
The Chairperson,
Kenya Institute of Supplies Management,
KISM Towers, Ngong Road, Nairobi,
KENYA

Dear Sir,

RAISING SERIOUS CONCERNS ABOUT THE PROPOSED KISM CPD POLICY THAT RISKS ERASING POSITIVE GAINS MADE IN THE GROWTH OF THE PROCUREMENT AND SUPPLY CHAIN PROFESSION IN KENYA

1. Introduction

The Kenya Institute of Supplies Management (KISM) back in 2021 unilaterally introduced a CPD Policy that was declared unconstitutional by the High Court three years later in September 2023. The policy reserved 50% of the CPD training to KISM itself, which the Competition Authority declared to be anticompetitive practice.

Over time, KISM has ignored this determination about the anticompetitive nature of the Continuous Professional Development (CPD) Policy until the High Court pronounced itself on the matter. Despite the High Court ruling, KISM deliberately failed to inform members about the High Court ruling that the CPD policy was unconstitutional, thereby making members to still believe the CPD Policy was in operation.

To make matters worse, KISM has now drafted another policy which is even more punitive than the version that was declared unconstitutional. This memorandum details the key problematic issues with the proposed CPD Policy so that the stakeholders could have clearer picture about this bad policy. These issues, if not addressed in the proposed CPD Policy could still render its application as unconstitutional and non-compliant with the Competition Act of Kenya.

2. Summary Findings

- (a) The KISM Council, through the proposed CPD policy has introduced unconstitutional sanctions against members that do not comply with attaining the required CPD points. These include communicating with the employer, disqualification from contesting in KISM elective posts, disqualification from serving in any committee, disqualification from ever being considered for fellowship, revocation or barring a member to serve in a board or committee of a public organization, referral to the disciplinary committee for disciplinary action, etc. These sanctions are not only illegal and unconstitutional but also meant to deny members their right to practice the PSM profession and may lead to members losing their jobs or missing new opportunities.
- (b) The proposed CPD policy refers to accreditation of “training institutions”, a mandate of the Ministry of Education and not KISM. The policy proposes to regulate the activities offered by “training institutions”, instead of focusing on regulating the practice activities by (i) members practicing as individuals and (ii) members practicing as firms as recognized under Section 20(2) of the Supplies Practitioners Management Act (SPMA).
- (c) The draft CPD policy fails to define “procurement and supply chain management” and does not clearly delimitate the functions that this profession represents. The functions are important because the mandate of the PSM profession should emanate from a clear definition of the profession otherwise there will be differences in interpretation by practitioners and the general public leading to lack of professional direction. Moreover, the CPD endeavors will be suboptimal if continuous professional development is focused only on the core professional activities at the expense of making the practitioner wholistic in perspective.
- (d) The SPMA defines who a member of KISM is to include fellows, member, and associates. Yet, the proposed CPD policy purports to disfranchise members practicing as *associates* and *fellows*. The KISM Council

should not discriminate against its own class of members. If the intention of the KISM Council is to eliminate the membership category for associates and fellows, it should do so through an amendment of the SPMA.

