



SUPPLIES PRACTITIONERS MANAGEMENT ACT
(Cap. 537)

**SUPPLIES PRACTITIONERS MANAGEMENT (GENERAL)
REGULATIONS 2026**

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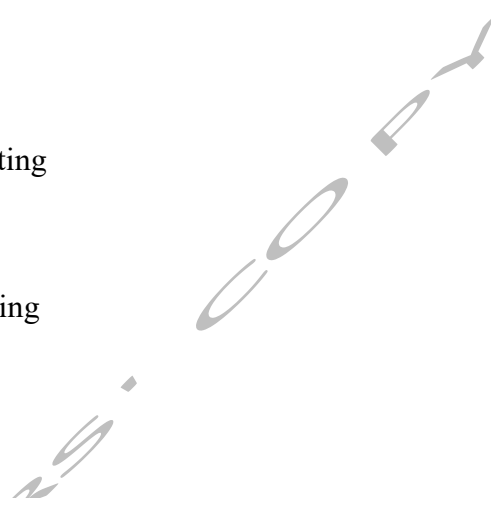
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SUPPLIES PRACTITIONERS MANAGEMENT ACT
(Cap. 537)

IN EXERCISE of the powers conferred by section 36 (a) (b) (f) and (h) of the Supplies Practitioners Management Act, Cap. 537, the Cabinet Secretary for the National Treasury and Economic Planning, in consultation with the Council, makes the following Regulations—

**SUPPLIES PRACTITIONERS MANAGEMENT (GENERAL)
REGULATIONS 2026**

| PART I— PRELIMINARY PROVISIONS | |
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| Citation | 1. These Regulations may be cited as the Supplies Practitioners Management (General) Regulations, 2026. |
| Interpretation Cap 537 | 2. In these Regulations— “Act” means the Supplies Practitioners Management Act; “complainant” a person who lodges a complaint against a supplies practitioner, for professional misconduct, before the Disciplinary Committee; “Cabinet Secretary” means the Cabinet Secretary responsible for finance; “Council” means the Council constituted pursuant to section 4; “Disciplinary Committee” means the Committee constituted pursuant to section 22; “meeting” means a meeting convened by the Council, and includes an annual general meeting and a special general meeting; “respondent” means supplies practitioner against whom a complaint is lodged before the Disciplinary Committee. |

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| Object | <p>3. The object of these regulations shall be to —</p> <ul style="list-style-type: none"> (a) provide for the registration and licensing of members of the Institute; (b) provide for recognition of Fellows of the Institute. (c) set the standards of professional practice for members of the Institute; and (d) regulate the conduct of meetings of the Institute (e) set the procedure for lodging and determination of disciplinary cases against members of the Institute; |
| Scope | <p>4. These regulations apply to –</p> <ul style="list-style-type: none"> (a) the Council; (b) the Registrar (c) members of the Institute; or (d) a person lodging a disciplinary case against a member of the Institute. |
| PART II— REGISTRATION OF MEMBERS | |
| Criteria for registration of a member | <p>5. (1) A person qualifies for registration as a member of the Institute pursuant to section 16(1) (a) of the Act, where the person —</p> <ul style="list-style-type: none"> (a) holds a certificate, diploma, degree in a relevant field, granted by a qualification awarding body registered in Kenya; or (b) has undertaken a research course of instruction in supply chain management, in an institution of learning recognised in Kenya; and (c) holds professional certification in supply chain management granted by the Examinations Board pursuant to section 13(a) and (f) of the Act. <p>(2) A person qualifies for registration as a member of the Institute pursuant to section 16(1)(b) where the person holds —</p> <ul style="list-style-type: none"> (a) a certificate, diploma, degree in a relevant field, from a foreign education institution; or (b) a certificate, diploma, degree in a relevant field, awarded by a qualification awarding body registered Kenya; and (c) professional certification in supply chain management granted by a foreign education institution. <p>(3) An applicant holding foreign academic or professional qualifications shall submit, together with the application for</p> |

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| | <p>registration, proof of such qualifications, authenticated copies of certificates, and evidence of professional standing from the relevant foreign regulatory or professional body, where applicable.</p> <p>(4) The Committee may consult with relevant local or international authorities or professional bodies in evaluating foreign qualifications.</p> <p>(5) Where the Committee is satisfied that the foreign qualifications meet the standards required under these Regulations and the Act, the applicant may be registered subject to compliance with all other requirements.</p> <p>(6) The decision of the Committee regarding recognition of foreign qualifications shall be communicated in writing to the applicant, stating reasons in the case of refusal, and the applicant shall have the right of appeal in accordance with these Regulations.</p> <p>(7) A person qualifies for registration as a member of the Institute pursuant to section 16(2) where the person—</p> <ul style="list-style-type: none"> (a) is engaged in the practice of supply chain management, whether in the private or public sector; (b) possesses skills, knowledge and competence in supply chain management; and (c) is assessed and certified as competent in supply chain management by the Examinations Board, in line with the established standards for recognition of prior learning. <p>(8) A person seeking registration as a member of the Institute shall obtain a certificate of moral fitness signed by two registered and licensed members of the Institute, attesting to the applicant’s character and suitability as a member of the Institute.</p> <p>(9) The certificate of moral fitness shall be in the manner set out in Form 1 in the First Schedule.</p> |
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| <p>Application for registration</p> | <p>6. (1) A person who meets the criteria for registration set out under Regulation 5 may apply for registration as a member of the Institute to the Registration Committee.</p> |

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| | <p>(2) An application for registration as a member of the Institute shall be in the manner set out in Form 2 in the First Schedule and shall be accompanied by a —</p> <ul style="list-style-type: none"> (a) a copy of the applicant’s national identity card; (b) a copy of the applicant’s academic certificates and transcripts, certified by the awarding body; (c) a copy of the applicant’s professional certification in supply chain management, certified by the awarding body; (d) the certificate of moral fitness; (e) a passport sized photograph of the applicant; and (f) the registration fee set out in the Second Schedule. |
| <p>Consideration of an application</p> | <p>7. (1) The Registration Committee shall consider an application for registration within twenty-one days of the application.</p> <p>(2) Where, on consideration of an application, the Registration Committee finds that the applicant meets the criteria for registration set out under regulation 1, the Registration Committee shall—</p> <ul style="list-style-type: none"> (a) issue the applicant with a certificate of registration; and (b) direct the Registrar to enter the particulars of the applicant into the register of members of the Institute. <p>(3) Where the Registration Committee finds that an applicant does not meet the criteria for registration set out under these regulations, the Registration Committee shall—</p> <ul style="list-style-type: none"> (a) reject the application; and (b) notify the applicant of its decision in writing within twenty-one days of such finding. |
| <p>Certificate of registration</p> | <p>8. (1) The Certificate of registration issued under regulation 3(2)(a) shall be in the manner set out in Form 3 in the First Schedule.</p> |
| | <p>(2) A person issued with a certificate of registration under this regulation shall become a member of the Institute and shall be subject to the standards of professional conduct, laws and regulations applicable to supplies practitioners.</p> <p>(3) A certificate of registration issued under these Regulations shall be valid for the calendar year in which it is issued, unless earlier revoked in accordance with these Regulations.</p> |

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| | <p>(4) A member who wishes to renew a certificate of registration shall apply to the Registrar and pay the prescribed renewal fee not later than thirty days before the expiry of the certificate.</p> <p>(5) The Registrar shall, upon receipt of a complete application for renewal and payment of the prescribed fee, renew the certificate of registration for a further period of one year and issue a new certificate.</p> <p>(5) Where a member fails to apply for renewal within the period specified in paragraph (4), the Registrar may accept a late application for renewal within sixty days after the expiry of the certificate, upon payment of the prescribed late renewal fee in addition to the renewal fee.</p> <p>(6) A certificate of registration that is not renewed within the period specified in paragraph (5) shall lapse, and the name of the member may be removed from the register in accordance with these Regulations.</p> <p>(7) A certificate of registration that has lapsed may only be reinstated upon payment of all outstanding fees and compliance with any conditions imposed by the Council or Registrar</p> |
| <p>Register of members</p> <p>Cap 411C</p> | <p>9. Pursuant to section 19(1) of the Act, the Registrar shall maintain a register of the members of the Institute.</p> <p>(2) The register shall specify the —</p> <ul style="list-style-type: none"> (a) name and registration number of the member; (b) date of registration; (c) address and contact details of the member; (d) academic and professional qualifications of the member; and (e) licensing particulars of the member. <p>(3) The register shall be a public document and available for inspection, subject to the provisions of the Data Protection Act.</p> |

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| | (4) The Registrar may refuse to disclose or publish any information from the register if, in their opinion, such disclosure would contravene provisions envisaged in (3) above |
| Change of particulars | 10. A member of the Institute shall keep the Registrar informed of any change of address or other particulars of registration, for purposes of updating the register. |
| Removal from the register | <p>11. (1) Where a member of the Institute is removed from the register pursuant to section 19(1)(a)(b) or (c) of the Act, the Registrar shall publish the name of the member so removed, in the Gazette, within fourteen days of the removal.</p> <p>(2) Where an entry is made into the register incorrectly or fraudulently, the Registrar shall, before removing the entry from the register—</p> <p>(a) notify the affected party of the intended removal at least fourteen days before the removal;</p> <p>(b) invite the affected party to make representations against the removal before the Registration Committee.</p> <p>(3) Upon consideration of the representations made pursuant to paragraph 11(2)(b), the Registration Committee may, where satisfied that the entry was made erroneously or through fraud, direct the Registrar to remove the member from the register and publish the removal in the Gazette in line with subregulation (1).</p> <p>(4) Where the Committee has reason to believe that a member has committed gross misconduct or is otherwise unfit to remain on the register, it may, as an interim measure, suspend the registration of the member pending the determination of disciplinary or removal proceedings. An interim suspension shall only be imposed after the member has been given written notice of the proposed suspension, the grounds for the proposed action, and an opportunity to make representations within a period of not less than seven days.</p> <p>(5) The Committee shall not remove the name of a member from the register or suspend a member unless—</p> |

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| | <p>(a) it issues to the member a notice of at least fourteen days of its intention to remove or suspend the member, specifying the grounds for removal or suspension; and</p> <p>(b) grants the member an opportunity to be heard, either in person or in writing.</p> <p>(6) The Committee shall, after hearing the member, make an order for—</p> <p>(a) the removal of the name of the member from the register;</p> <p>(b) the suspension of the registration of a member for a specified period; or</p> <p>(c) the retention of the name of the member in the register.</p> <p>(7) Where an interim suspension is imposed under paragraph (2), the Committee shall determine the matter as expeditiously as possible and, in any event, within sixty days of the interim suspension, failing which the interim suspension shall lapse unless otherwise extended by order of the Council.</p> <p>(8) The member shall be notified in writing of any decision to remove or suspend, the reasons for that decision, and the right of appeal in accordance with these Regulations.</p> |
| Right of Appeal | <p>12. (1) A person who is aggrieved by a decision of the Committee or the Registrar under these Regulations, including a decision to refuse registration, renewal, or removal from the register, may appeal to the Council within thirty days of being notified of the decision. The Council shall consider the appeal and communicate its decision to the appellant in writing within sixty days.</p> <p>(2) The decision of the Council on the appeal shall be final.</p> |
| PART III— LICENSING OF MEMBERS | |
| The business of a supplies practitioner | <p>13. The business of a supplies practitioner refers to where the member offers a service, for reward in, but not limited to —</p> <p>(a) public procurement;</p> <p>(b) procurement in the private sector;</p> <p>(c) warehousing, stores, asset and inventory management;</p> <p>(d) consultancy, training, research and advisory in procurement and supply chain management;</p> <p>(e) public-private partnerships;</p> |

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| | <ul style="list-style-type: none"> (f) contract and project management; (g) logistics, clearing and forwarding, fleet management; (h) asset disposal; (i) operations management (j) distribution management; (k) e-procurement, e-commerce or last-mile logistics or (l) any other activity or function designated by the Council as falling within the professional practice or supplies management under the Act or these Regulations. |
| <p>Requirement to take out licence</p> | <p>14. (1) Pursuant to section 20(1) of the Act, a member of the Institute who engages in the business of a supplies practitioner shall obtain a licence, every year.</p> <p>(2) Every firm licensed under these Regulations shall display the original licence or a certified copy thereof in a conspicuous place at the principal place of business and at every branch office where the practice of supplies management is carried out.</p> <p>(3) Every supplies practitioner or firm shall, upon request by any client, contracting authority, member of the public, or authorized officer, produce the original licence or a certified copy thereof for inspection.</p> <p>(4) It shall be an offence for any person to display, produce, or use a licence or certificate that is false, expired, suspended, or otherwise invalid.</p> |
| <p>Criteria for issuance of a licence</p> | <p>15. (1) A member of the Institute is eligible for a licence where the member—</p> <ul style="list-style-type: none"> (a) holds a registration certificate issued pursuant to section 16 (1) or (2) of the Act; and (b) has undergone the satisfied any continuous professional development programmes prescribed by the Council pursuant to section 16(10) of the Act. <p>(2) Despite this regulation, a member of the Institute shall be disqualified from applying for a licence where the member—</p> <ul style="list-style-type: none"> (a) is, convicted of an offence whose term of imprisonment exceeds six months; or (b) is under a sanction imposed by the Disciplinary Committee, in line with section 23 of the Act, at the time of the application. |

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| <p>Application for a licence</p> | <p>16. (1) An application for a licence by a member of the Institute shall be in the manner set out in Form 4 in the First Schedule and shall be submitted to the Registration Committee, not later than the 31st Day of January, every year.</p> <p>(2) An application for a licence shall be accompanied by—</p> <ul style="list-style-type: none"> (a) a valid copy of the member’s registration certificate; (b) evidence of attendance of the requisite continuous professional development programmes in line with section 16(10) of the Act; and (c) such fees as may be specified under the Second Schedule. |
| | <p>(3) The application may be submitted in physical or electronic form, as may be permitted by the Council</p> <p>(4) The Council or Committee may, in writing, request any additional information or clarification necessary to determine the application.</p> <p>(5) An incomplete application or an application not accompanied by the prescribed fee shall not be considered.</p> |
| <p>Incomplete and Late application</p> | <p>17. (1) Despite regulation 15, a member of the Institute may apply for a licence outside the specified period, subject to payment of the late application fee specified in the Second Schedule.</p> <p>(2) Where an application for a licence is incomplete or not accompanied by all required documents or the prescribed fee, the Registrar shall notify the applicant in writing, specifying the deficiencies and allowing the applicant a period of fourteen days from the date of notification to remedy the deficiencies.</p> <p>(3) If the applicant fails to complete the application within the period specified in paragraph (1), the application shall be deemed withdrawn, and any fee paid may be refunded or forfeited in accordance with the policy of the Council.</p> <p>(4) An application for renewal of a licence submitted after the deadline specified in these Regulations but within sixty days of the expiry of the licence shall be accepted upon payment of the prescribed late renewal fee in addition to the standard renewal fee.</p> <p>(5) Where a licence is not renewed within the grace period specified in paragraph (3), the licence shall lapse, and the practitioner or firm shall be required to submit a new application in accordance with these Regulations and may be subject to</p> |

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| | <p>additional requirements or penalties as determined by the Council.</p> <p>(6) The Council may, for good cause shown and upon application in writing, extend the grace period for late renewal of a licence, subject to such conditions as it may determine</p> |
| Fees | <p>18. (1) The fees payable under these Regulations, including but not limited to application, registration, renewal, late renewal, and replacement fees, shall be as prescribed in the Second Schedule to these Regulations.</p> <p>(2) The Council shall review the Second Schedule of fees at least once every three years, or as may be necessary, and may recommend adjustments subject to the approval of the Cabinet Secretary.</p> <p>(3) Any changes to the Second Schedule of fees shall be published in the Gazette and shall take effect on the date specified therein.</p> <p>(4) The Second Schedule of fees shall be made available to the public at the offices of the Institute and on its official website.</p> |
| Consideration of an application | <p>19. (1) The Registration Committee shall consider a complete application for a licence under these Regulations within twenty-one days of the application.</p> <p>(2) Where the Registration Committee determines that the applicant meets the criteria for licensing set out under these regulations, the Registration Committee shall—</p> <p>(a) notify the applicant in of the decision and issue the applicant with a licence within seven days of the decision being made; and</p> <p>(b) direct the Registrar to enter the particulars of the applicant into the register of licensed members of the Institute.</p> <p>(3) Where the Registration Committee finds that an applicant does not meet the criteria for licensing set out under these regulations, the Registration Committee shall—</p> <p>(a) reject the application; and</p> <p>(b) notify the applicant of its decision in writing, specifying the reasons for refusal and informing the applicant of the right of</p> |

