

KIBABII UNIVERSITY



UNIVERSITY EXAMINATIONS

**2021/2022 ACADEMIC YEAR
FOURTH YEAR SECOND SEMESTER
SPECIAL/SUPPLEMENTARY EXAMINATION**

**FOR THE DEGREE OF BACHELOR OF COMMERCE
COURSE CODE: BCP 422
COURSE TITLE: PROCUREMENT LAW AND ETHICS**

DATE: 21/11/2022

TIME: 2.00 – 4.00PM

INSTRUCTION TO CANDIDATES

- 1) The paper contains **FIVE** questions
- 2) Attempt **THREE** questions
- 3) Question **ONE** is Compulsory

TIME: 2 Hours

KIBU observes ZERO tolerance to examination cheating

KIBU observes ZERO tolerance to examination cheating

QUESTION SECTION A

QUESTION ONE - CASE STUDY-COMPULSORY.

The government of has embraced the public private partnership strategy in its bid to improve infrastructure and service to the citizens. Some of these projects have been implemented under the design, build, operate and transfer (DBOT) strategy or turnkey-key approach. Critics have blamed the government, questioning as to whether the strategy is in the best interest of the majority, especially on the payment of mobilization fee for Kemaror/Aror Dams came up. Such complex projects would inevitably involve two stage tendering process with the specific objective of selecting the best responsive bidder to undertake the construction. Existing ethical theories support decisions taken by government for the general good of the majority. The government usually takes decision which are deemed to be good for the majority of the citizens. These approaches are most likely to continue be pursued in the long run especially in projects where there is shortage of local expertise.

QUESTION ONE

- i).Cite and explain what you understand by DBOT project in Kenya **(10 marks).**
- ii) Examine the basis of mobilization fee and confirm if the payment was in order **(5 marks).**
- iii). Justify two stage tendering process **(5marks).**
- iv). Identify and explain ethical theory that supports decision taken for the benefit of majority **(10 marks).**

SECTION B

QUESTION TWO

- i) Evaluate restricted tender method in the acquisition process **(10 marks)**
- ii) Explain the purpose of a performance bond **(10 marks)**

QUESTION THREE

- i) Examine the role of the National Treasury in procurement **(10 marks).**
- ii) Discuss how disadvantaged groups are supported under the law **(10marks).**

QUESTION FOUR

- i) Explain some of the fraudulent activities in procurement **(10 marks).**
- ii) Explore the concept of public money **(10 marks).**

QUESTION FIVE

- i) Evaluate the factors that affect ethical decision making in business organizations **(10 marks).**
- ii) Examine the conditions for cancellation/termination of procurement proceedings **(10 marks).**