- (e) Members practicing as individuals have been barred from designing and offering training recognized under the proposed CPD program. This is discrimination that will hamper the growth of the profession because it is expected that licensed individuals have been issued with practicing licenses and should be able to design courses and deliver them as individuals, of which course should be recognized under the CPD program.
- (f) Ironically, KISM relies on the same individual member practitioners to design and deliver its own CPD training programs while at the same time it has developed a CPD policy that bars these individual members from designing and delivering courses of their own recognizable for CPD points. This policy will limit the individual members, who will find it impossible to practice on their own unless they are training with KISM.
- (g) The policy enhances the anticompetitive practices by providing that structured activities offered by KISM will earn 18 points while activities by members licensed as firms will only earn 12 points. It also makes almost all non-structured activities to be derived from KISM alone and fails to recognize that members should earn CPD points when attending non-structured activities organized by TNT, PPRA, KSG, practicing firms, et al. This issue has already been determined to be anticompetitive by the Competition Authority and discriminates the members that KISM has licensed to practice.
- (h) Nowhere in the CPD policy does the KISM Council appreciate that members also attend training offered by the PPRA pursuant to Section 9(1)(ra) of the PPADA, and training offered by the National Treasury under Regulation 6(1) and (2) of the PPADR, the fact that Kenya School of Government offers short term training, or even that ESAMI offers training of practitioners to a reasonable level of quality. Training offered by these institutions and numerous other similar institutions are not recognized under the proposed CPD policy.
- (i) To make matters worse, the policy proposes to require licensed individuals and firms to pay an annual fee of KES 500,000 in addition to the KES20,000 they currently pay for the annual practicing license. These proposed fees are irregular, prohibitive, and meant to shut down members practicing as individuals and firms from offering training under the CPD program, thereby stunting the growth of the PSM profession in Kenya.
- (j) The CPD policy is incoherent on how the CPD Hours shall translate to CPD Points and purports to arbitrarily allocate points based on specified activities and at the discretion of the KISM Secretariat. There is need to clearly define the basic unit of measure which translates CPD Hours and CPD Points on 1:1 basis.
- (k) In the proposed policy, the KISM Council and the members of the various committees are exempted from attending CPD training and are assumed to have attained the maximum CPD points. This is not only discriminatory but also may lead to those in this category lagging behind in acquiring knowledge, thereby exacerbating an already deteriorating operating environment at KISM Towers.

3. Summary Recommendations

- (a) The KISM Council should revise this proposed policy to address the issues raised in summary above and detailed in Table 1 below.
- (b) All members whether practicing as individuals or firms should be allowed to practice, design and deliver courses recognized under the CPD policy.
- (c) The courses offered by members practicing as individuals or firms should earn the same CPD points as those offered by KISM.
- (d) The courses attended in PPRA, National Treasury, ESAMI, KSG, and others should be eligible to earn CPD points as long as they are relevant under the definition of procurement and supply management profession.
- (e) The practice license fee being paid currently is already punitive without clear benefits, and members should not be burdened with KES500,000 annual training fee, with a resultant effect of increased training costs.
- (f) Because KISM is a regulator and at the same time a practitioner trainer; the issue of who regulates KISM as a trainer should be addressed in the Regulations to avoid a situation where one player sets biased rules for those it is competing with in the training marketplace.
- (g) The CPD policy should only be operationalized after effective public participation by members and stakeholders, and then upon review by the Competition Authority of Kenya and the Attorney General through the National Treasury, developed into Regulations legally approved by Parliament.

4. Detailed Findings and Recommendations

After careful review of the proposed CPD Policy, the main concerns are presented in Table 1.