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| | <p>appeal in accordance with these Regulations within seven days of the decision being made.</p> |
| Form of the licence | <p>20. (1) A licence issued pursuant to these regulations shall be in the manner set out in Form 5 in the First Schedule.</p> <p>(2) The Council may issue licences in physical or electronic form as may be appropriate.</p> |
| Validity of licence | <p>21. (1) Pursuant to section 21(1) of the Act, a licence shall be valid for a period of one year from the date of issue, unless earlier suspended, revoked, or cancelled in accordance with these Regulations</p> <p>(2) Where a licence is issued after the licence application period specified, the licence shall be valid from the date of issuance for a period of not more than one year.</p> <p>(3) The Committee or Council may suspend or revoke a licence on any of the following grounds—</p> <ul style="list-style-type: none"> (a) the licensee has contravened the provisions of the Act or these Regulations; (b) the licensee has provided false or misleading information in the application for a licence; (c) the licensee has been found guilty of professional misconduct, gross negligence, or incompetence; (d) the licensee has been convicted of an offence involving fraud, dishonesty, or moral turpitude; (e) the licensee has failed to comply with any conditions attached to the licence; (f) the licensee has failed to pay any prescribed fee or levy; (g) any other ground as may be prescribed by the Council. <p>(4) Before suspending or revoking a licence, the Committee or Council shall—</p> <ul style="list-style-type: none"> (a) provide the licensee with written notice of the intended action and the grounds thereof; (b) afford the licensee an opportunity to make representations, either in writing or in person, within a period not less than fourteen days. <p>(5) Where a licence expires and is not renewed in accordance with these Regulations, the licensee shall immediately cease to engage in</p> |

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| | <p>the business of a supplies practitioner or firm, and the licence shall be deemed invalid from the date of expiry.</p> <p>(6) A person or firm whose licence has been suspended or revoked shall surrender the original licence to the Council within fourteen days of notification of the decision.</p> <p>(7) The Council shall notify the public and relevant authorities of any suspension, revocation, or expiry of a licence as it deems appropriate.</p> |
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| <p>Publication of licensed members</p> | <p>22. (1) The Registrar shall publish an up-to-date list of all -licensed members of the Institute and licensed firms, partnerships or body corporates continuously on the official website of the Institute and in the Gazette, not later than the thirty first day of March, every year.</p> <p>(2) Despite sub regulation (1), where a member of the Institute is issued with a license after the thirty first day of March, the Registrar shall publish the name of the licenced members in the Gazette, as soon as may be practicable.</p> <p>(3) The published list shall include only such information as is necessary to identify the licensee and confirm the validity and status of the licence, including— (a) the name and registration number of the licensee or firm; (b) the principal place of business; and (c) the effective and expiry dates of the licence.</p> <p>(4) The Council shall take reasonable steps to ensure that the publication of personal data complies with all applicable data protection and privacy laws.</p> <p>(5) Any amendments, corrections, or updates to the list shall be published promptly in the same manner as the original publication.</p> |
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| <p>Renewal of a licence</p> | <p>23.-</p> <p>(1) A licence issued under these Regulations shall be renewable annually upon application by the licensee and payment of the prescribed renewal fee.</p> <p>(2) At least thirty days before the expiry of the licensing period, the Registrar shall notify members of the Institute of the licence expiry period and invite applications for renewal of the licences.</p> <p>(3) An application for renewal of a licence shall be in the manner set out under Form 6 in the First Schedule, form and submitted to the</p> |

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| | <p>Registrar not later than thirty days prior to the expiry of the current licence, and shall be accompanied by the requirements set out under regulation 14.</p> <p>(4) The application for renewal shall be accompanied by—</p> <ul style="list-style-type: none"> (a) evidence of compliance with continuing professional development requirements, where applicable; (b) proof of good standing with the Institute; and (c) any other documents or information required by the Council or Committee. <p>(5) Where an application for renewal is submitted after the deadline in paragraph (3) but within sixty days of the licence expiry, the application may be accepted upon payment of the prescribed late renewal fee in addition to the standard renewal fee.</p> <p>(6) A licence that is not renewed within the grace period specified in paragraph (3) shall lapse, and the practitioner or firm shall be required to submit a new application for a licence in accordance with these Regulations.</p> <p>(7) Where the Council or Committee refuses to renew a licence, it shall provide written reasons for the refusal and notify the applicant of the right to appeal in accordance with these Regulations.</p> <p>(8) An applicant aggrieved by a decision to refuse renewal of a licence may appeal to the Council within thirty days of notification of the decision.</p> |
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| <p>Licensing of Firms</p> | <p>24. Pursuant to section 20(2) of the Act, where a member of the Institute seeks to practice as a firm, body corporate or in a partnership, of the Act, the member shall, in addition to the licence obtained by the member, take out a licence for the firm, body corporate or partnership, every year.</p> <p>(2) A member of the Institute may apply for a licence on behalf of a firm, body corporate or in a partnership where the proprietors of the firm, body corporate, or partnership are –</p> <ul style="list-style-type: none"> (a) registered members of the Institute; and (b) licensed to practice. <p>(3) An application for a licence on behalf of a firm, partnership or body corporate shall be in the manner set out in Form 7 in the First Schedule and shall be accompanied by—</p> |

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| | <p>(a) evidence of registration as a firm, partnership or corporate body, under the relevant law;</p> <p>(b) evidence of registration of the proprietors as members of the Institute;</p> <p>(c) copies of the licences of the proprietors; and</p> <p>(d) such fees as may be specified under the Second Schedule.</p> <p>(4) The Registration Committee shall consider an application for licensing of a firm under this Regulation in the manner applicable to licensing of members of the Institute.</p> <p>(5) No licence shall be issued or renewed under these Regulations unless the practitioner or firm has provided evidence of professional indemnity insurance in accordance with the requirements set out in Part (VI): Professional Indemnity.</p> <p>(6) The Council shall have the power to suspend or revoke the licence of any practitioner or firm that fails to maintain professional indemnity insurance as required.</p> |
| <p>Record-Keeping and Retention of Documents</p> | <p>25. (1) The Registrar shall ensure that all records relating to applications, registration, licensing, renewals, removals, suspensions, and other actions taken under these Regulations are properly maintained and securely stored for a minimum period of seven years, or such longer period as the Council may determine.</p> <p>(2) The Council may from time to time prescribe guidelines for the retention, archiving, and destruction of records, and may require that specified records be retained in electronic form.</p> <p>(3) All records kept under these Regulations shall be subject to periodic audit by the Council or such other authority as may be designated for that purpose, to ensure compliance with legal and regulatory requirements.</p> <p>(4) Access to records shall be limited to persons authorized by the Council or Registrar, and all handling of records shall comply with applicable data protection and confidentiality laws.</p> |
| <p>PART IV—AWARD OF FELLOWSHIP</p> | |
| <p>Nomination of Fellows</p> | <p>26. (1) Pursuant to section 3A (3) of the Act, Council shall, at a meeting of the Council held once every year, nominate invite</p> |

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| | <p>members of the Institute who have rendered outstanding services to the supplies profession, to become Fellows of the Institute.</p> <p>(2) Any nomination for the award of Fellowship shall be made in writing in the prescribed form and submitted to the Registration Committee.</p> <p>(3) A nominator must be—</p> <ul style="list-style-type: none"> (a) a current Fellow of the Institute in good standing; or (b) a member of the Council; or (c) such other person or body as may be approved by the Council for this purpose. <p>(4) Each nomination shall—</p> <ul style="list-style-type: none"> (a) provide the full name and membership details of the nominee; (b) state the grounds and supporting evidence for the nomination, including details of the nominee’s achievements or contributions warranting the award of Fellowship; (c) include any documentation or testimonials required by the Committee. <p>(5) The Council may, from time to time, publish further guidelines on the nomination process.</p> |
| <p>Eligibility Criteria</p> | <p>27. (1) A member of the Institute qualifies for nomination as a Fellow where the member—</p> <ul style="list-style-type: none"> (a) be a member of the Institute in good standing for a continuous period of not less than ten years immediately preceding the nomination, or such other period as the Council may prescribe in exceptional circumstances; (b) have demonstrated outstanding professional achievement, leadership, or innovation in the field of supplies management; (c) have made significant contributions to the advancement of the supplies management profession, through research, education, mentorship, service to the Institute, or other recognized means or in such manner as specified under Regulation 25; (d) have exhibited high standards of integrity, ethical conduct, and professionalism throughout his or her career; (e) not have been subject to any disciplinary sanction by the Institute or any other professional body in the five years preceding the nomination; |

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| | <p>(f) meet any other requirements as may be prescribed by the Council from time to time.</p> <p>(2) The Council may in exceptional cases and for good cause shown, waive one or more of the eligibility requirements specified in paragraph (1), provided that the nominee’s overall record clearly demonstrates eminence in the profession.</p> <p>(3)A member of the Institute is disqualified from nomination as a Fellow where the member —</p> <ul style="list-style-type: none"> (a) is a sitting member of the Council; (b) is undergoing a disciplinary process; (c) is an undischarged bankrupt; (d) has been convicted of an offence whose term of imprisonment exceeds six months; or (e) is removed from office. |
| <p>Consideration of outstanding services</p> | <p>28. (1) For the purpose of these Regulations, the Registration Committee shall consider outstanding services as exceptional contributions that have a significant and lasting impact on the profession of supplies management or the broader community.</p> <p>(2) Outstanding services may include, but are not limited to—</p> <ul style="list-style-type: none"> (a) leadership in the development or implementation of innovative procurement or supply chain management practices; (b) advancement of knowledge through research, authorship of influential publications, or development of educational programs; (c) sustained excellence in mentorship, training, or professional development of others in the field; (d) significant service to the Institute, such as serving in governance, regulatory, or advisory roles; (e) promotion of ethical standards, integrity, and professionalism in practice; (f) advocacy or public service that enhances the reputation or effectiveness of the supplies management profession; (g) any other activity or achievement that the Council deems to have made a notable contribution to the field. <p>a member of the Institute to have rendered outstanding services t</p> |
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| <p>Invitation to Fellowship</p> | <p>29. (1) Upon approval of a nomination by the Registration Committee, the Council shall, pursuant to Regulation 23, the Council shall, invite the member to become a Fellow in the manner set out in Form 8 in the First Schedule.</p> <p>(2) The invitation shall set out—</p> <ul style="list-style-type: none"> (a) the decision of the Council to confer the Fellowship; (b) any obligations or conditions attached to the Fellowship status; and (c) the procedure for acceptance of the Fellowship. <p>(3) Where a member receives an invitation to Fellowship, the member shall, within twenty-one days of receipt of the invitation—</p> <ul style="list-style-type: none"> (a) accept the invitation by returning a duly filled Invitation Form to the Council; or (b) reject the invitation— <ul style="list-style-type: none"> (i) by failing to return the Invitation Form within the prescribed period; or (ii) in writing to the Council. <p>(4) If the nominee does not accept the invitation within the period specified in paragraph (3), the invitation may be withdrawn by the Council and the nomination deemed to have lapsed, unless the Council determines otherwise for good cause shown.</p> |
| <p>Award of Fellowship</p> | <p>30. (1) Where the Council receives a duly filled invitation Form from a nominee, the Council shall by resolution, at a meeting of the Council, award the nominee the title of “Fellow of the Kenya Institute of Supplies Management”</p> <p>(2) The Council shall notify the awardee of its decision to confer the awardee the title of “Fellow of the Kenya Institute of Supplies Management” within seven days of its decision.</p> <p>(3) A member of the Institute awarded Fellowship status pursuant to this regulation may use the prefix FKISM in official documentation.</p> <p>(4) The effective date of Fellowship shall be the date on which the nominee’s written acceptance is received by the Council.</p> <p>(5) The Council may, at its discretion, organize an official presentation or ceremony to confer the Fellowship on the recipient.</p> |

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| | <p>(6) Where a nominee fails to accept the award within the prescribed period, the resolution to confer Fellowship may be rescinded by the Council</p> |
| <p>Obligations of a Fellow</p> | <p>31. (1) A member of the Institute awarded Fellowship status shall—</p> <ul style="list-style-type: none"> (a) uphold and promote the highest standards of integrity, professionalism, and ethical conduct in the practice of supplies management; (b) serve as an ambassador and mentor for the Institute, actively supporting its objectives and the development of the profession; (c) participate in activities of the Institute, including but not limited to conferences, seminars, and continuing professional development programs, as may be reasonably required by the Council; (d) contribute to the advancement of the profession through thought leadership, research, advocacy, or other recognized means; (e) comply with the provisions of the Act, these Regulations, and any code of conduct or guidelines issued by the Council; (f) promptly notify the Council of any matter or circumstance that may affect their status as a Fellow, including disciplinary proceedings or criminal convictions; (g) submit such reports or declarations as may be required by the Council from time to time to confirm continued compliance with Fellowship obligations. <p>(2) A Fellow who fails to fulfil any obligation under this regulation may be subject to disciplinary action, including suspension or revocation of Fellowship, in accordance with these Regulations.</p> |
| <p>Register of Fellows</p> | <p>32. (1) The Registrar shall establish and maintain a Register of Fellows, which shall include the name, membership number, date of award, and status of each Fellow.</p> <p>(2) The Register of Fellows shall be kept in such form, whether physical or electronic, as the Council may prescribe, and shall be regularly updated to reflect any changes in Fellowship status.</p> <p>(3) The Register of Fellows shall be open for inspection by members of the Institute and the public during office hours, subject to the payment of any prescribed fee and compliance with applicable data protection and privacy laws.</p> |

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| | <p>(4) The Registrar shall take reasonable steps to ensure that access to personal data in the Register of Fellows is limited to what is necessary for inspection purposes and that the confidentiality of Fellows' personal information is protected in accordance with law.</p> <p>(5) Any amendments, corrections, or revocations of Fellowship status shall be promptly recorded in the Register, and the affected Fellow shall be notified in writing.</p> <p>(6) The register of Fellows shall be a public document, available for inspection, subject to the provisions of the Data Protection Act.</p> |
| <p>Revocation of Fellowship status</p> <p>Cap 7L</p> | <p>33. (1) The Council may revoke the Fellowship status awarded to a member where the member—</p> <ul style="list-style-type: none"> (a) is found guilty of professional misconduct pursuant to section 23 of the Act; (b) is convicted of an offence whose term of imprisonment exceeds six months; (c) is adjudged bankrupt; (d) ceases to be a member of the Institute; or (e) conducts himself in a manner that brings disrepute to the supplies profession. (f) Has made false or misleading statements to obtain or retain Fellowship; (g) persistent failure to fulfil the obligations of a Fellow as set out in these Regulations <p>(2) The Fair Administrative Actions Act shall guide the procedure for revocation of a member's Fellowship status.</p> <p>(3) A Fellow aggrieved by the decision to revoke Fellowship status may appeal to the Council within thirty days of receipt of the decision, and the Council shall consider and determine the appeal within sixty days.</p> <p>(4) The revocation of Fellowship status shall take effect upon the expiry of the appeal period, or if an appeal is lodged, upon confirmation of the decision by the Council.</p> |
| <p>Honorary Fellows</p> | <p>34. (1) The Council may, by resolution, confer the title of Honorary Fellow upon any person who is not a member of the Institute but who, in the opinion of the Council, has rendered exceptional</p> |

