



TECHNICAL UNIVERSITY OF MOMBASA

SCHOOL OF BUSINESS

DEPARTMENT OF MANAGEMENT SCIENCE

UNIVERSITY EXAMINATION FOR:

MASTERS OF SCIENCE IN PROCUREMENT

BPC: 5108: LEGAL & ETHICAL ISSUES IN PROCUREMENT & LOGISTICS

END OF SEMESTER EXAMINATION

SERIES: DECEMBER 2016

TIME: 3 HOURS

DATE: Pick Date Dec 2016

Instructions to Candidates

You should have the following for this examination

-Answer Booklet, examination pass and student ID

This paper consists of **FIVE** questions. Attempt question ONE (Compulsory) and any other TWO questions.

Do not write on the question paper.

Question ONE

You are the senior procurement manager of Mnazi mmoja County within the Republic of Makutano. The Executive committee of Mnazi mmoja headed by the governor wish to enter into a contract for the supply of smart TV's for secondary schools within the county.

- a) Precisely advise the Executive committee of Mnazi mmoja on the criteria and qualifications provided for under the procurement legislations and regulations for persons to be awarded contracts by public entities (12 Marks).
- b) Explain to the governor of Mnazi mmoja County the liability of procurement managers in exercising procurement authority (10 Marks).
- c) Defines the term "corrupt and fraudulent practices" in procurement (8 Marks)

Question TWO

- a) Discuss how a procuring entity should deal with conflict of interest before, during and after procurement proceedings (10 Marks)

- b) Discuss the provisions of the law relating to confidentiality of procurement proceedings (10 Marks).

Question THREE

- a) Discuss **THREE** alternative procurement procedures recognized under the Public procurement and asset disposal Act (12 Marks)
- b) Discuss how the law has dealt with inflation and splitting of procurement as unethical conduct in procurement (8 Marks)

Question FOUR

- a) Discuss the international dimensions of procurement laws (8 Marks).
- b) Discuss **THREE** institutions established by law to regulate, supervise and monitor procurement by public entities (12 Marks)

Question FIVE

- a) Discuss the procedure of terminating procurement proceedings (12 Marks)
- b) Discuss the jurisdiction of the public procurement Administrative review board (8 Marks)