Table 1. Detailed findings, conclusions and recommendations

Ref.	Finding	Recommendation
Foreword	The first sentence, in the second paragraph of the Forward refers to enforcing “standards.” The problem is that there are no PSM standards for Kenya known to have been developed and there aren’t any training standards known to have been developed to govern members’ practice. <i>The reference to “standards” that have not been developed is a misrepresentation of facts by KISM Council.</i>	Any reference to standards in this document should be clear that it is a future reference to development of standards in separate official regulations after due honest stakeholder consultations by KISM Council.
	The second sentence in the second paragraph of the Foreword, infers that the document is a revision of the current CPD Policy. <i>The fact is that there is no current CPD policy exists legally given that what was purported to be a CPD Policy was nullified by the High Court and no longer apply, any such reference amounts to a misrepresentation and misleading statement by the Council.</i>	The proposed CPD draft document should be a factual transition from the current status. A factual statement could motivate members to be more supportive in the CDP development to avoid pitfalls encountered in previous attempt at developing a CPD policy.
Abbreviations	SCM is spelt out as Supplies Chain Management. <i>The reference to supplies means KISM is still stuck in 1990s terms; and perhaps amendment of the SPMA will be in order.</i>	SCM should be defined as “Supply Chain Management”
	Section 20(2) of the SPMA recognizes practicing as sole practitioner, partnership, or body corporate. <i>The following acronyms are critical in the application of the CPD within the SPMA but missing: (a) MPF: Member Practicing as a Firm; (b) MPI: Member Practicing as an Individual; (c) PSM: Procurement and Supply Management</i>	Include the acronyms for MPF, MPI and PSM in the policy document and highlight the same in the Foreword.
Definitions	“Act” is casually defined as “The SPMA or its succeeding laws.” <i>It is essential to avoid informality in policy documents. It is obvious the current law is SPMA, and if there is future replacement Act, it will certainly have a continuity clause in it. Therefore, the words “or its succeeding laws” are redundant.</i>	Define the SPMA fully as the Supplies Practitioners Management Act and delete “or its succeeding laws”.
	“Attendance”: The words “in person” may be construed to mean physical attendance of a member yet there can be online attendance. <i>To provide for all possible meaning of attendance in training setting, there is need for specifics.</i>	Be more specific on what form of attendance is referred to here.
	“CPD Activity”: The reference to <i>accredited/approved</i> by the Institute appears to infer that KISM shall be approving all activities even all unstructured CPD activities. <i>The approval of unstructured activities by KISM before they happen will be a daunting task and impractical.</i>	Delete reference to <i>“accredited/approved</i> by the Institute” and rephrase the definition to accommodate both structured and unstructured activities.

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	<p>CPD Hours: The definition is more of academic than operational and fail to define what “hour” mean in the context of CPD policy. <i>There is lack of clarity on what “hour” means, is it the one hour in the literal counting of time. Notably about 80% of all professional bodies globally use CPD Hours and where CPD Points are used, the ratio is 1:1 basis. The policy is quite vague on how the CPD input shall be measured and appears to tentacle between CPD Hours and CPD Points</i></p>	<p>Make it specific as what “hour” means to enable accurate measurement of CPD activities.</p>
	<p>CPD Point Calculation: This is not supposed to be under definition. <i>It is important to have an organized policy document that clearly illustrates KISM</i></p>	<p>Take the CPD points calculation to the relevant section in the policy document with a clear guide on how the CPD activities shall be measured.</p>
	<p>CPD Points: The definition is vague and incoherent. The sentence “<i>CPD points shall be prescribed by the Council through this policy and revised when need arises</i>” is moot, and repetitive; if needed it should be a separate policy statement on the implementation of the policy document.</p>	<p>Define CPD points in reference to a specific section that detailed procured for computing CPD points. This system should be easy to decipher...so that if a member attends a two hour event s/he knows those are 2 CPD Hours.</p>
	<p>Deregistered: There is no need for this definition because the deregistration process is already captured in the SPMA. <i>A policy document cannot purport to provide for deregistration of a member overriding the SPMA.</i></p>	<p>Delete definition of “Deregistered” from the policy document.</p>
	<p>Member: This definition recognizes members defined under Section 3A(2)(b) but leaves out “Fellow Members” and “Associate Members” defined under Section 3A(2)(a) and (c). It is unconstitutional to discriminate against any category of Members recognized under the SPMA. If there is a category KISM Council is unhappy with, it should seek amendments of the law through Parliament.</p>	<p>Define a member in line with Section 3A of the SPMA to accord each category of membership an opportunity to benefit from the CPD Policy.</p>
	<p>Pro-bono: The words “...or in service to KISM...” portrays lack of understanding that the focus is on growth of the profession and not members slaving for KISM Council. <i>KISM Council should represent the profession; it is not the end result in itself.</i></p>	<p>Rephrase the offending terms to read “...or in service to the PSM profession...”</p>
	<p>Structured CPD: The definition is incoherent as evidenced in an attempt to use brackets to try to make it coherent, and silo based to workshops and seminars. <i>The definition should be clear, without reference to a specific mode of learning to avoid “silo based provisions”.</i></p>	<p>The definition should be clear that structured CPD must have learning as a primary objective and be measurable irrespective of the provider of such learning.</p>
	<p>Unstructured CPD: The definition is vague and cannot be operationalized. The statement “...but which may not have been specifically designed to meet their development needs” is really problematic.</p>	<p>Revise the definition of unstructured CPD activity thus: <i>Unstructured CPD can be defined as any form of informal learning or development of day to day working skills achieved through self-study and/or informal training; it can be measurable but is not verifiable.</i></p>