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| | <p>service to the Institute or to the procurement and supplies management profession.</p> <p>(2) The procedure for conferring Honorary Fellowship shall be as follows—</p> <p>(a) any member of the Council may submit to the Council a written nomination of a candidate for Honorary Fellowship, accompanied by a statement outlining the exceptional services rendered by the candidate;</p> <p>(b) the Registration Committee shall consider the nomination and any supporting documentation at a duly convened meeting of the Committee, and may request additional information from the nominator or any other person as it deems necessary;</p> <p>(c) the registration Committee shall forward the name of the nominee to the Council for appointment</p> <p>(d) the Council shall, by a resolution supported by not less than two-thirds of the members present and voting, determine whether to confer the title of Honorary Fellow upon the nominated candidate;</p> <p>(e) where the Council resolves to confer the title, the Council shall notify the candidate in writing of the decision and specify any privileges that may be accorded;</p> <p>(f) the Institute shall maintain a register in which the name and particulars of each Honorary Fellow shall be entered.</p> <p>(3) A person conferred as an Honorary Fellow under this section shall not be deemed to be a member of the Institute and shall not enjoy the rights or bear the obligations of membership, but may be granted such privileges as the Council may determine.</p> |
| <p>PART V—STANDARDS OF SUPPLY CHAIN MANAGEMENT PRACTICE</p> | |
| <p>Standards of supply chain management practice</p> | <p>35. A member of the Institute shall maintain high standards of professional ethics, while engaged in the business of supplies practice.</p> |

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| | <p>(2) For the purposes of sub-regulation (1), a member of the Institute maintains high standards of professional ethics, where the member, in carrying on the business of supplies practice —</p> <ul style="list-style-type: none"> (a) upholds integrity; (b) is fair and objective; (c) is transparent and accountable; (d) takes reasonable steps to avoid any real, apparent potential conflict of interest in performance of their duties; (e) treats information that comes to their knowledge in the performance of their duties, as confidential; (f) reports violations of supply chain management standards and procedures to the relevant authority, in a timely manner; (g) utilises resources at their disposal, prudently; (h) performs their duties in a competent manner; and (i) complies with the relevant laws on supplies practice. <p>(3) Failure to adhere to the prescribed standards shall constitute professional misconduct and may result in disciplinary action in accordance with these Regulations and the Act.</p> |
| Professional competence | <p>36. (1) Every member of the Institute shall maintain and demonstrate the knowledge, skills, and professional competence necessary to perform supply chain management functions effectively, efficiently, and in accordance with the standards prescribed by the Council or Institute.</p> <p>(2) A member of the Institute shall keep their professional knowledge and skill up to date by—</p> <ul style="list-style-type: none"> (a) undertaking such continuing professional development (CPD) activities as may be prescribed by the Council; (b) participating in relevant training, workshops, or educational programs; and (c) staying informed of developments, best practices, and regulatory changes within the field of supply chain management. <p>(3) Failure to meet professional competence or CPD requirements may result in suspension, non-renewal of licence, or other disciplinary action in accordance with these Regulations</p> |
| Integrity | <p>37. (1) A member of the Institute shall uphold high standards of integrity by—</p> |

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| | <p>(a) performing their duties without consideration of personal gain;</p> <p>(b) resisting undue pressure in decision-making;</p> <p>(c) not abusing power or authority; and</p> <p>(d) not deliberately misleading others.</p> <p>(2) Any practitioner found to have acted in breach of this regulation shall be subject to disciplinary action in accordance with these Regulations and the Act.</p> |
| <p>Fairness and objectivity.</p> | <p>38. (1) Every supplies practitioner shall act with honesty, fairness, and integrity in all professional activities and relationships.</p> <p>(2) Practitioners shall—</p> <p>(a) avoid all forms of fraud, corruption, and misrepresentation;</p> <p>(b) declare and appropriately manage any actual or potential conflicts of interest;</p> <p>(c) refuse to offer, solicit, or accept bribes or other improper inducements;</p> <p>(d) ensure that all professional communications, records, and reports are accurate, complete, and not misleading;</p> <p>(e) respect the rights and interests of clients, employers, suppliers, and the public;</p> <p>(f) report any unethical conduct or suspected breaches of these Regulations to the Council or other appropriate authority.</p> <p>(3) Any practitioner who engages in biased, discriminatory, or unfair practices, or fails to disclose a conflict of interest, shall be subject to disciplinary action in accordance with these Regulations and the Act.</p> |
| <p>Transparency and accountability.</p> | <p>39. (1) Every supplies practitioner shall perform all professional duties with fairness, impartiality, and objectivity, and shall avoid any conduct that may give rise to actual or perceived bias.</p> <p>(2) A member of the Institute shall perform his or her duties in a transparent and accountable manner, including by—</p> <p>(a) make procurement and supply chain decisions solely on the basis of merit, value for money, and the best interests of their clients or employers;</p> <p>(b) treat all suppliers, clients, and stakeholders equitably and without discrimination on the basis of, gender, ethnicity, religion, disability, age, or any other protected characteristic;</p> |

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| | <p>(c) disclose any personal, financial, or other interest that could influence or appear to influence their impartiality, and recuse themselves from decision-making where appropriate;</p> <p>(d) ensure that all evaluation, selection, and award processes are transparent, consistent, and based on documented criteria.</p> <p>(3) Any practitioner or firm found to have failed to maintain proper records, obstructed an audit or review, or provided false or misleading information shall be subject to disciplinary action in accordance with these Regulations and the Act.</p> |
| <p>Conflict of Interest.</p> | <p>40. (1) A supplies practitioner or firm shall avoid and shall not knowingly acquire, maintain, or participate in any interest, activity, or relationship that creates, or appears to create, a conflict with the proper discharge of their professional duties, in accordance with the Leadership and Integrity Act, 2012 and the Public Officer Ethics Act, 2003.</p> <p>(2) Where a practitioner or firm has a direct or indirect personal interest in any matter related to supply chain management—</p> <p>(a) the practitioner or firm shall promptly and fully disclose the nature and extent of the interest, in writing, to the Council, employer, or other relevant authority as soon as such conflict arises or becomes apparent;</p> <p>(b) the practitioner or firm shall recuse themselves from any deliberation, decision-making, or action concerning the matter, unless expressly authorized in writing by the Council or employer;</p> <p>(c) the practitioner or firm shall not seek to influence any decision relating to the matter in which they have an interest;</p> <p>(d) the practitioner or firm shall not use their position or any confidential information obtained in the course of their duties for personal gain or for the benefit of a family member or associate.</p> <p>(3) The duty to disclose a conflict of interest is ongoing and applies whenever circumstances giving rise to a conflict arise or materially change.</p> |

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| | <p>(4) The Council or employer shall maintain a register of all disclosed conflicts of interest and the actions taken to address them, in accordance with applicable law.</p> <p>(5) Any supplies practitioner or firm who fails to disclose or properly manage a conflict of interest, or who acts in contravention of this regulation, shall be liable to disciplinary action under these Regulations and may, where applicable, be referred for prosecution under the Leadership and Integrity Act, 2012, the Public Officer Ethics Act, 2003, or any other relevant law.</p> <p>(6) In the interpretation and application of this regulation, reference shall be made to the Leadership and Integrity Act, 2012 and the Public Officer Ethics Act, 2003, as may be amended from time to time.</p> <p>(7) Failure to disclose or properly manage a conflict of interest shall constitute a breach of these Regulations and may result in disciplinary action as well as referral for prosecution under the applicable law.</p> |
| Confidentiality | <p>41. (1) A supplies practitioner or firm shall not, without lawful authority or the express consent of the client, employer, or Council—</p> <ul style="list-style-type: none"> (a) disclose, use, or permit the use of any confidential information for any purpose other than that for which it was obtained; (b) use confidential information for personal gain or to benefit a third party. <p>(2) The duty of confidentiality shall not apply—</p> <ul style="list-style-type: none"> (a) where disclosure is required by law or a court of competent jurisdiction; (b) to information that is already in the public domain through lawful means; (c) where disclosure is necessary to prevent or report the commission of a crime, fraud, or serious breach of these Regulations or the Act; (d) where disclosure is authorized in writing by the client, employer, or Council. <p>(3) In upholding confidentiality and safeguarding of proprietary information, a member of the Institute shall—</p> |

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| | <ul style="list-style-type: none"> (a) ensure confidential and proprietary information is adequately protected; (b) ensure access to confidential information meets employer requirements, contractual obligations, industry standards, government regulations and laws; (c) keep abreast with the current and applicable laws and standards for confidential and proprietary information; (d) develop and communicate a policy regarding protection of confidential and proprietary information; (e) mark and identify confidential and proprietary information appropriately; (f) apply nondisclosure agreements that state the terms for use of confidential and proprietary information; (g) not accept or share confidential or proprietary information unless there is a need to know; (h) require that confidential and proprietary information given to others be protected by them; and use confidential and proprietary information only for its intended purpose. <p>(4) The obligation of confidentiality shall continue to apply even after cessation of membership, employment, or contractual relationship with the Institute, client, or employer.</p> |
| Whistle blowing | <p>42. (1) A member of the Institute shall—</p> <ul style="list-style-type: none"> (a) bring to the attention of relevant authority or appropriate government agency of any person violating the laws, regulations, standards or ethics of supplies practice; and (b) provide appropriate channels for reporting of professional misconduct. |
| | <p>(2) Reports may be made in writing, orally, or through any secure mechanism established by the Council, and may be made confidentially or anonymously to the extent permitted by law.</p> <p>(3) The Council shall establish and publicize procedures for the receipt, investigation, and resolution of whistleblowing reports, ensuring that all reports are handled promptly, fairly, and impartially.</p> <p>(4) No person shall be subject to retaliation, intimidation, discrimination, or other adverse action for making a whistleblowing report in good faith, whether or not the report is ultimately substantiated.</p> |

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| | <p>(5) Any person who retaliates against or threatens a whistleblower shall be subject to disciplinary action under these Regulations and may, where applicable, be liable to prosecution.</p> <p>(6) A whistleblower who knowingly makes a false or malicious report shall be subject to disciplinary action under these Regulations and any applicable law.</p> |
| Resource utilisation and stewardship | <p>43. (1) Every supplies practitioner and firm shall exercise due diligence, efficiency, and responsibility in the utilisation, management, and safeguarding of resources entrusted to them during the conduct of supply chain management activities.</p> <p>(2) A member of the Institute shall—</p> <ul style="list-style-type: none"> (a) use organisational resources in a manner that is lawful and prudent; (b) commit to achieving organizational goals in own area of work. (c) identify circumstances impacting on risk and value, and is able to adopt approaches to meet the organisational objectives. <p>(3) Failure to comply with the requirements of this regulation may result in disciplinary action as provided under these Regulations and the Act.</p> |
| Gifts and hospitality | <p>44. (1) A member of the Institute shall—</p> <ul style="list-style-type: none"> (a) not seek or accept gifts, favours, hospitality or other benefits that may have a real, apparent or potential influence on their objectivity in carrying out their duties; (b) report gifts and hospitality received from a person whose interest may be affected by the practitioner’s work; and (c) surrender any gifts whose value exceeds twenty thousand shillings to the employer. <p>(2) Failure to comply with the requirements of this regulation shall constitute professional misconduct and may result in disciplinary action under these Regulations and the Act.</p> |
| Mandatory Preparation and Submission of Procurement Plans | <p>45. (1) Every supplies practitioner shall, as a minimum professional standard—</p> <ul style="list-style-type: none"> (a) At the beginning of each financial year, the head of Supply Chain, who shall possess professional qualifications awarded by the examination board established under the Act or as may be |

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| | <p>prescribed by the Council, shall prepare a comprehensive procurement plan.</p> <p>(b) The procurement plan referred to in paragraph (a) shall be submitted by the head of procurement to the requisite approving body for approval.</p> <p>The procurement plan shall, at a minimum, contain the following —</p> <ol style="list-style-type: none"> 1. A detailed description of each item, work, or service to be procured, including specifications and estimated quantities; 2. The estimated cost of each procurement, with reference to allocated budget lines; 3. The proposed method of procurement for each requirement, with justification; 4. A schedule indicating the planned dates for each stage of the procurement process, including advertisement, tendering, evaluation, contract award, and delivery timelines; 5. The source of funding for each procurement; 6. The name or title of the responsible officer or department for each procurement; 7. Any approvals required from relevant authorities or oversight bodies at each stage of the procurement process; 8. A risk assessment identifying potential risks in the procurement process and mitigation measures; 9. Performance indicators for each procurement, such as timeliness, cost savings, and compliance with the plan; 10. Provisions for monitoring, compliance, and reporting, including submission of periodic updates to the relevant oversight body or authority. |
| <p>Mandatory Preparation and Submission of end of year Procurement Reports</p> | <p>46. (1) At the end of each financial year, the head of Supply Chain, who shall possess professional qualifications awarded by the examination board established under the Act or as may be prescribed by the Council, shall prepare an end-of-year procurement report.</p> <p>(2) The end-of-year procurement report referred to in paragraph (1) shall be submitted by the head of procurement to the requisite approving body.</p> <p>(3) The report shall include—</p> |

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| | <ul style="list-style-type: none"> (a) A summary of procurement activities undertaken during the year; (b) An analysis of compliance with the approved procurement plan, highlighting any deviations and reasons for such variations; (c) Key findings on procurement performance, compliance, and value for money; (d) Recommendations for improving procurement processes and addressing identified challenges in subsequent years. <p>(4) Failure to comply with these requirements shall constitute a breach of professional standards and may attract disciplinary action.</p> |
| <p>PART VI—PROFESSIONAL STANDARDS COMPLIANCE RESPONSIBILITIES OF THE CHIEF EXECUTIVE OFFICER</p> | |
| <p>Powers of the Chief Executive Officer for Compliance Assessment</p> | <p>47. (1) The Chief Executive Officer shall be responsible for monitoring compliance with the laws and professional standards applicable to members of the Institute.</p> <p>(2) The Chief Executive Officer shall assess a member’s compliance with—</p> <ul style="list-style-type: none"> (a) the standards of professional practice for members of the Institute prescribed under these regulations; (b) the registration and licensing requirements for members of the Institute; and (c) the accreditation requirements for training institutions offering continuous professional development programmes to members of the Institute. <p>(3) In the performance of these duties, the Chief Executive Officer shall have the power to—</p> <ul style="list-style-type: none"> (a) enter any premises where a member of the Institute carries on the business of supplies practice; (b) summon a member of the Institute; (c) appoint investigators to determine infractions; (d) call for any document or record that is necessary for compliance assessment; and (e) retain copies of any document that is relevant to the compliance assessment. |

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| Reporting and Referral of Non-Compliance | <p>48. (1) Where the Chief Executive Officer, upon assessment of a member’s compliance with the applicable laws or professional standards, finds that a member is non-compliant, the Chief Executive Officer shall— (a) prepare a report on the findings within seven days of the determination; and (b) submit the report to the Disciplinary Committee for appropriate sanction, in accordance with section 23 of the Act.</p> |
| <p>PART VII—SCALE OF FEES FOR SUPPLY CHAIN MANAGEMENT SERVICES</p> | |
| Application of Scale of Fees | <p>49. (1) These Regulations and the scale of fees set out in the Second Schedule shall apply to the remuneration of supply chain practitioners and firms licensed under the Act, for all professional supply chain management services rendered in Kenya, whether to public or private clients.</p> <p>(2) The scale of fees shall apply to all non-permanent, consultancy, advisory, or project-based professional supply chain management services, but shall not apply to salaried practitioners in full-time employment.</p> |
| Prohibition against Undercutting | <p>50. (1) No supply chain practitioner or firm shall agree or accept remuneration for professional services at less than that provided in the Second Schedule to these Regulations, except as expressly permitted in writing by the Institute.</p> <p>(2) Any practitioner who contravenes this regulation shall be liable to disciplinary action for professional misconduct.</p> <p>(3) Repeated or egregious breaches of this regulation may result in permanent removal from the register of practitioners or firms.</p> <p>(4) The Council may, from time to time, issue guidelines or clarifications as to the application of the Scale of Fees to specific types of services or circumstances.</p> <p>(5) Any agreement or arrangement for the provision of supply chain management services that is inconsistent with the prescribed Scale of Fees shall be void to the extent of such inconsistency.</p> |
| Additional Remuneration for Exceptional | <p>51. (1) Where any assignment requires and receives exceptional dispatch, or involves business of exceptional importance or</p> |

