuant to Section 21(3) of the Act. This situation has further been compounded by Procuring Entities employing unregistered and unlicensed persons to offer Procurement/Supply Chain Management services in violation of the aforementioned provisions of the Act and Sections 2 and 47 of the Public Procurement and Asset Disposal Act, 2015.

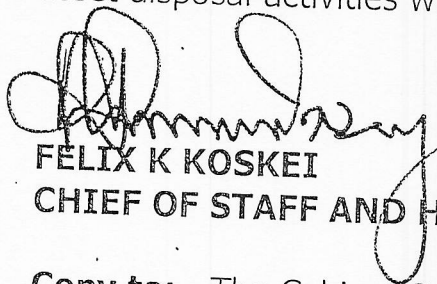
As result and despite the supply chain management being a strategic function in a given entity, it continues to face pertinent challenges including failure to realize value for money ; Weak compliance with the public procurement legal and regulatory framework; Weak procurement records management; Poor contract formation and management; Delays in conclusion of procurement processes; and ensuing tendering and legal disputes; among others due to lack of expertise and professionalism in executing the defined duties and responsibilities. It is worth to take note that where non-professionals are involved as practitioners, KISM is unable to rein on such persons, where their actions lead to noncompliance and adversely affect the performance and delivery of services by the Procuring Entity.

Taking cognizance of the foregoing, and in order to ensure that all procurement and supply chain management processes are conducted in accordance with the prescribed laws, I hereby reiterate the importance of ensuring that all practitioners and in particular Heads of Procurement/Supply Chain Management Units are duly registered and licensed by KISM. In that regard, Accounting Officers are directed to

ensure compliance and verify the status of Procurement and Supply Chain Management practitioners within their departments with KISM, and ensure that they have fully complied with the provisions of the Act.

By a copy of this circular, the Public Procurement Regulatory Authority (PPRA) is hereby directed to ensure full compliance with the provisions of the law with respect to this matter by all procuring entities.

All Accounting Officers are required to note and bring the contents of this Circular to the attention of all officers involved in public procurement and asset disposal activities within their jurisdiction.



FELIX K KOSKEI
CHIEF OF STAFF AND HEAD OF PUBLIC SERVICE

Copy to: The Cabinet Secretary
National Treasury and Economic Planning

The Attorney General
Office of the Attorney General and Department of Justice

The Chairman
Public Services Commission

The Director General
Public Procurement Regulatory Authority

The Chairman
Public Procurement Administrative Review Board