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	<p>Training Institution: KISM Council has no mandate to regulate “training institutions”, which is the function of the Ministry of Education and NITA. This definition (i) discriminates against members practicing as individual by omitting them from the definition, and (ii) it is an attempt to introduce a new class of membership contrary to Section 20 of the SPMA.</p>	All reference to “training institutions” should be replaced with “Members <i>Practicing as Individuals or Firms</i> ” as recognized under Section 20 of the SPMA.
	<p>Verifiable CPD: The first part of the definition ending with “...professional development event...” appears reasonable. <i>The problem starts after that where examples are given and the requirement that the proof of CPD is determined by KISM.</i></p>	Define documentary evidence required to ascertain if it is a verifiable CPD activity.
1.1. Introduction	<p>VUCCA vs BANI: These are vanity academic references that will pass in the fullness of time. The policy document lacks proper and comprehensive presentation of what the PSM profession is in Kenya, where it has come from, where it intends to go to tackle socio-economic issues in Kenya.</p>	Revise the Introduction section to be brief and succinct focused on where this PSM profession is expected to be going forward. Delete those VUCCA vs BANI.
1.2.1. Scope	<p>(c) As noted earlier, the statement “Provide for accreditation of trainers and training institutions” appears to address a category that is not under the purview of KISM. The clause refers to trainers and training institutions, instead of focusing on practicing individuals and firms as covered under Section 20 of the SPMA.</p>	Delete (c) or rephrase it to “provide guidance to members licensed as individuals or firms”
1.4.1	<p>Inclusion and fairness: All members shall be accorded an opportunity to benefit from a CPD Program that is fair and inclusive to enable them to equip their professional skills in consideration of the quality of programs and the costs attached to delivery of each program. <i>This principal of inclusion and fairness is well intended and aligns with Article 27 of the Constitution of Kenya 2010.</i></p>	Apply this principal of Inclusion and fairness throughout the CPD policy to avoid creating classes of practitioners or/and classes of CPD providers with undue advantages availed to some for same circumstances to the disadvantage of others.
1.4 Guiding Principle	<p>1.4.6. Universality of Learning: CPD Learning should have a universal access and relevance for SCM practitioners registered under KISM. <i>If a KISM member is residing outside the territory of Kenya for a significant amount of time in a calendar year, they can still keep abreast with CPD activities adequate for renewal of membership without limits to structured programs delivered in Kenya.</i></p>	<p>Introduce 1.4.6 to cater for members that spend significant amount of working time in a year outside of Kenya.</p> <p>This will enable them gain CPD points within the year from sources outside Kenya. Otherwise, the CPD policy will disenfranchise Kenyan practitioners living outside the country from accessing job opportunities in Kenya if lack of CPDs causes them to lose membership in KISM.</p>
1.6. Responsibility for Competence	<p>The statement is generally okay, but the issues is <i>what the statement “...and not with the CPD accredited firms,” was meant to emphasize.</i> There is no such thing as CPD</p>	Delete the phrase “...and not with the CPD accredited firms,”