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| <p>Dispatch or Complexity</p> | <p>unusual complexity, the practitioner shall be entitled to such additional remuneration as is appropriate, subject to approval by the Institute.</p> <p>(2) Any claim for additional remuneration under this regulation shall—</p> <ul style="list-style-type: none"> (a) be made in writing and supported by evidence justifying the request for higher fees; (b) specify the nature of the exceptional dispatch or complexity; and (c) be submitted to the client for consideration and agreement prior to commencement or continuation of the affected services, unless the circumstances could not reasonably have been foreseen. <p>(3) In assessing such special or additional fee, regard may be had to—</p> <ul style="list-style-type: none"> (a) the urgency or circumstances of the assignment; (b) the value, complexity, and responsibility entailed; (c) the level of risk and expertise required; and (d) any other relevant factor as determined by the Institute. <p>(4) The Council may issue guidelines or require pre-approval for additional remuneration claims in cases it deems necessary to ensure fairness and compliance with the Scale of Fees.</p> <p>(5) Any dispute regarding additional remuneration may be referred to the Council for resolution.</p> |
| <p>Out-of-Pocket Expenses and Disbursements</p> | <p>52. (1) The remuneration prescribed by the scale of fees does not include out-of-pocket expenses or disbursements, including travel, accommodation, printing, and other reasonable costs incurred in the performance of professional services, which shall be charged separately to the client.</p> <p>(2) A supplies practitioner or firm shall be entitled to recover from the client all reasonable out-of-pocket expenses and disbursements necessarily incurred in the course of providing supply chain management services, provided that—</p> <ul style="list-style-type: none"> (a) such expenses are directly related to the engagement and are supported by original receipts or other appropriate documentation; (b) the nature and estimated amount of any anticipated out-of-pocket expenses are disclosed to and approved in writing by the client prior to incurring such expenses, except in cases of genuine emergency or unforeseen necessity. |

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| | <p>(3) A detailed statement of all out-of-pocket expenses and disbursements shall be provided to the client together with the final invoice, including copies of supporting documents.</p> <p>(4) The Council may issue guidelines on allowable expenses and the process for approval and reimbursement.</p> <p>(5) Any practitioner or firm who recovers unapproved, excessive, or inadequately documented expenses may be subject to disciplinary action under these Regulations and the Act.</p> |
| <p>Written Terms of Engagement</p> | <p>53. (1) Every practitioner shall, prior to commencement of work and not later than 14 days of receipt of instructions, issue written terms of engagement to the client, specifying the scope of work, applicable fees as per the Second Schedule, and any additional or out-of-pocket expenses.</p> <p>(2) The written terms of engagement shall include, at a minimum—</p> <ul style="list-style-type: none"> (a) the names and contact details of the parties; (b) a description of the scope, nature, and duration of the services to be provided; (c) the applicable scale of fees, including any additional remuneration, and arrangements for the payment of out-of-pocket expenses or disbursements; (d) the terms and schedule of payment; (e) the obligations and responsibilities of each party; (f) provisions for amendment, suspension, or termination of the agreement; (g) dispute resolution procedures; (h) confidentiality and data protection undertakings; (i) any other matter as may be prescribed by the Council. <p>(3) Copies of the signed terms of engagement shall be provided to the client and retained by the practitioner or firm for a period of not less than seven years.</p> <p>(2) Any subsequent changes to scope or fees shall be reflected in a supplementary engagement letter.</p> <p>i. The Council may issue guidelines or a model form for written terms of engagement to promote best practice and standardization.</p> <p>i. Failure to comply with this regulation may result in disciplinary action under these Regulations and the Act.</p> |
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| Dispute Resolution on Fees | 54. (1) Any dispute regarding the scale, amount, or reasonableness of professional fees may be referred to the Council for arbitration or mediation. The decision of the Council may be appealed as provided under these Regulations |
| Review and Publication of Scale of Fees | 55. (1) The Institute shall review and, where necessary, update the scale of fees in the Second Schedule periodically, and publish any amendments by notice in the Gazette and on the Institute's website. (2) Practitioners and clients shall be bound by the latest version of the published scale. |
| Exceptions and Approval of Variations | 56. (1) The Institute may, upon written application, approve exceptions or variations to the scale of fees in special circumstances, provided such approval is granted in writing before engagement |
| PART VIII— PROFESSIONAL INDEMNITY | |
| Responsibility to Maintain Professional Indemnity Insurance | 57. (1) Every supply chain practitioner, whether practising individually or as a firm, shall at all times, take out and maintain professional indemnity insurance (PII) with an insurer licensed under the Insurance Act (Cap. 487). (2) The professional indemnity insurance shall— (a) be issued by an insurer duly licensed to operate in Kenya or in any other jurisdiction as may be approved by the Council; (b) provide coverage for claims arising from acts, omissions, errors, or negligence in the course of providing supply chain management services; (c) meet or exceed the minimum cover limits specified by the Council, and (d) remain valid and effective throughout the duration of the practitioner's or firm's licence. (3) Compliance with this regulation requires that— (a) the policy is current and not subject to any exclusion or limitation that would defeat its intended purpose; (b) the practitioner or firm promptly pays all premiums and satisfies all policy conditions; (c) evidence of valid insurance cover is provided to the Council upon application for a practising licence, at each renewal, and at any other time upon request by the Council. |

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| | <p>(4) Failure to maintain the required professional indemnity insurance shall render the practitioner or firm ineligible to practise and may result in suspension or revocation of registration or licence under these Regulations.</p> |
| <p>Practising Licence Conditional upon Compliance</p> | <p>58. (1) No practising licence shall be issued or renewed unless the practitioner or firm provides evidence of compliance with regulation 1.</p> <p>(2) Every applicant for a practising licence shall submit a certificate of insurance from their insurer, setting out the principal terms of the PII cover.</p> <p>(3) If professional indemnity insurance lapses, is cancelled, or otherwise ceases to be effective during the period of a practising licence—</p> <ul style="list-style-type: none"> (a) the practitioner or firm shall immediately notify the Council in writing; and (b) the right to practise is immediately suspended until valid cover is restored and evidence is provided to the Council. <p>(4) Any period of practice without valid professional indemnity insurance shall constitute a breach of these Regulations and may result in disciplinary action.</p> |
| <p>Minimum Cover Limits</p> | <p>59. (1) Each practitioner must have a minimum PII cover for any one claim of the greater of—</p> <ul style="list-style-type: none"> (a) Kenya Shillings One Million (Ksh. 1,000,000) or such other figure as may be determined by the Council from time to time; or (b) 2.5 times their gross fee income. <p>(2) Where a firm or partnership is covered by a single PII policy, the minimum cover required shall be the aggregate of each member's gross fee income, or the number of practitioners multiplied by Ksh. 1,000,000, whichever is higher.</p> <p>(3) In the case of a PII covering multiple practitioners in partnership, the required minimum cover under the policy is Ksh. 10,000,000 (or such other figure as may be determined by the Council).</p> <p>(4) The Council shall review the minimum cover limits at least once every three years and may adjust them as necessary by notice published in the Gazette and on the official website of the Institute or Council.</p> |

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| <p>Monitoring and Compliance</p> | <p>60. (1) Practitioners and firms must obtain PII prior to being issued a practising licence and maintain it for the entire licence period. (2) If unable to comply with regulation 1 or 3, the practitioner or firm must promptly cease practice, unless a compliant policy is obtained before expiry of the previous policy period, and must not accept new instructions during any cessation period. (3) Failure to cooperate with monitoring or to provide satisfactory evidence of insurance shall constitute a breach of these Regulations and may result in disciplinary action.</p> |
| <p>Adequate and Appropriate Insurance</p> | <p>61. (1) A supplies practitioner must maintain PII that provides adequate and appropriate cover for their current and past practice. (2) Practitioners must ensure clients have the benefit of indemnity insurance as required and must not exclude or attempt to exclude liability below the minimum cover required. (3) If a practitioner or firm becomes aware that their insurer has become insolvent, is placed into liquidation, or otherwise ceases to provide effective cover, the practitioner or firm shall immediately notify the Council in writing. (4) The practitioner or firm shall obtain replacement cover from another approved insurer without undue delay and provide evidence of the new policy to the Council.</p> |
| <p>Responsibility of Principals</p> | <p>62. Every principal of a professional practice must ensure compliance with these Regulations and, where a compliant policy cannot be obtained, must ensure the practice ceases all activities except as necessary to discharge existing obligations.</p> |
| <p>Insolvency of Insurer</p> | <p>63. (1) If a practitioner’s insurer becomes insolvent, the practitioner and any principal must obtain replacement insurance from another licensed insurer as soon as practicable, and in any event within four weeks of the insolvency event. (2) The practitioner or firm shall obtain replacement cover from another approved insurer without undue delay and provide evidence of the new policy to the Council. (3) Failure to maintain continuous cover due to insurer insolvency shall result in immediate suspension of the right to practise until adequate cover is restored.</p> |
| <p>Agreement with Clients</p> | <p>64. Nothing in these Regulations precludes a practitioner and a client from agreeing on any additional insurance cover as may be appropriate</p> |

| PART VI— DISCIPLINARY PROVISIONS | |
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| Lodging of complaints | <p>65. A complaint against a supplies practitioner, for professional misconduct may be lodged by—</p> <ul style="list-style-type: none"> (a) the Public Procurement Administrative Review Board; (b) the Director- General of the Public Procurement Authority (c) a procuring entity; (d) a member of the Institute; or (e) any other person or entity. |
| Referral by Public Procurement Administrative Review Board | <p>66. (1) Where the Public Procurement Administrative Review Board finds a supplies practitioner liable for professional misconduct pursuant to a determination made under section 28(1)(a) of the Public Procurement and Asset Disposal Act, the Board shall refer its findings to the Institute for appropriate sanction.</p> <p>(2) A referral under sub regulation (1) shall be in writing accompanied by certified copy of the proceedings and decision of the Review Board; and</p> <p>(3) The Disciplinary Committee shall, within seven days of receipt of the referral under sub regulation (1), transmit the referral to the supplies practitioner and invite the member to make representations on the referral.</p> <p>(4) Where the Disciplinary Committee finds the member liable for professional misconduct, the Disciplinary Committee shall impose such sanctions as the Disciplinary Committee may determine, in line with section 23(1) of the Act.</p> <p>(5) Despite this regulation, where a determination of the Review Board is subject to Judicial Review pursuant to section 175 of the Public Procurement and Asset Disposal Act no referral shall be commenced or continued before all legal remedies are exhausted.</p> |
| Referral by the Director- General of the Public Procurement Authority | <p>67. (1) Where the findings of an investigation conducted pursuant to section 35(1) of the Public Procurement and Asset Disposal Act, establish that a supplies practitioner is liable for professional misconduct, the Director-General shall submit a report of the</p> |

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| | <p>findings to the Institute for initiation of disciplinary proceedings, in line with section 38(1)(c) of the Public Procurement and Asset Disposal Act.</p> <p>(2) The report under sub regulation (1) shall be accompanied by—</p> <ul style="list-style-type: none"> (a) a copy of the investigation report; (b) a statement on the recommended sanction against the supplies practitioner; and (c) evidentiary material relied upon by the investigator. |
| Lodging of complaint by procuring entity, or any other person. | <p>68. (1) A member of the Institute, procuring entity, member of the public, or any other person, may lodge a complaint against a supplies practitioner to the Secretary, in the manner set out in Form DC1 under the First Schedule.</p> <p>(2) A complaint under this regulation shall be accompanied by—</p> <ul style="list-style-type: none"> (a) a statement on the particulars of alleged professional misconduct to be investigated by the Committee; (b) evidentiary material to be relied on; (c) such fees as may be set out in the Second Schedule. <p>(3) Where the complaint is made orally, or otherwise, or the complainant cannot read or write, the complaint shall be recorded in writing by a designated officer of the Council.</p> <p>(4) A person who records a complaint in writing under paragraph () shall—</p> <ul style="list-style-type: none"> (a) read over and explain the contents of the complaint to the complainant; (b) note on the form that the complainant has understood the contents; (c) state his name and designation; and (d) cause the complainant or the duly authorized agent to sign or affix a thumbprint at the bottom of each page of the document, where practicable |
| Register of complaints | <p>69. (1) The Registrar shall maintain a register of complaints in which all the statements of complaints shall be entered.</p> <p>(2) A statement of complaint shall be numbered and recorded sequentially in the register of complaints in the order in which it was received</p> |
| Filing of Complaint | <p>70. (1) Upon receipt of a statement of complaint, the Secretary shall-</p> |

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| | <p>(a) acknowledge receipt of the complaint by stamping and endorsing on the statement of complaint or recorded complaint, the date on which it is received;</p> <p>(b) enter the particulars of the complaint in the register of complaints;</p> <p>(c) inform the complainant in writing of the complaint number as entered in the register; and advise the complainant of any steps required to be taken by the complainant to enable the Committee determine the application</p> |
| <p>Service of the Complaint</p> | <p>71. (1) Upon filing a complaint with the Secretary, the complainant shall serve a copy of the complaint, on the respondent within thirty days from the date of filing the complaint.</p> <p>(2) Any document required to be served under these Regulations shall, where practicable, be served personally on the person by delivering the document to the person or, if the person cannot be so served, shall be served by sending the document to the person's proper address by registered post or by other verifiable form of delivery.</p> <p>(3) The Secretary may, at the request of any party and on payment of such costs as the Committee may determine, serve a copy of the notice of the complaint and of any reply, together with any supporting documents, amendments or supplementary statements, written representations or other documents received from any party on all parties to the proceedings and if any person or body is subsequently enjoined as a party, upon that person or body.</p> |
| <p>Complaint against a member of the Committee</p> | <p>72. Where a complaint is lodged against a member of the Committee, the member shall stand suspended from the committee and shall automatically reinstated once the inquiry is completed in his favour.</p> |
| <p>Screening of Complaints</p> | <p>73. (1) Upon registering a complaint under these Regulations, the Secretary shall transmit a copy of the complaint to each member of the Committee and to the person whose conduct is the subject of investigation.</p> <p>(2) The Committee shall, within fourteen days upon receipt of a complaint under paragraph conduct a preliminary enquiry into the matter and shall —</p> |

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| | <p>(a) where in the opinion of the Committee the complaint does not disclose any prima facie case of professional misconduct, dismiss such complaint without requiring the member to whom the complaint relates to answer any allegations made against him or her and inform the complainant of its decision thereof; or</p> <p>(b) where the complaint discloses a prima facie case professional misconduct, investigate the complaint.</p> <p>(3) The Committee shall inform the complainant of its decision under paragraph 3(b) within fourteen days of its decision</p> <p>4) Where the Committee decides to investigate a complaint under paragraph 51(2)(b), the Secretary shall notify the member against whom the complaint has been made of its decision and require him or her to respond to the complaint by the date notified date therein.</p> |
| <p>Preliminary inquiry</p> | <p>74. (1) The Committee shall, within seven days of receipt of a complaint, undertake a preliminary review of the complaint to determine whether the complaint discloses a prima facie case of professional misconduct.</p> <p>(2) Where the Committee finds that—</p> <p>(a) the complaint raises no issues of professional misconduct on the face of the record; the Committee shall dismiss the complaint without requiring the member to whom the complaint relates to answer any allegations made against them and inform the complainant of its decision thereof; or</p> <p>(b) the complaint raises an issue of professional misconduct; the Committee shall direct the Secretary to serve the respondent with the complaint, and investigate the complaint.</p> <p>(3) The Committee shall inform the complainant of its decision on the preliminary enquiry within fourteen days of its decision.</p> <p>(4) Where the committee decides to investigate a complaint, the Secretary shall notify the Respondent of its decision and require them to respond to the complaint by the date indicated on the notification.</p> <p>(5) This provision shall not apply to complaints received from the Director- General of the Public Procurement Authority, Public Procurement Administrative Review Board or the Professional Standards and Compliance Committee.</p> |