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1.7. Compliance with CPD Requirements	<p>accredited firms; all reference should be in conformance with Section 20 of the SPMA.</p> <p>This is the core part of the CPD policy, yet it comes out as wordy, repetitive and dictatorial. The lack of proper definition of “structured” and “unstructured” CPD comes to haunt the drafters in this section. The following statement is problematic:</p> <p><i>“They shall however be required to be approved by the PSC as trainers for inclusion into the training program in line with the developed standards of operating procedures”.</i> First, KISM has no capacity to regulate other professions and cant purport to review CVs of non PSM professional trainers. Second, it is unclear what “developed standards of operating procedures” is being referred to here because none exists to our knowledge.</p> <p><i>The following three issues are mixed up: (i) differentiating structured vs unstructured CPD; (ii) talking about average of at least 24 points, without clear guidance on how that average is done; (ii) poor translation of CPD Hours to CPD Points; (iii) It is impractical to expect that KISM will approve trainers of non PSM trainers of courses. How will KISM approve all trainers that will be delivering training wherever members seek training outside the country or even in Kenya?</i></p>	<p>(a) Transfer the definitions of structured and unstructured in Clause 1.7 to the Definition section.</p> <p>(b) Create two subsections to clearly present point calculations for structured and unstructured CPD.</p> <p>(c) One CPD Hour should be equivalent to 1 CPD Point to ease measurement.</p>
2.1. Structured CPD Activities	<p>Structured CPD activities are offered by either (a) KISM using trainers drawn from members practicing as individuals, in which case training participants will obtain 18 points; or (b) members practicing as firms, in which case trainees will attain only 12 points.</p> <p><i>Yet, in both cases, the trainers are drawn from the same members practicing as individuals. This is the highest form of discrimination against a class of members that KISM has licensed to practice and is against the Constitution of Kenya 2010.</i></p> <p><i>KISM has licensed members practicing as firms yet the Council through this policy it goes on to provide for less CPD points. This is the same clause that the Competition Authority has ruled is anti-competitive and directed KISM to desist from this practice in 2022 and 2023 in the applications made by 3 members practicing as firms Vs KISM Council on the subject.</i></p>	<p>Eliminate the discriminative categorization of Category A and B irrespective of provider of CPD learning.</p> <p>Provide for the minimum number of CPD points to be earned from structured and unstructured activities without discrimination as to the source of such learning</p> <p>Let trainees exercise their constitutional right to seek for training from either (i) KISM, or (ii) members practicing as firms; or (ii) members practicing as individuals without discrimination or market share allocation.</p>
Table 1	<p>Structured CPD has been compartmentalized into two: Category A by KISM and Category B by “training institutions” (sic).</p>	<p>Remove the categorization of Category A and Category B to ensure fair playing field for KISM and the practicing members.</p>