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| Dismissal of Complaint | <p>75. (1) An order of the Committee dismissing a complaint under these Regulations shall be notified to the complainant and the respondent but shall not be a bar to a further complaint under the same grounds upon the discovery of new evidence which was not within the knowledge of the complainant.</p> <p>(2) Notwithstanding regulation 52, the Committee shall reject a complaint where it considers that—</p> <p>(a) the matter is the subject of a complaint pending under investigation;</p> <p>(b) the complaint is vexatious, frivolous, oppressive or otherwise an abuse of the procedures for dealing with complaints;</p> <p>(c) the complaint is repetitive</p> <p>(2) For the purposes of paragraph (2), a complaint is repetitive if it is substantially the same as a previous complaint, whether made by or on behalf of the same or a different complainant, or if it concerns the same subject as a previous complaint;</p> <p>(3) Nothing in this regulation shall prevent the Committee from investigating a complaint if it considers that it is in the public interest to do so.</p> |
| Withdrawal of a complaint | <p>76. A complainant may, at any time before the determination of a complaint, withdraw the complaint in writing.</p> |
| Lapse of a complaint | <p>77. Where a complainant fails or neglects to respond to communication from the Committee within twelve months from the date of such communication, the Committee may deem the complaint date of such communication, the Committee may deem the complaint to have lapsed.</p> |

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| <p>Closing complaint</p> | <p>a</p> <p>78. The committee may dispense with the complaint where-</p> <ul style="list-style-type: none"> (a) the complaint has been referred to other relevant agencies for further action or the subject matter or any part thereof falls within the jurisdiction of another legally established body (b) The complainant has withdrawn the matter in writing and the committee is satisfied that there is no overriding public interest grounds to continue with the proceedings (c) Where the Complainant does not respond to written requests to provide more particulars of the complaint within twelve(12) months in line with Regulation xx (d) Where the complaint is vague, non- specific, or where the complainant neglects or refuses to supply sufficient particulars for the Committee to consider the matter properly. (e) Upon the death of the respondent and the proceedings cannot be sustained against them (f) After due review, the committee determines that the matter does not merit further consideration within the meaning of Regulation (10) (2) |
| <p>Review</p> | <p>79. (1) A person aggrieved by a decision of the Committee, may in writing, apply to the Committee, for a review of its decision, within fourteen days of the decision.</p> <p>(2) An application for review shall lie before the Committee where—</p> <ul style="list-style-type: none"> (a) no appeal is preferred; (b) there is an apparent error on the face of the record; or (c) the applicant discovers a new information, which after due diligence, was not within the applicant’s knowledge at the time of making the application. <p>(3) An application for review shall state—</p> <ul style="list-style-type: none"> (a) the details of the complaint; (b) the date on which the complaint was made; and (c) the ground on which the application is based. <p>(4) The Committee shall consider and determine an application under this regulation within twenty days of the application.</p> |
| <p>REPLY TO A COMPLAINT</p> | |
| | <p>80. (1) A respondent shall within fourteen days of receipt of the order under these Regulations file with the Secretary his Statement of Response in Form DC2 set out in the schedule.</p> |

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| | <p>(2) The respondent shall file together with their statement response under paragraph (1) documents in support of his or her statement as he or she considers necessary.</p> <p>(3) The Secretary shall, upon receipt of the Statement of Response and supporting documents enter the fact in the register kept for the said purpose</p> |
| Request for further information | <p>81. In their reply or in a separate notice to the Committee, the respondent may request—</p> <p>(a) further particulars of the complaint or action by complainant; or</p> <p>(b) a determination of any question as a preliminary issue</p> |
| Preliminary consideration of reply by Committee. | <p>82. (1) The Secretary shall, within seven days of receipt of the Statement of Response furnish the Committee with the Statement of Response and any supporting documents.</p> <p>(2) The Committee shall, upon receipt of the statement under paragraph (1) and—</p> <p>(a) where it is satisfied with the response by the respondent, consider the matter as settled and inform the parties to the complaint of its decision within seven days; or</p> <p>(b) where it is of the opinion that the respondent has not adequately addressed the issues raised by the complainant, set a hearing date in accordance with Regulation 16</p> |
| Investigation | <p>83. The Committee shall undertake an investigation into a complaint submitted pursuant to this regulation, within twenty-one days of receipt of the complaint.</p> |
| HEARING OF COMPLAINTS | |
| Time and Place of Hearing | <p>84. (1) The Secretary shall, —</p> <p>(a) within thirty days of receipt of the Statement of Response; or</p> <p>(b) where the respondent fails to file a reply to a complaint within the time specified under regulation 13, and in consultation with the Committee, set a date for the hearing of the complaint and notify the parties to the proceedings in Form DC 3 set out in the schedule</p> |

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| | <p>(2) A hearing notice shall be issued by the Committee and served on all other parties to the proceedings not less than twenty-one days before the date set for the hearing.</p> <p>(3) The hearing notice shall contain—</p> <ul style="list-style-type: none"> (a) the date and time of the hearing; (b) a statement of the purpose of the hearing; (c) information as to attendance at the hearing of the parties and witnesses, the production of documents, and the right of representation; and (d) a statement explaining the possible consequences of non attendance. <p>(4) The Committee may alter the place and time of any hearing and the Committee shall give the parties not less than seven days’ notice of the alteration.</p> <p>(5) A person who, while appearing before Committee—</p> <ul style="list-style-type: none"> (a) refuses or fails to be sworn or affirmed; (b) refuses or fails to answer a question that he or she is required to answer by the person chairing the Committee; or (c) refuses or fails to produce a document that is required to be produced, commits an offence and is liable on conviction to a fine not exceeding five hundred thousand or a term of imprisonment not exceeding six months or to both. <p>(7) The Committee may, from time to time, on its own motion or the application of a party to the proceedings, adjourn the hearing and if the date, place and time of the next hearing is announced in the presence of all the parties at the time of the allowing adjourning the hearing, no hearing notice shall be required to be issued to any party</p> |
| <p>Powers of the Committee</p> | <p>85. (1) In conducting a hearing, the Committee shall have the power to—</p> <ul style="list-style-type: none"> (a) administer oaths or affirmations (b) summon any person to appear before the Committee; (c) call for any document or record that is necessary for purposes of the hearing; (d) retain copies of any document that is relevant to hearing; and (e) Regulate its own procedure. |

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| | <p>(2) An oath may be administered by the person chairing meeting of the Committee or by the Secretary.</p> <p>Notices and summons of the Committee shall be issued under the hand of the Secretary and shall be deemed to have been issued by the Committee</p> |
| Non-response by the Respondent | <p>86. Where the respondent fails to respond to a complaint as specified under regulation 13—</p> <p>(a) the hearing may proceed in their absence; and</p> <p>(b) he or she commits professional misconduct.</p> |
| Form of Proceedings | <p>87. In the determination of complaints under these Regulations, the Committee shall have due regard to the principles of natural justice and shall not be bound by any legal or technical rules of evidence applicable to proceedings before a court of law.</p> |
| Language of Proceedings | <p>88. (1) Proceedings before the Committee shall be conducted in English or Kiswahili</p> <p>(2) The Committee shall, taking into account all the circumstances, grant the assistance of a competent interpreter free of charge to a party or witness who does not understand or speak the language used at the hearing or who is deaf.</p> <p>(3) The Rulings of the Committee shall be in English language but may be translated, on request by a party, into the Kiswahili language.</p> |
| Information | <p>89. (1) The Committee may receive or obtain information from such persons as it may deem proper, including, information from such persons as the Committee considers to possess knowledge or experience in matters relating to any complaint before it.</p> <p>(2) Where a complaint is not disposed of after the preliminary investigation, the Committee shall review the complaint with a view to initiating further investigations</p> |
| Confidentiality | <p>90. The Committee shall not disclose or publish information received by it in confidence without the prior consent of the informant</p> |
| Directions and pre-hearing orders | <p>91. (1) The Committee may on its own motion or on the application by a party to the proceedings give directions, including directions for the furnishing of further particulars or supplementary statements, as are necessary to enable the parties prepare for the hearing or assist the Committee determine the issues related to the hearing before it.</p> <p>(2) The Committee may consider the need to protect any matter that relates to the intimate personal or financial circumstance of</p> |

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| | <p>any party, is commercially sensitive, consists of information communicated or obtained in confidence or concerns national security and may order that all or part of the evidence of a person be heard in private or prohibit or restrict the publication of that evidence.</p> <p>(3) Subject to the provisions of paragraph (2), all proceedings before the Committee shall be held in public.</p> <p>(4) The Committee shall not compel a person to give any evidence or produce any document or other material that the person could not be compelled to give or produce in a trial for an action in a court of law</p> <p>(5) An application by a party for directions shall be made in writing to the Committee and shall, unless accompanied by the written consent of all parties, be served by the party seeking directions on all other parties to the proceedings</p> <p>(6) If any party objects to the directions sought, the Committee shall consider the objection and if it considers it necessary, give the parties an opportunity to appear and be heard by it on the objection raised.</p> |
| <p>Non-appearance by Respondent</p> | <p>92. (1) Where a member of the Institute whose conduct is the subject of investigation, fails without reasonable excuse, to appear either personally or by his representative at the time and place in the notice of hearing served on him or her—</p> <p>(a) the inquiry may proceed in his or her absence; and</p> <p>(b) he or she commits professional misconduct.</p> <p>(2) If a person appearing at the inquiry, without reasonable excuse—</p> <p>(a) refuses or fails to be sworn or affirmed;</p> <p>(b) refuses or fails to answer a question that he or she is required to answer by the person chairing the Committee; or</p> <p>(c) refuses or fails to produce a document that he was required to produce by a summons served on him or her,</p> <p>he or she commits an offence.</p> |
| <p>Failure to comply with directions</p> | <p>93. (1) Where a party fails to comply with directions given under these Regulations, the Committee may, in addition to other powers available to it, before or at the hearing of the complaint dismiss the whole or part of the complaint, or, as the case may be, strike out the whole or part of a respondent's reply and where appropriate, direct that a party be excluded from participating in the hearing.</p> |

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| | <p>(2) The Committee shall not dismiss, strike out or give any directions under paragraph (1) of this regulation unless it has served a notice on the party who has failed to comply with the direction, giving him opportunity to show cause why the Committee should not give directions under paragraph (1) of this regulation</p> |
| Varying or setting aside of directions | <p>94. (1) A person on whom directions, including any summons, are served and who had no opportunity of objecting to the making of directions may apply to the Committee to vary or set aside the directions.</p> <p>(2) The Committee shall not vary or set aside any directions under paragraph (1) of this regulation without first notifying the person who applied for the directions and considering any representations made by that person</p> |
| Summons and Orders | <p>95. (1) A person who is summoned to give evidence before Committee shall be given at least seven days' notice of the hearing.</p> <p>(2) A witness summons issued under this section shall be in Form DC4 set out in the Schedule.</p> |
| Exclusion of persons for disrupting proceedings | <p>96. Without prejudice to any other powers it may have, the Committee may exclude from the hearing or part of it, any person whose conduct has disrupted or is likely, in the opinion of the Committee, to disrupt the hearing</p> |
| Failure of Parties to attend hearing | <p>97. (1) Where a party fails to attend or be represented at a hearing of which he has been duly notified, the Committee may—</p> <ol style="list-style-type: none"> a. unless it is satisfied that there is sufficient reason for the absence of the party, hear and determine the application in the absence of that party; or b. adjourn the hearing, and may make such orders as to costs as it considers fit <p>(2) Before determining an application under paragraph (a)(i) of this regulation, the Committee shall consider any representations made in writing submitted by that party in response to the notice of application and for the purpose of this regulation, the application and any reply shall be treated as representations in writing.</p> <p>(3) A party aggrieved by the decision of the Committee under paragraph (a)(i) may file an application within thirty days from the date of the decision for review of the order, and the Committee may within reasonable time review the order on such terms as it considers</p> |

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| | | fit, if the Committee is satisfied that there was sufficient cause for non-attendance. |
| Procedure hearing | at | <p>98. (1) The chairperson shall, at the commencement of the hearing, explain the order of proceedings which the Committee proposes to adopt.</p> <p>(2) The Committee shall conduct the hearing such manner as it considers suitable for the determination of the application or the clarification of issues before it and generally in the interest of justice, avoid legal technicality and formality in its proceedings.</p> <p>(3) The parties shall be heard in such order as the Committee shall determine, and shall be entitled to give evidence, call witnesses, and address the Committee on both evidence and generally on the subject matter of the application.</p> <p>(4) Evidence before the Committee may be given orally or, if the Committee so orders, by affidavit or written statement, provided that the Committee may at any stage of the proceedings require the personal attendance of any deponent or author of a written statement.</p> <p>(5) The Committee may receive evidence of any fact which appears to it to be relevant to the application.</p> <p>(6) The Committee may, during the hearing and if it satisfied that it is just and reasonable to do so, permit a party to rely on grounds not stated in his notice of application or, as the case may be, his reply and to adduce any evidence not presented to the Commissioner before or at the time the Commissioner took the disputed decision.</p> <p>(7) The Committee may require any witness to give evidence on oath or affirmation and for that purpose it may administer an oath or affirmation in the prescribed form.</p> |
| Quorum | | 99. The quorum at meetings of the Committee shall be five members. |
| Power determine | to | 100. The Committee may, by consent in writing of all the parties to a hearing determine the application or any issue arising therefrom without an oral hearing. |
| Consolidation of proceedings | of | 101. The Committee may, upon giving the parties concerned an opportunity to be heard, order the consolidation of any proceedings before it where complaints have been filed in |

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| | respect of the same matter or in respect of several interests in the same subject in dispute. |
| Amendment of statements | 102. The Committee may allow any amendments to the statements of complaint or response at any stage of the proceedings, provided that such amendment shall be for the interest of justice and is aimed at aiding the determination of the proceedings upon fair notice to the other party. |
| Dispensing with requirements under these Regulations | 103. The Committee may dispense with any requirements of this Part with respect to notices, affidavits, documents, service or time, in any case where it appears to the Committee to be just or expedient to do so. |
| Extension of time | 104. The Committee may extend the time for doing anything under this Part on such terms as the Committee thinks fit. |
| Demonstration and display facilities | 105. The Committee may, at the request of any party and upon payment of the prescribed fees, provide visual demonstration facilities for the display of any maps, charts, diagrams, illustrations or texts and documents, which that party intends to exhibit during the hearing. |
| Opportunity to be heard or cross-examine | 106. The Committee shall grant to any party a reasonable opportunity to— (a) be heard, submit evidence and make representations; and (b) cross-examine witnesses to the extent necessary to ensure fair hearing. |
| Adjournment of proceedings | 107. (1) The Committee may of its own motion, or upon the application of any party, adjourn the inquiry upon such terms as it thinks fit. (2) Notice of an adjournment of the inquiry shall be given to the persons involved in the proceedings in writing by the Committee. |
| Judicial Notice | 108. (1) The Committee may of its own motion, or upon the application of any party, adjourn the inquiry upon such terms as it thinks fit. (2) Notice of an adjournment of the inquiry shall be given to the persons involved in the proceedings in writing by the Committee. |
| Representation | 109. (1) Any party to the proceedings, may represent himself or be represented by an advocate of his choice. (2) A party who is represented by an advocate may, at any stage of the proceedings change his advocate upon giving notice to the Committee and his former advocate. (3) The party shall serve the notice of change of advocate on all other parties to the proceedings. |

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| <p>Decisions of the Committee</p> | <p>110. (1) After the hearing the complaint, the Committee may determine or order—</p> <ul style="list-style-type: none">(a) that the complaint be dismissed;(b) that the member of the Institute be reprimanded;(c) that the member of the Institute be suspended from practice for a specified period not exceeding two years;(d) that the name of the member of the Institute be struck off the register of members;(e) that the member of the Institute pay to the aggrieved person compensation of such amount as the Committee may determine, but limited to the extent of loss incurred taking into account all other prudent mitigating measures at the claimant's disposal; or(f) make such order as the Committee considers fit. <p>(2) The decision of the Committee may be taken by a majority of the members present and the decision shall record whether it was unanimous or taken by a majority of the members present.</p> <p>(3) For the purposes of making the decision on the inquiry every member of the Committee has one vote, and, in the event of an equality of votes, the chairperson shall have a casting vote.</p> <p>(4) The decision of the Committee shall be in writing and may be read out at the end of the hearing or be reserved and shall be signed and dated by the chairperson and every member who heard the matter</p> <p>(5) A dissenting opinion may be pronounced separately by the member who wrote it and shall be dated and signed by that member.</p> <p>(6) Every document containing a decision referred to in this regulation shall, as soon as may be reasonable, be entered in the register and the Committee shall send a copy of the entry to each party.</p> <p>(7) Every copy of an entry sent to the parties under paragraph (6) of this regulation shall be accompanied by a notification indicating the rights of the parties and of the time within which and place at which those rights may be exercised.</p> |
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| | <p>(8) Where the decision of the Committee refers to any evidence which has been heard in private a summary of the decision, omitting such material as the Committee may direct, shall be entered in the register, but copies of the complete decision document shall be sent to the parties together with a copy of the entry.</p> <p>(9) Except where a decision is announced at the end of the hearing, it shall be treated as having been made on the date on which a copy of the document recording it is sent to the applicant.</p> <p>(10) Every order or determination of the Committee shall be made under the hand of chairperson or in his or her absence, by the person chairing the meeting at which the order or determination is made.</p> <p>(11) Every order or determination of the Committee bearing the signature of the person chairing the meeting shall be prima facie evidence that the order or determination is that of the Committee.</p> |
| <p>Determination of a complaint</p> | <p>111. (1) Where, on investigation, the Committee finds that the respondent is guilty of professional misconduct, the Committee may order the—</p> <ul style="list-style-type: none"> (a) removal from the register; (b) suspension of registration; (c) revocation of the practising license of the respondent or (d) imposition of fine on the respondent. <p>(2) Where, on investigation, the Committee finds that the respondent is not guilty of professional misconduct, the Committee shall dismiss the complaint.</p> <p>(3) An order of the Committee dismissing a complaint under this paragraph shall be notified to the complainant and the respondent but shall not be a bar to a further complaint under the same grounds upon the discovery of new evidence which was not within the knowledge of the complainant.</p> |
| <p>Reasons for decisions</p> | <p>112. The Committee shall give reasons for reaching its decisions, and each decision shall include—</p> <ul style="list-style-type: none"> (a) a statement of the findings of fact made from the evidence adduced, including, where applicable, any relevant government policy; and (b) a statement of the laws and rules of law applied, and the interpretation thereof. |

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| Application of the Cap 21 and Cap 80, Laws of Kenya | 113. The provisions of the Civil Procedure Act and the Law of Evidence Act, and attendant regulations, shall, with necessary modification, apply to the conduct of hearings and determination of complaints under these regulations. |
| Reports | 114. The Committee shall submit an annual report of its decisions and activities to the Council. |
| Cost of Proceedings | 115. The Committee may recover the cost of an inquiry from any or all the parties to the proceedings. |
| Reports of the Committee | 116. The Committee shall submit an annual report of its decisions and activities to the Council. |
| Additional powers of the Committee | 117. (1) The Committee may- (a) where the parties to an application agree in writing upon the terms on which an application or issue should be decided, confirm the agreement reached by the parties and decide accordingly; (b) at any stage of proceedings before it, by order strike out or amend any notice, reply, supplementary statement or written representation on the grounds that it is scandalous, frivolous or vexatious; or (c) at any stage of the proceedings before it, by order strike out any application for want of prosecution. (2) Before making any order under paragraph (1) of this regulation, the Committee shall send a notice to the party against whom the order is to be made, giving that party an opportunity to show cause why the order should not be made. |
| Correction of irregularities | 118. (1) Any irregularity resulting from failure to comply with any provisions of these Regulations or any direction of the Committee before the Committee has reached its decision shall render any proceedings void. (2) Where any irregularity comes to the attention of the Committee, the Committee may, if it considers that any person may have been prejudiced by the irregularity, give such directions as it considers just before reaching its decision to cure or waive the irregularity. (3) Clerical mistakes in any document recording a direction or decision of the chairperson or the Committee, or errors arising as a result of an omission, may be corrected by the chairperson by certificate under his hand or by the Committee. |
| Recording of proceedings | 119. (1) The chairperson shall record or cause to be recorded all proceedings before the Committee or may order that the record |

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| | <p>of any proceedings before the Committee shall be taken by short hand notes or tape recorder or, at the discretion of the Committee, be electronically recorded.</p> <p>(2) A verbatim record of every hearing shall be made by the Committee, and copies of the transcript thereof shall be circulated to all members of the Committee and, on request, to any party to the hearing.</p> |
| PART VII— MEETINGS OF THE INSTITUTE | |
| Summoning of meetings | <p>120. (1) The Council may convene an annual general meeting or special general meeting of the Institute, in line with these regulations.</p> <p>(2) The Chief Executive Officer shall be the secretary to a general meeting of the Institute.</p> <p>(3) A meeting convened pursuant these regulations shall be attended by a member of the Institute registered pursuant to section 16 of the Act.</p> |
| Annual General Meeting | <p>121. The Council shall convene an annual general meeting of the Institute in the month of April of every year.</p> |
| Agenda of an annual general meeting | <p>122. The agenda of an annual general meeting shall be—</p> <ul style="list-style-type: none"> (a) submission of a report of the activities of the Institute for the preceding year, by the Chairperson; (b) submission of the audited accounts of the Institute, in line with section 28(3) of the Act; (c) appointment of an auditor for the next financial year, pursuant to section 28(4) of the Act; and (d) such motions as may be proposed by the Council or a member of the Institute. |
| Notice of meeting | <p>123. (1) The Chief Executive Officer shall, at least sixty days before the date of the annual general meeting, publish a notice inviting members of the Institute to the meeting.</p> <p>(2) The notice under sub regulation (1) shall be in the manner set out in Form 8 in the First Schedule and shall—</p> |

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| | <p>(a) specify the date, time, form and venue of the meeting;</p> <p>(b) propose the agenda of the meeting, as may be determined by the Council; and</p> <p>(c) invite members of the Institute to propose motions to be included in the agenda.</p> |
| Notice of motion | <p>63. A member of the Institute may propose a motion to be included as an agenda of an annual general meeting, by submitting a Notice of Motion to the Chief Executive Officer, in the manner set out in Form 13 in the First Schedule.</p> <p>(2) The Notice of Motion under sub regulation (1) shall be submitted to the Chief Executive Officer at least forty-five days before the date of the annual general meeting and shall be—</p> <p>(a) signed by a mover and a seconder of the motion;</p> <p>(b) supported by the relevant documentary evidence, in support of the motion.</p> |
| Amendment of motions | <p>64. (1) A mover may amend a motion submitted under these regulations in writing, to the Chief Executive Officer.</p> <p>(2) An amendment to a motion under this regulation shall be submitted at least thirty days before the date of the meeting.</p> |
| Withdrawal of motions | <p>65. (1) A member who intends to withdraw a motion before the date of the annual general meeting, shall notify the Chief Executive Officer of the member's intention to withdraw the motion, in writing.</p> <p>(2) Despite sub regulation (1), where the member intends to withdraw the motion during the meeting, the member shall withdraw the motion, orally.</p> |
| Notification of the proposed motions | <p>66. The Chief Executive Officer shall submit to members of the Institute, the motions proposed for tabling at the meeting, including the relevant documents in support of the motions, at least fifteen days to the annual general meeting.</p> |
| Quorum for commencement of the meeting. | <p>67. (1) The quorum for a general meeting shall be two hundred members of the Institute.</p> |

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| | <p>(2) If within one hour from the time appointed for the meeting, quorum is not present, the Chairperson shall adjourn the meeting and issue a notice of adjournment to .</p> |
| | <p>(3) Where the Chairperson adjourns a meeting pursuant to sub regulation (2), the Chief Executive Officer shall issue a notice of adjournment and a subsequent meeting shall be convened within thirty days.</p> |
| | <p>(4) If at the subsequent meeting a quorum of members is not present within one from the time appointed for the meeting, the members of the Institute present at the meeting shall constitute a quorum.</p> |
| | |
| Quorum during proceedings | <p>68. (1) If at any time after the commencement of a general meeting, a member of the Institute objects that there is not a quorum present, the chairperson shall direct the Chief Executive Officer to count the members present at the meeting.</p> <p>(2) Where on the count under sub regulation (1) a quorum does not appear to be present, the chairperson shall adjourn the meeting for not more than thirty minutes, awaiting compliance with the quorum requirements.</p> <p>(3) Where quorum is not present at the expiration of the thirty minutes, the chairperson shall adjourn the meeting and convene a subsequent meeting.</p> |
| | |
| Special General Meeting | <p>69. (1) The Council may convene a Special General Meeting where</p> <p>(a) a member of the Institute, issues a notice to the Council, through the Chief Executive Officer, requesting for the Special General Meeting, supported by at least two hundred of the members of the Institute; or</p> <p>(b) the Council, by resolution, determines to hold such a meeting.</p> |
| | |
| Notice of a Special General Meeting | <p>70. A notice requisitioning a Special General Meeting by members of the Institute pursuant to shall be—</p> <p>(a) in the manner set out in Form 9 in the First Schedule;</p> <p>(b) signed by at least two hundred members of the Institute;</p> <p>(c) specify the purpose of the proposed meeting; and</p> <p>(d) submitted to the Chief Executive Officer.</p> |

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| <p>Convening of a Special General Meeting</p> | <p>71. (1) Where a Special General Meeting is requisitioned by a member of the Institute, the Council shall cause to be issued a notice inviting members of the Institute to the meeting, within thirty days of the request.</p> <p>(2) Where the Council passes a resolution to convene a special general meeting, the Council shall, cause to be issued, a notice inviting members of the Institute to the meeting, not later than fourteen days after the resolution.</p> <p>(3) The notice inviting members of the Institute to a Special General Meeting shall be in the manner set out in Form 10 in the First Schedule, and shall specify the—</p> <p>(a) date, time, venue and form of the meeting; and</p> <p>(b) agenda of the meeting.</p> |
| <p>Presiding</p> | <p>72. The Chairperson of the Council shall preside at a meeting of the Institute convened pursuant to these regulations, and in the absence or recusal of the Chairperson, the Council shall nominate one among its members to preside at the meeting.</p> |
| <p>Declaration of conflict of interest</p> | <p>73. (1) A member of the Council who has a material interest in a matter subject to discussion at an annual general meeting or special general meeting shall as soon as reasonably practicable after the commencement thereof, disclose his or her interest in the matter and shall not take part in the deliberations over, or vote on, the matter.</p> <p>(2) A disclosure of interest made under this regulation shall be recorded in the minutes of the meeting at which it is made.</p> |
| <p>Voting at a general meeting</p> | <p>74. (1) A member present at a general meeting of the Institute shall have one vote.</p> <p>(2) The Chairperson at a general meeting shall have a deliberative as well as a casting vote.</p> |
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| Resolutions of the Institute | 75. (1) A resolution of the Institute at an annual general meeting shall be supported by a simple majority of the members present in the meeting. |
| | (2) A resolution of the Institute at a Special General Meeting shall be supported by at least two-thirds of the members present at the Special General Meeting. |
| | |

Made on the 2026.

Cabinet Secretary for the National Treasury and Economic Plannin

SCHEDULES
FIRST SCHEDULE

FORMS

FORM 1— APPLICATION FOR REGISTRATION

FORM 2— CERTIFICATE OF REGISTRATION

FORM 3— OATH

FORM 3— APPLICATION FOR A LICENCE BY A MEMBER

FORM 4 — APPLICATION FOR A LICENCE ON BEHALF OF A FIRM, BODY CORPORATE OR PARTNERSHIP

FORM 5 — LICENCE (INDIVIDUAL)

FORM 6— LICENCE (FIRM)

FORM 7— NOMINATION OF FELLOWS

FORM DC 1— LODGING OF COMPLAINT BY PROCURING ENTITY, OR ANY OTHER PERSON.

FORM 8— NOTICE OF GENERAL MEETING

FORM 9— NOTICE OF MOTION

FORM 10— NOTICE FOR SPECIAL GENERAL MEETING

DC FORMS

| | |
|--|-----------------|
| KENYA INSTITUTE OF SUPPLIES MANAGEMENT | |
| Form DC 1 | (r.3(1)) |
| <p>This form is provided for use when submitting a complaint against a Supplies Practitioner. In order to initiate a complaint, the complainant must complete this form or prepare a similar detailed description of the factual allegations supporting the charges. (Please print/type the following information)</p> | |
| <i>(Please print/type the following information)</i> | |
| Complainant's details: | |
| Name: | ..... |
| Address | :..... |
| Telephone number | ..... |
| Email address: | ..... |
| Supplies Practitioner's details | |
| Name: | ..... |
| Address or place of work | ..... |
| | |
| INFORMATION TO BE SUPPLIED BY THE COMPLAINANT | |
| <p>1. Statement of Complaint: Provide a statement of the facts, which the complainant believes, supports a formal investigation by the Kenya Institute of Supplies Management Disciplinary Committee. The complaint must include a clear explanation of the alleged unethical or unprofessional conduct of the named Supplies Practitioner. The statement must explain the facts in sufficient detail to permit the respondent Supplies Practitioner to answer the allegations.</p> <p>.....</p> <p>.....</p> <p>.....</p> | |
| <p>2. List of Witnesses and Documents to be Submitted and Considered:</p> <p>.....</p> <p>.....</p> <p>.....</p> | |
| <p>3. The complainant should supply any documentary evidence that can support or demonstrate the complaint against the supplies practitioner. If possible, details of witnesses should also be supplied together with the complaint or may be submitted in person to the Committee.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> | |
| DECLARATION | |

| | |
|--|-------|
| I (complainant) certify that the facts submitted with this form are true and accurate to the best of my knowledge. I also understand that the accused Supplies Practitioner will receive a copy of this document as well as other information that may be submitted with regard to this complaint. | |
| Signature of Complainant: | |
| Date: | ..... |
| The above information should be sent by the complainant to: | |
| Chairperson | |
| Disciplinary Committee | |
| Kenya Institute of Supplies Management Nairobi | |

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| KENYA INSTITUTE OF SUPPLIES MANAGEMENT | |
| Form DC 2 | (r.3(1)) |
| STATEMENT OF RESPONSE FORM | |
| This form is provided for use by a Registered Supplies Practitioner when responding to a complaint against him/her. | |
| <i>(Please print/type the following information)</i> | |
| Respondent's particulars | |
| Name: | ..... |
| Address | :..... |
| Telephone number | ..... |
| Email address: | ..... |
| INFORMATION TO BE SUPPLIED BY THE RESPONDENT | |
| 1. Statement of Response. Provide the Respondent's statement in response to the complaint..... | |
| 2. List of witnesses and documents to be submitted and considered:..... | |
| DECLARATION | |

| | |
|---|-------|
| I (respondent) certify that the facts submitted with this form are true and accurate to the best of my knowledge. | |
| Signature of respondent: | |
| | |
| Date: | ..... |
| The respondent must complete this form and send to: | |
| Chairperson | |
| Disciplinary Committee | |
| Kenya Institute of Supplies Management Nairobi | |

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| KENYA INSTITUTE OF SUPPLIES MANAGEMENT | |
| Form DC 3 | (r.3(1)) |
| NOTICE OF HEARING | |
| Registered Supplies Practitioners Name: | |
| KINDLY TAKE NOTICE THAT a hearing will be held in respect of the allegation/s as detailed below: | |
| ALLEGATION/S (specify here or in a separate document annexed to this document): | |
| | |
| | |
| | |
| | |
| The details of the enquiry are as follows:..... | |
| | |
| | |
| | |
| DATE | ..... |
| TIME | :..... |
| VENUE: | ..... |
| By signing this notice you confirm that you have been advised of the following: | |
| <ol style="list-style-type: none"> 1. You are entitled to be assisted at the disciplinary hearing by a fellow practitioner or advocate 2. You are entitled to have an interpreter, if requested prior to the enquiry, timeously after receipt of this notice. 3. You are entitled personally, or through your representative, to question the complainant and witnesses during the enquiry. | |

| | |
|--|-------|
| 4. You are entitled to call witnesses, furnish evidence and argue on the question of whether the allegation/ s occurred. | |
| 5. You have been advised that should you refuse/fail to attend the hearing, the hearing will be held in your absence. | |
| Chairperson of the Kenya Institute of Supplies Management Disciplinary Committee | |
| Signature | ..... |
| Date: | ..... |

| | |
|--|-----------------|
| KENYA INSTITUTE OF SUPPLIES MANAGEMENT | |
| Form DC 4 | (r.3(1)) |
| WITNESS SUMMONS | |
| In the matter of a complaint against (Supplies Practitioner). | |
| Whereas your attendance is required to give evidence on behalf of | |
| (complainant/respondent) to the above complaint, you are required by the Disciplinary Committee of the Kenya Institute of Supplies Management to appear before it at AM/PM on the day of, 20 | |
| Consequences of not responding | |
| Dated this day of, 20 | |
| Chairperson - KISM Disciplinary Committee | |

FORM 8

(R. 123(1))

NOTICE OF MEETING AND AGENDA

To: All Members of the Institute

NOTICE is hereby given that a meeting of the Institute shall be held as follows:

- **Date:** _____
- **Time:** _____
- **Form of Meeting (Physical/Virtual/Hybrid):** _____
- **Venue/Platform:** _____

AGENDA

The meeting shall consider the following business as determined by the Council:

1. Opening and confirmation of quorum
2. Adoption of the agenda
3. Confirmation of minutes of the previous meeting
4. Matters arising from the previous meeting
5. [Insert specific agenda item]
6. [Insert specific agenda item]
7. Any other business (with prior notice)
8. Adjournment

By Order of the Council

FORM 9

(R. 70(1))

CALL FOR MOTIONS

Members of the Institute are invited to submit motions for inclusion in the agenda of the Special General Meeting.