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	<p>As noted earlier, there is no such category of membership known as training institutions; the SPMA recognizes members practicing as individuals and members practicing as firms.</p> <p><i>The reason for the classification is meant to disenfranchise licensed members by labelling them as Training Institutions instead of referring to them in their legal terms defined in Section 20 of the SPMA.</i></p>	<p>Unfair discrimination is against the constitution and enshrining such provisions in the CPD policy will attract challenges that will not stand in a legal test in a court of Law, leading to waste of members' funds.</p>
<p>Table 1 Category A</p>	<p>In the proposed policy, Category A are activities mounted by KISM, which in itself is discrimination against its licensed members practicing as firms. <i>The clause also assumes that PPRA, National Treasury, or even Kenya School of Government cannot conduct inhouse training which members should be able to earn points.</i></p> <p>(i) There is no need to refer to “national dialogue” because this is a cliché of the moment and future council may come up with another cliché; it should be left simply as “conference”, whether regional or whatever iterative naming it shall be.</p> <p>(ii) Under inhouse training, it is unclear what “individual company mean” because public entities for example are not called companies; a better reference should have been organization.</p> <p>(iii) Under KISM professional forums, there is no need to ring fence and talk about KISM professional forum because any licensed member can organize a professional forum, roundtables or breakfast meetings...it is not the preserve of KISM to do all these.</p> <p><i>Moreover, professional forums could be organized by PPRA, National Treasury, School of Government (KSG)t, and even licensed members, etc., and participants should be able to earn CPD points so long as the forum is relevant to the PSM practitioner.</i></p> <p>(iv) Under “facilitation of KISM workshops seminars and conference” again there is no need to ring fence it in favour of KISM because a member can present at workshops and seminars organized by a member practicing as an individual or firm, or present in training organized by PPRA or TNT, or KSG, or ESAMI, etc., and should earn CPD points, without discrimination.</p> <p>(v) Each activity has been allocated maximum days, as though all conferences should last 5</p>	<p>(a) There <u>should not</u> be two categories; instead have one category with broad definition of activities such as: conferences, workshops, seminars, short meetings, professional forums, group discussions, webinars, and similar description without stating the source of such training.</p> <p>(b) The CPD points should be based on CPD Hours. The number of hours spent in training should correspond 1:1 with the CPD Points; that way you make things simple and easy to implement.</p> <p>(c) Make it a requirement that trainers offering training for KISM, licensed firms, PPRA, TNT or KSG or other sources, are issued with Service Completion Certificate (SCC), which will be used as evidence of training when applying for CPD.</p> <p>(d) For uniformity and simplicity, such a Service Completion Certificate can be a standard form downloaded from KISM website and filled and signed by the providers of CDP program</p>

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	<p>days, and all professional forums should last one day.</p> <p>(vi) The CPD points as stated are incoherent; the root cause is that the translation of CPD Hours to CPD points was not set out correctly for ease of use; so, referring to “as per CPD hours” is quite vague.</p> <p>(vii) Under “verification”, the drafters have given limited documentary evidence as though these will be the only possible evidence of training; there should be “or similar evidence of attendance in the training.”</p> <p>(viii) Under facilitation at KISM workshop, “presentation” is given as documentary evidence you can imagine someone printing all the PowerPoints and exercises to submit to KISM as evidence of having trained; instead, each presenter should be issued with a “<i>Service Completion Certificate “or similar evidence issued by KISM or Licensed Firms as appropriate to show that they have rendered the training, which they will use to support their application for CPD points.</i>”</p>	
Table 1: Category B	<p>This category apply to what KISM calls “training institutions”, but in essence applies to Members Practicing as Firms or Individuals.</p> <p>Discrimination is evident because the same inhouse training offered by the licensed firms only earns a maximum of 12 points while the same attracts 15 points when offered by KISM.</p> <p><i>This aspect of the policy offends, among others, the following provisions of the Competition Act 2010: (a) Restrictive Trade Practices-ss 21-22; (b) Abuse of Dominant position-ss 23-24; (c) Exemption in Respect of Professional Rules-ss 29. This practice has already been determined to be anticompetitive by the Competition Authority. The policy also offends the consumer articles in the Constitution</i></p>	KISM should eliminate this obvious description against its own licensed members by having only one activity schedule applicable to all providers or sources of CPD. Members attending training offered by the licensed firms and KISM should earn the same CPD points.
Table 1: Unstructured CPD	You cannot lump together professional exams with academic programs. There is a need to separate degree levels in terms of CPD points...the higher you go the cooler it becomes deserving more points. <i>Completion of professional certification such as CPSK or CIPS should earn a member very good point.</i>	Proposed as follows or similar: Professional Certification: 10 points Academic Qualification as evidenced by the final certificate: <i>Certificate: 1 point</i> <i>Diploma: 2 points</i> <i>Bachelors: 3 points</i> <i>Masters: 4 points</i> <i>PhD: 5 points</i>
	Facilitation of KISM workshops, seminars and conferences: First there should be no	Award CPD points based on the number of hours of facilitation in any workshop

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	discrimination and reference to KISM. The issue of sessions is contentious.	whether offered by KISM, licensed firms, PPRA, KSG, TNT, ESAM, etc.
	<u>Authorship</u> : It seems KISM Council does not appreciate what it takes to research and do a peer reviewed paper or write a book and that is why in its wisdom it will award one point...or is it 2!	Proposed: Book: 15 points Article in a peer reviewed Journal: 10 points.
	<u>Coaching and Mentorship</u> : It appears KISM Council, in its wisdom reckons that mentorship can only be offered by KISM; the reality is that licensed members practicing as individuals or firms, or the PPRA, or any other organization can offer mentorship that is recognized under the CPD. <i>Yet, opening up the coaching and mentorship space is a sure way of increasing chances of employment for new entrants into the profession.</i>	Coaching and mentorship should be offered by any licensed practitioner or by licensed firm, or indeed in any organization; the mentees should be able to earn CPD points, whose documentary evidence is the certificate of completion of the mentorship issued to the mentee by the mentoring individual or organization.
	<u>Participation in KISM activities</u> : This is ring fencing activities and assuming that members licensed as individuals or firms are incapable of organizing events that should earn CPD points.	The participation in professional activities should be open to both licensed individuals and firms besides those of KISM events, or indeed events organized by the Public Procurement regulatory Authority (PPRA), The National Treasury (TNT), Kenya School of Government (KSG), ESAMI, etc.
3.1. Development of the Annual CPD Calendar	The proposed development of annual calendar is incoherent, controlling, and takes away the licensed member's constitutional right to design courses they consider relevant to the profession. This should also be a continuous activity by providers with amendments as and when they deem necessary as per market needs	The annual training calendar to be furnished by the licensed members practicing as individuals or firms should be for publication and information of all members. The calendar shall not be subject of copy pasting and intellectual theft by KISM in drafting its own training programs. The operating procedures should form part of this policy as KISM has used these in the past to frustrate licensed firms. KISM should not have any discretion in setting policy on the fly, issuing guidelines or giving any form of guidance and yet is a player.
3.2. Training Fees	The proposed annual fee of KES500,000 is illegal and meant solely to discriminate against the members practicing as individuals or firms. There is also reference to a registration form, which is not attached as part of the draft policy, it is vague	There shall be no annual fee; that is in addition to the KES20,000 licensed members pay currently, but also illegal because it has not been approved by Parliament.
3.3. Non-compliance and sanctions	The provisions are unconstitutional. They violate, among others, the privacy provisions and the Data Protection Act. Why is KISM allocating itself powers it doesn't have under the law? KISM is trying to create penalties under the policy that are illegal, unconstitutional and cannot be implementable. <i>Notable that Section 20(6) of the SPMA already provides thus: "Any person who contravenes subsection (1) commits an offence</i>	Remove this Clause 3.3 or refine it to be within the requirements of SPMA.

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	<i>and is liable on conviction to a fine not exceeding one hundred thousand shillings, or imprisonment for a period not exceeding three years, or to both such fine and imprisonment.”</i>	
3.4. Documentation and records retention	<p>The online submission of applications is welcome; hopefully the system shall be functional when needed.</p> <p>There is no need for statement (c) because each member shall be issued with a certificate of attendance, which they can use to upload their application for CPD. The clause (e) and (g) are archaic ...there should be a system for continuous check of CPD the status.</p>	Revise the clauses to make it known which specific elements shall warrant the exemption.
3.7. Exemption or deferral of CPD requirements	<p>Clause (c) exempts Council and Committee Members from the CPD Policy who shall automatically earn the maximum CPD points without undergoing any training in the year. Everyone who is a practitioner shall be subject to the CPD policy without favour or discrimination. Therefore, Council, Committee Members, Licensed members practicing as individuals or firms shall lead by example in compliance. Exemption of Council and committee members is not recognized in the SPMA.</p>	Delete Clause (c) for its discriminatory nature. It sets an impression that CPD learning is for others, not the leadership who, in any case, are supposed to be active practitioners to learn any emerging issues.

Signed by:

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