All motions shall be submitted in writing to the Chief Executive Officer on or before **[Insert Deadline Date]**.

Submissions may be made through the following channels:

- **Email:** _____
- **Physical Address:** _____

All submissions should clearly state the proposed motion and include the name, membership number, and signature of the proposing member(s).

Supporting documents to be attached to the motion

FORM 10

(R. 70)

REQUISITION NOTICE FOR A SPECIAL GENERAL MEETING

To:

The Chief Executive Officer
Kenya Institute of Supplies Management

We, the undersigned members of the Kenya Institute of Supplies Management, hereby requisition for the convening of a **Special General Meeting** of the Institute pursuant to the relevant provisions of the Regulations.

1. PURPOSE OF THE SPECIAL GENERAL MEETING

The purpose of the proposed Special General Meeting is as follows:

(Provide detailed reasons and specific matters to be considered at the meeting)

2. PROPOSED AGENDA

The proposed agenda for the Special General Meeting shall be:

1. _____
2. _____
3. _____
4. Any other business related to the purpose of the meeting

3. PARTICULARS OF REQUISITIONING MEMBERS

We confirm that this requisition is supported by not less than two hundred (200) members of the Institute.

No. Name of Member Membership Number Signature

- 1.
- 2.
- ...
- 200.

(Attach additional sheets where necessary)

4. DECLARATION

We hereby certify that the information provided herein is true and that we are duly registered members of the Institute.

Submitted to:

Chief Executive Officer
Kenya Institute of Supplies Management

Date: _____

Lead Contact Person (for correspondence):

- Name: _____
- Membership No.: _____
- Email: _____
- Phone: _____

SECOND SCHEDULE

FEES

| | CATEGORY | PROPOSED FEES (Kshs) |
|---|---|--|
| 1 | Membership Fess | Full Member application: 4,500 |
| | | Associate member application: 4,500 |
| | | Full member renewal: 4,000 |
| | | Associate Member renewal: 4,000 |
| | | Upgrades: 4,000 |
| 2 | Individual Practicing License Fees | License Application Fee: 6,000 |
| | | Annual License Renewal Fee: 6,000 |
| 3 | Firm License Fees | Firm License Application Fee: 20,000 |
| | | Annual Firm License Renewal Fee: 20,000 |
| 3 | Corporate License Fees | Corporate License Application Fee: 25,000 |
| | | Annual Corporate License Renewal Fee: 25,000 |

SUPPLY CHAIN MANAGEMENT SCALE OF FEES

INTRODUCTION AND CONTEXT

WHEREAS the Supplies Practitioner’s Management Act 2007 establishes the Kenya Institute of Supplies Management and bestows on it the responsibility to regulate supply chain practitioners.

COGNIZANT of the mandate of the Institute to sets standards of practice for supply chain practitioners in Kenya, the Institute has determined to publish the scale of fees for supply chain practitioners in Kenya.

RECOGNIZING that the purpose of this framework is to help supply chain management professionals implement and administer equitable and transparent charging practices so as to justify the fees and levies.

NOTING that the scale is intended to apply to the non-permanent engagement of licensed self-employed, professional supply chain management practitioners.

WHEREAS the scale represents fixed costs. Variable and out-of-pocket costs, including distance travel and accommodation, copies of images, photocopying, access to records, report production, couriers, etc. should be negotiated for individual projects. Such costs are charged to the client as expenses or outlays.

WHEREAS the Scale of Fees is not intended for use by salaried supply chain management practitioners. A Professional supply chain management practitioner wishing to negotiate a salary with a public agency or private consultancy firm should check the existing salary levels of supply chain management practitioners employed in public agencies

NOTING that there have been developments in the professionalization of supply chain management practitioners including (a) diversification of supply chain management professional services, (b) KISM's policy to advance the use of supply chain practitioners as consultants (c) the global trend on the use of cost as a factor in the selection and engagement of consultants in both the private and public sector, and (d) the need for quality expertise and service for supply chain practitioners

NOW THEREFORE, the Council of the Kenya Institute of Management makes the following Rules:

THE PURPOSE

The purpose of the rules is to guide the process of engagement of supply chain management practitioners and their fees thereof for projects related to supply chain management. The rights and obligations of the client and the consultant are governed by the specific contracts and Requests for Proposals (RFP) issued by the client. That notwithstanding, these Rules make provisions for ethical considerations for the practitioner and legislate on the general expectations.

GUIDING PRINCIPLES

- 1. Equity**
- 2. Efficiency**
- 3. Justification**
- 4. Transparency**
- 5. Relevance**

PERSUASIVE PRINCIPLES

Benchmark with the international standards, these Rules take notice of and refer to the economic operating environment and recognize the compounded inflation rate of originating from an average of the Inflation rate for the last five years as follows:

Table 1: Annual Inflation Rate

| ANNUAL INFLATION RATE | |
|------------------------------|-------------------|
| YEAR | RATE (eop) |
| 2019 | 7.2 |
| 2020 | 5.6 |
| 2021 | 5.7 |
| 2022 | 9.1 |
| 2023 | 6.6 |
| 2024 | 6.6 |

MODE OF CHARGING FEES

Categorization of practitioners who can charge fees under the Rules has been determined as follows:

1. Fellows of the Institute who **MUST** be in good standing
2. Members of the Institute who **MUST** be in good standing

For the avoidance of doubt, Associates and Students are ineligible to charge fees under these Rules

A. MAN DAYS

A man-day is a unit of measurement that denotes the volume of labor that a procurement professional completes in a single day. It is a pricing model in which a procurement consultant charges the client a fixed fee for each day they work on the procurement project. The cost is ultimately calculated based on the number of "man-days" (people-days) necessary to complete the work.

Consideration in determining man days-based consultancy fees-

a) Level of Procurement Expert

Fellows will have a higher man-day fees compared to members with over ten (10) years' experience, compared to junior members

b) Project Factors

The specific procurement project requirements such as complexity and urgency will influence the man-day rate

c) Scope of Services

The full/half procurement process will influence the fees to be charged

d) Length of assignment

Shorter consultancies may attract a higher rate **Man-Days shall be calculated as the standard number of man hours in a day (estimated to be 8) divided by 8.**

| Expertise | COST PER MAN DAYS OF 8 HOURS) |
|--------------------------------|--------------------------------------|
| Fellow/Member of Over 15 Years | 45000 |
| Member below 15 Years | 40,000 |

B. HOURLY RATE

Hourly rates are appropriate when it is difficult to define the scope and length of services, either because the services are related to activities by others for which the completion period may vary or because the input of the practitioners required to attain the objectives of the work is difficult to assess. This form of billing also includes reimbursable items using actual expenses and/or agreed unit prices.

The hourly rate includes salary, social costs, overhead fee(profit) and where applicable facilitative allowances. The ceiling amount should include a contingency allowance for unforeseen work and duration, provisions for price adjustment where appropriately.

Hourly rates are determined for the following categories:

- **Category A** Shall mean a practitioner whose expertise and relevant experience is nationally or internationally recognized and who provides advice at a level of specialization where such advice is recognized as that of an expert.
- **Category B** Shall mean a partner, a sole proprietor, a director, or a member who, jointly or severally with other partners, co-directors or co-members, bears the risks of the business, takes full responsibility for the liabilities of such practice, whose level of expertise and relevant experience is commensurate with the position, performs work of a conceptual nature in supply chain management, provides strategic guidance in planning and executing a project and/or carries responsibility for quality management pertaining to a project.
- **Category C** Shall mean all salaried professional staff with adequate expertise and relevant experience performing work of a supply management nature and who carry the direct technical responsibility for one or more specific activities related to a project.
- A person referred to in **Categories A or B** may also fall in this category if such person performs work of a supply chain management nature at this level.
- **Category D** Shall mean all other salaried technical staff with adequate expertise and relevant experience performing work of supply chain management nature with direction and control provided by any person contemplated in categories A, B or C.

Hourly Rates

| Items | Hourly rate |
|------------|-------------|
| Category A | 5,000 |
| Category B | 4,000 |
| Category C | 3000 |
| Category D | 2,000 |

C. BASED ON MEMBERSHIP LEVELS OF EXPERTISE

To Facilitate the determination of fees based on levels of expertise, the Institute makes the following provisions and definitions.

1. Classification of the Practitioner based on expertise

| No. | Consultant Grade | Professional Cadre | Number of Years of Experience |
|------------|-------------------------|---------------------------|--------------------------------------|
| 1 | Principal Consultant | Fellow/Member | Over 20 Years |
| 2 | Senior Consultant | Member | 12-15 Years |
| 3 | Consultant | Member | 10-12 Years |
| 4 | Technical Staff | Member | 5-9 Years |

2. Classification of work based on Monetary Value

| | Project Value | Project Size | Minimum Consultant Grade of Project Manager |
|---|----------------------|---------------------|--|
| 1 | Less than 50 Million | Small | Member |
| 2 | 50-200 Million | Medium | Member |
| 3 | 200 – 500 Million | Large | Fellow/Member with over 15 years |
| 4 | Above 500 Million | Very Large | Fellow/Member with over 15 years |

D. PERCENTAGE BASED COSTING

These contracts directly relate the fees paid to the practitioner to the estimated or actual cost of work, or the cost of goods procured or inspected. The contracts are negotiated on the basis of market norms for the services.

The Supplies Practitioner's Management Act 2007

IN FURTHERANCE of the provisions of Section 36 of the Supplies Practitioner's Management Act 2007, the Council of the Kenya Institute of Supplies Management, with the approval of the Cabinet Secretary for the Ministry of Finance & National Treasury, makes the following Rules-

The Supplies Practitioner's (Scale of Fees for Professional Supply Chain Management Practitioners Services) Rules 2024.

PART 1- PRELIMINARY

1. These Rules may be cited as the Supplies Practitioners (Scale of Fees for Professional Supply Chain Management Practitioners Services) Rules 2024 Citation
2. In these Rules unless the context otherwise requires- Interpretation
 - “Act” Means the Supplies Practitioner's Management Act 2007
 - “Client” means the person, firm or organization named in the Memorandum of agreement, who has engaged the services of the consulting Practitioner
 - “Data sheet” means an integral part of the Instructions to Consultants (ITC) that is used to reflect specific assignment conditions to supplement, but not to over-write, the provisions of the ITC
 - “Day” means a calendar day unless otherwise specified as “Business Day”
A Business Day is any day that is an official working day in Kenya and excludes official public holidays
 - “Expert” means collectively, Key Experts, Non-Key Experts, or any other personnel of the Consultant, Sub-Consultant or Joint Venture Member(s)
 - “Facilitative allowances”
 - “Government” means the Government of the Republic of Kenya

“ITC” means the instructions to consultants that provides the consultant with all the information needed to prepare their proposals.

“In writing” means communicated in written form such as by mail, e-mail, including, if specified in the Data Sheet, distributed or received through the electronic-procurement system used by the Procuring Entity with proof of receipt.

“Joint Venture (JV) means an association with or without a legal personality distinct from that of its members, of more than one Consultant where one member has the authority to conduct all business for and on behalf of any and all members of the JV, and where the members of the JV are jointly and severally liable to the procuring entity for the performance of the work

“Key Expert(s)” means an individual professional whose skills, qualifications, knowledge and experience are critical to the performance of the Service under the Contract and whose curriculum vitae is considered in the technical evaluation of the Consultant’s proposal

“Letter of RFP” means the letter of invitation being sent by the Procuring Entity to the Consultants

“practitioner” means a person licensed to practice as a fellow or member of the Institute as determined under Section 3A (2) (a) and (b) and holds a license as anticipated under Section 20 of the Act

Professional services shall include; training, investigations, compliance checks, inventory, warehousing & logistics, advisory services and connected purposes in supply chain management.

“Man Days” shall be calculated as the standard number of man hours in a day (estimated to be 8) divided by 8.

“Sub-contractor” means a person or firm appointed by or on behalf of the Consulting Practitioner to execute part of the work the subject matter of the Memorandum of agreement

“work” means any service rendered or performed by a supply chain professional for a client which the professional is empowered to perform by reason of being a supply chain practitioner and includes

such other service as a client may require the professional to perform

PART 2- CHARGEABLE FEES & POWERS OF THE COUNCIL

3. (1) These Rules are applicable for services of an Intellectual and advisory nature and do not apply to other types of services in which physical aspects of the activity predominate except for attendance of meeting. Applicability of Rules

(2) The procedures and rates outlined in these guidelines apply to all services provided by practitioners in supply chain management.

4. (1) The Practitioner shall at all times hold the client's interest paramount, without consideration for future work and strictly avoid conflicts with other assignments or their own interests Conflict of Interest

(2) The practitioner shall not take work that would be in conflict with **their prior or current obligations** to other clients, or that may place them in a position of not being able to carry out the assignment in the best interest of the client

Without limitation on the generality of the foregoing, and unless otherwise provided, a practitioner shall not be hired under the following circumstances;

(3) Conflicting Activities

Conflict between consulting activities and procurement of goods, works or non-consulting services: *(a firm that has been engaged by the procuring entity to provide goods, works, or non-consulting services for a project, or any of its affiliates, shall be disqualified from providing consulting services. Conversely, a firm hired to provide consulting service for the preparation or implementation of a project, or any of its affiliates, shall be disqualified from subsequently providing goods or works or non-consulting services resulting from or directly related to the consulting services for such preparation or implementation).*

(4) Conflicting Assignments

Conflict among consulting assignment: *(a consultant or any of its affiliates shall not be hired for any assignments, that, by its nature, may conflict with other assignment of the consultant for the same or for another Procuring Entity)*

(5) Conflicting Relationships

Relationships with the procuring entity's staff: a consultant that has a close business or personal relationship with senior management or professional staff of the procuring entity who has the ability to influence the bidding process and,

- (i) Are directly or indirectly involved in the preparation of the Terms of Reference for the assignment
- (ii) The selection process of the Contract
- (iii) The supervision of the contract.

May not be awarded a contract, unless the conflict stemming from such relationship has been resolved in a manner that determines there is no conflict to affect this process.

5. (1) Provision for payment of fees for Practitioners is made under these Rules under-
- (a) Rate or Percentage Based Charges
 - (b) Time or Duration Based Charges
- (2) In determining the Scale of fees to be applied, the Council shall have regard to-
- (a) public interest
 - (b) reasonable remuneration for practitioners
 - (c) nature, size and complexity of the work
- (3) The scale of charges for work not provided in these Rules shall be such as may be fair having regard to the circumstances of each case and in particular to:
- (a) the complexity of the matter or the difficulty or novelty of the questions raised;
 - (b) the skill, labour, experience, specialized knowledge and responsibility involved on the part of the practitioner;
 - (c) the number and importance of the documents prepared or perused, without regard to length;
 - (d) the time expended by the practitioner on the work or service;
 - (e) the place and the circumstances in which the business or service, or a part thereof is transacted or carried out;
 - (f) the turnaround time required by a client for completion of the work;
 - (g) the amount of money involved; and
 - (h) the importance attached to the work by the client.
- Types of Professional Fees

6. (1) the Percentage based fee shall be calculated as a Percentage Fee
percentage of the cost of the work for which the Practitioner Scales
is engaged where
- (a) the Consultant is working as a project manager in addition to providing consulting services for the whole work; and
 - (b) the Consultant is a participating consultant, responsible for one or more service components, but without responsibility for managing the overall project
- (2) the fee shall be calculated using sliding scales, which results in a reducing percentage as the cost of the work increases
- (3) the Council shall determine the accumulating sliding scale
7. In either of the scenarios section 4 in this part, the scale of charges shall be as follows-

| Project Cost (in Kenya Shillings) | Cumulative Project Cost | Fees payable as a percentage of project cost |
|--|--------------------------------|---|
| Up to 10 Million | Up to 10 Million | 6.0% |
| Next 20 Million or part thereof | Up to 30 Million | 5.50% |
| Next 20 Million or part thereof | Up to 50 Million | 5.25% |
| Next 50 Million or part thereof | Up to 100 Million | 5.00% |
| Next 100 Million | Up to 200 Million | 4.50% |
| Next 100 Million or part thereof | Up to 300 Million | 4.00% |
| Next 200 Million or part thereof | Up to 500 Million | 3.75% |
| Balance over 500 Million | Over 500 Million | 3.50% |

8. The fees chargeable by man hours shall be as follows-

| Items | Hourly rate in Kshs. |
|--------------|-----------------------------|
| Category A | 5,000 |
| Category B | 4,000 |
| Category C | 3000 |
| Category D | 2,000 |

Per hour fee scale

9. The fees chargeable by Man-days shall be as follows-

| EXPERTISE | COST PER MAN DAYS OF 8 HOURS) |
|-------------------------|--------------------------------------|
| Fellow | 45000 |
| Member of Over 15 Years | 45,000 |
| Member below 15 Years | 40,000 |

Per Man Days
Fee scale

Practitioner to issue terms of engagement in writing

- 10.(1) a practitioner shall before commencement of work, and not later than 14 days of receipt of instructions, issue written terms of engagement to the client, setting out the scope of work, fees, provided that where certain fees are not ascertainable at the time of issuing the engagement letter or terms of engagement this must be expressly stated
- (2) Where a practitioner-
- (a) Performs any work outside the stated scope of work; or
 - (b) Where the fees for the work becomes greater than what is mentioned in the engagement letter or terms of engagement or
 - (c) Where the fees for the business become ascertainable,
- The practitioner may issue another engagement letter or terms of engagement to cover the new facts
- (3) a practitioner who fails to issue written engagement letter or terms of engagement to a client is liable for professional misconduct and shall be liable to such punishment as may be determined by the Council

11.The Council shall have powers to arbitrate any disputes on fees as shall arise between a practitioner and an institution or between a practitioner and a client or a third party and the Council shall conduct arbitration in such a a manner as it shall consider suitable for determination of the dispute

Powers of the Council

12.Where a practitioner fails to comply with these Rules, that practitioner commits an act of professional misconduct

Effect of failure to comply
Responsibilities

13.Practitioners shall be governed by the Supplies Practitioner’s Management Act and the subsidiary legislation made thereunder

14.A Practitioner shall exercise all reasonable skill, care and diligence in the discharge of their duties to safeguard the interests of the client

Price adjustment

- 15.(1) to adjust the remuneration for foreign or local inflation, a price adjustment provision shall be included in the contract If its duration is expected to exceed 18 months
- (2) where the contracts are for a shorter duration, such contracts shall include a provision for price adjustment when local or foreign inflation is expected to be high and unpredictable

Payment provisions 16. Payment provisions, including amounts to be paid, schedule of payments and payment procedures shall be agreed upon during negotiations

PART 3- STANDARD PROFESSIONAL SUPPLY CHAIN MANAGEMENT & PROCUREMENT SERVICES

STANDARD PROFESSIONAL SUPPLY CHAIN MANAGEMENT SERVICES

17. The remuneration of a supply chain management and procurement professional in respect of supply chain and procurement general business shall be regulated as follows

Procurement Process

PLANNING AND REQUISITION

Planning and Requisition

18. *Needs Assessment*
in respect of identification of stakeholders and gathering requirements, conducting feasibility studies and cost-benefit analysis and prioritizing the needs based on urgency and importance, the remuneration is to be that prescribed in **Schedule 1:**

19. *Specification Development*
In respect of drafting detailed specifications and scope of work, consulting with technical experts and end-users and reviewing and finalizing specifications, the remuneration is to be that prescribed in Schedule 1

20. *Budget Approval*
In respect of preparing budget estimates and justifications, submitting budget requests to the finance department and obtaining necessary approvals from management, the remuneration is to be that prescribed in Schedule 1

21. *Requisition Creation*
In respect of filling out purchase requisition forms, attaching supporting documents and submitting requisition for approval, the remuneration is to be that prescribed in Schedule 1.

SOLICITATION

Solicitation

22. Market Research

In respect of identifying potential suppliers and gathering information, analysing market trends and pricing and developing a list of qualified suppliers, the remuneration is to be that prescribed in Schedule 1.

23. Solicitation Document Preparation

In respect of drafting solicitation documents (Request for Quotation (RFQ), Request for Proposal (RFP), or Invitation to Bid (ITB) amongst others), include specifications, requirements, terms of reference, Bills of Quantities, terms and conditions of contract, evaluation criteria, and submission instructions and reviewing and finalizing documents, the remuneration is to be that prescribed in Schedule 1

24. Advertisement

In respect of publishing solicitations in newspapers, websites, and procurement portals, notifying potential suppliers directly and ensuring wide dissemination to attract competitive bids, the remuneration is to be that prescribed in Schedule 1

25. Pre-Bid/Proposal Conference/site visits

In respect of scheduling and announcing the conference or site visit, preparing presentation materials and agenda and addressing questions, providing clarifications and issuing addendums, the remuneration is to be that prescribed in Schedule 1

Evaluation and Award

Evaluation and Award

26. Bid/Proposal Receipt

In respect of setting up a secure bid submission process, logging and acknowledging receipt of bids/proposals and ensuring confidentiality and integrity of submissions, the remuneration is to be that prescribed in Schedule 1

27. Evaluation

In respect of forming an evaluation committee, reviewing the bids/proposals against criteria and scoring and ranking submissions, the remuneration is to be that prescribed in Schedule 1

28. Negotiation

In respect of identifying areas for negotiation (e.g., price, delivery terms etc.), conducting negotiation meetings with the shortlisted supplier/suppliers and reaching and documenting mutually agreeable terms, the remuneration is to be that prescribed in Schedule 1

29. *Award Decision*

In respect of preparing the award recommendation report, obtaining the necessary approvals for award and notifying the successful and unsuccessful bidders, the remuneration is to be that prescribed in Schedule 1.

30. *Contract Preparation*

In respect of drafting the contract based on agreed terms, reviewing and finalizing the contract with legal and procurement teams and arranging for signing of the contract and distributing copies to relevant parties, the remuneration is to be that prescribed in Schedule 1

Contract
Management
Stage

CONTRACT ADMINISTRATION

Contract
Administration

31. *Kick-off Meeting*

In respect of scheduling and conducting a kick-off meeting, reviewing the contract terms, deliverables, and timelines and establishing communication protocols, the remuneration is to be that prescribed in Schedule 1

32. *Performance Monitoring*

In respect of setting up performance metrics and monitoring tools, conducting regular performance reviews and site visits, documenting and addressing performance issues, the remuneration is to be that prescribed in Schedule 1

33. *Amendments and Modifications*

In respect of identifying the need for contract changes, drafting amendment documents and obtaining necessary approvals, the remuneration is to be that prescribed in Schedule 1

34. *Payment Processing*

In respect of verifying invoices against contract terms and deliverables, processing payments through the finance department and maintaining payment records, the remuneration is to be that prescribed in Schedule 1.

CONTRACT CLOSEOUT

Contract
Closeout

35. *Final Inspection*

In respect of conducting a final inspection of goods or services, verifying completion of all deliverables and documentation of inspection results, the remuneration is to be that prescribed in Schedule 1

36. *Documentation*

In respect of ensuring all contract documentation is complete and accurate, archiving contract documents and preparing a closeout report, the remuneration is to be that prescribed in Schedule 1

37. *Final Payment*

In respect of verify final invoice and supporting documents, processing the final payment and obtaining release of claims from the supplier, the remuneration is to be that prescribed in Schedule 1.

38. *Contract Review*

In respect of conducting a post-contract review meeting, documenting lessons learned and best practices and updating procurement policies and procedures, the remuneration is to be that prescribed in Schedule 1.

Asset and
Inventory
Management

ACQUISITION

Acquisition

39. *Receiving*

In respect of inspecting goods upon delivery, verifying quantities and specifications against purchase orders and documenting any discrepancies or damages, the remuneration is to be that prescribed in Schedule 1

40. *Recording*

In respect of entering asset details into the inventory management system, assigning unique identification numbers and updating inventory records, the remuneration is to be that prescribed in Schedule 1

41. *Tagging*

In respect of attaching identification tags to assets, recording tag numbers in the inventory system and ensuring tags are durable and visible, the remuneration is to be that prescribed in Schedule 1.

MAINTENANCE

Maintenance

42. *Regular Inspections*

In respect of scheduling and conducting regular inspections, documenting inspection results and any issues and planning and scheduling maintenance

activities, the remuneration is to be that prescribed in Schedule 1

43. *Repairs*

In respect of identifying assets requiring repairs, arranging for repair services and documenting repair activities and costs, the remuneration is to be that prescribed in Schedule 1.

INVENTORY CONTROL

Inventory Control

44. *Stocktaking*

In respect of planning and conducting periodic stocktaking, reconciling physical inventory with records and investigating and resolving discrepancies, the remuneration is to be that prescribed in Schedule 1.

45. *Reordering*

In respect of monitoring inventory levels, generating reorder requests based on usage and lead times and obtaining approvals and placing orders, the remuneration is to be that prescribed in Schedule 1.

Disposal

DISPOSAL PLANNING

Disposal
Planning

46. *Assessment*

In respect of identifying assets for disposal, evaluating the condition and potential disposal methods and preparing disposal plans, the remuneration is to be that prescribed in Schedule 1

47. *Approval*

In respect of submitting the disposal plan for approval and obtaining the necessary approvals from management and relevant authorities, the remuneration is to be that prescribed in Schedule 1.

DISPOSAL METHODS

Disposal
Methods

48. *Sale*

In respect of preparing assets for sale, advertising sale through appropriate channels and conducting auction or direct sale, the remuneration is to be that prescribed in Schedule 1

49. *Donation*

In respect of identifying eligible organizations for donation, preparing donation documents and arranging for transfer of assets, the remuneration is to be that prescribed in Schedule 1

50. *Recycling*

In respect of identify recyclable materials, getting the necessary regulatory approvals where required, arranging for recycling services, documenting recycling activities, the remuneration is to be that prescribed in Schedule 1

51. *Destruction*

In respect of identify assets for destruction, arranging for secure and environmentally friendly destruction, getting the necessary regulatory approvals where required, documenting the destruction activities, the remuneration is to be that prescribed in Schedule 1

52. *Other*

In respect of preparing assets for sale, agreeing with the client on other disposal methods, conducting and documenting the process as agreed, the remuneration is to be that prescribed in Schedule 1.

DOCUMENTATION OF DISPOSAL

Documentation of Disposal

53. *Record Keeping*

In respect of maintaining detailed records of disposed assets, updating inventory records to reflect disposals and archiving disposal documents, the remuneration is to be that prescribed in Schedule 1

54. *Reporting*

In respect of preparing disposal reports for management and relevant authorities and ensuring compliance with reporting and regulatory requirements, the remuneration is to be that prescribed in Schedule 1.

Additional services of a general nature

ADDITIONAL SERVICES OF A GENERAL NATURE

55. Uncompleted transactions and other business

In respect of any business referred to in this section, which is not completed, and in respect of standard supply chain management services the remuneration which has otherwise not been provided form the remuneration, the scale fee is reduced by one-third

Drafts to be client's property

56. Drafts and copies of documents or instruments made in the course of the work for which remuneration is provided for by these Rules shall be the property of the client.

PART 4- PRACTITIONER LIABILITY

- Practitioner's Liability 57.(1) a Practitioner shall perform their services with due diligence, reasonable care, skill and in accordance with prevailing standards of the profession PROVIDED that-
- (a) No liability shall attach to a Practitioner in respect of services except such liability as ought to be covered by the professional indemnity insurance
 - (b) A practitioner shall not be liable for the consequences of information prepared by the procurement professional except for the purposes for which they were prepared
 - (c) Liability shall in no case be limited to less than the total payments made to the practitioner or the total cost of the work, or the proceeds the practitioner is entitled to receive under the insurance, whichever is higher
 - (d) Liability shall only deal with the practitioner's liability towards the client and not with the practitioner's liability towards third parties
 - (e) There shall be no limitation in case of the practitioner's gross negligence or willful misconduct
- Consultants 58. The Employment of consultants shall be at the Practitioner's discretion, in agreement with the client. Where consultants are employed, the Practitioner shall be responsible for the direction and integration of their work.
59. Consultants may be appointed and paid by the Practitioner who shall be reimbursed by the client for such payments, or appointed and paid by the client
60. Where consultants are employed by the client, their terms of appointment shall recognize the role of the Practitioner in directing them and integration of their services
- Association between Consultants 61. (1) Consultants may associate with each other to complement their respective areas of expertise or for other reasons, in the form of a joint venture or sub-consultancy
- (2) where consultants enter into a joint venture, all members of the joint venture shall sign the contract and shall be jointly and severally liable for the entire work

- Confidentiality 62. All information relating to the work shall not be disclosed to unauthorized persons without the written consent of the client.
63. From the time the proposals are opened to the time the contract is awarded, the consultant should not contact the procuring entity on any matter related to its proposal

- Canvassing 64. Any attempt by consultants or any one on behalf of the consultant to influence improperly the procuring entity in the evaluation of the proposal or contract award decision may result in the rejection of its proposal and may be subject to the application of prevailing PPRA debarment procedures.

- Dispute Resolution **DISPUTE RESOLUTION**
65. Any claim arising out of or relating to application of these rules; shall be settled by arbitration and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

PART 5- SCALE OF FEES

- Determination of Scale of Fees 66. **SCALE OF FEES FOR STANDARD PROFESSIONAL SUPPLY CHAIN MANAGEMENT SERVICES**

Minimum fees for standard professional supply chain management services **MINIMUM FEES FOR STANDARD PROFESSIONAL SUPPLY CHAIN MANAGEMENT SERVICES**

Payment to be based on the cost of works **PAYMENT TO BE BASED ON THE COST OF WORKS**

67. Payment for cost of work shall be as determined by these rules

68. Percentage fees shall be based on the total cost of works shall be paid in the following stages-

| | Stage of work | Percentage | Cumulative percentage |
|---|----------------------|-------------------|------------------------------|
| 1 | Inception stage | 5% | 5% |
| 2 | Outline proposal | 5% | 10% |

| | | | |
|---|----------------------|-----|------|
| 3 | Project design stage | 15% | 25% |
| 4 | Detailed documents | 45% | 70% |
| 5 | Tender action | 5% | 75% |
| 6 | Post contract stage | 20% | 95% |
| 7 | Project completion | 5% | 100% |

PART 6- FEES AND CHARGES

objectives

69. Practitioners shall assemble all relevant resources for the design and realization of the work and the commensurate remuneration is founded on the value and magnitude of the contribution from the practitioner

70. (1) A Practitioner shall not agree or accept their remuneration at less than provided under these Rules

Remuneration

(2) Practitioners are required to uphold and apply the scale of professional charges published by the Council

(3) The remuneration of the practitioner shall be in accordance with the scale and conditions specified herein, unless a higher charge is agreed between the practitioner and the client.

(4) where the services of more than one profession are provided by a single firm , fees shall be the same as if such services were provided independently.

Any consolidated fees shall therefore be the sum of the appropriate fees for the individual professional services rendered

(5) A practitioner in Kenya shall not knowingly compete with another in respect of percentage fees or time charges

(6) Where for any reason a practitioner provides only part of the service described in Part... of this Schedule, the practitioner shall be entitled to commensurate remuneration in addition to any out-of-pocket expenses

Partial Services

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