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EFFECTIVENESS OF CONTRACT MANAGEMENT ON CONTRACTORS' PERFORMANCE IN KENYA POWER & LIGHTING COMPANY LIMITED

¹ Wida Richard, ² Dr. Kyule Alexander

¹Masters Student, Jomo Kenyatta University of Agriculture and Technology ²Lecturer, Jomo Kenyatta University of Agriculture and Technology

ABSTRACT

In the world of business, it is common for an organization to involve contractors or suppliers in one way or another to support in providing service or product to meet its intended requirements. It is a main duty for operating company to make sure contractors perform their duties safely and timely through appropriate contract management (CM) procedures. Despite significant research progress, the effectiveness of contract management in terms of monitoring contractor's performance in the Energy Sector in Kenya has not been tracked and published widely. The main objective of this study is to examine the effectiveness of contract management on contractor's performance in fulfilling their contractual obligations at Kenya Power Company. The research had a target population of 118 employees of Kenya Power who are directly involved in Contract Management. The study was mainly conducted at the headquarters of Kenya Power since this is where all company contracts are managed. The study concludes that contract management team has a significant effect on contractor's performance in KPLC. In addition, the study concludes that contract selection has a significant effect on contractor's performance in KPLC. Based on the findings, the study recommends that the management of contractors in Kenya Power should implement clear and detailed performance metrics and regular monitoring mechanisms. A well-structured contract management team should define specific performance indicators within the contract, such as timelines, quality of work, and adherence to safety standards.

Key Words: Contract Management, Contract Management Team, Contract Selection, Contractors' Performance

Background Information

The study seeks to find the relationship between contract management practices and performance of contractors in Kenya Power. Contract Management "is the process of systematically and efficiently managing contract creation, execution and analysis for maximizing operational and financial performance and minimizing risk" (CIPS, 2012). Contract Management is a continuous procurement process that ensures suppliers and buyers adhere to their agreed contractual obligations, along with negotiating any future changes that need to take place (CIPS, 2012).

Contracts are legal in nature, and exists between two or more parties for a symbiotic benefit. Across the globe, organizations in business involve third parties to help in supply of goods, services and works. In the world of business, it is common for an organization to involve contractors or suppliers in one way or another to support in providing service or product to meet its intended requirements (Kumar and Markeset, 2007). The Energy sector in Kenya is one of the business areas where high level of risk is involved during contractors' fulfilment of their contractual obligations. The Energy sector in Kenya involve many players with the Government of Kenya as the main stakeholder and regulator of the sector. It is a main duty for operating company to make sure contractors perform their duties safely and timely through appropriate contract management (CM) procedures (Hotteebex, 2013). Effective CM is as a crucial function that has recently emerged as a strategy to improve profitability, support compliance and manage risk in most businesses.

The Energy sector in Kenya is mainly responsible for generation, transmission and distribution of electricity across the country, with several players mandated with different functions. A wide range of contractor and sub-contractor companies support the energy sector by developing infrastructure, offering engineering solutions, supplying equipment, services and even training for the energy sector workforce.

Engaging contractors in service delivery is a strategic direction in the energy sector. While some risks can be transferred to the contractor/sub-contractors in terms of financial pressure for not completing a project, the ultimate risk still lies with the operating organization to deliver positive outcomes which limit exposure to liability (Limberakis, 2012). This makes the contract management critical and Operators are expected to monitor service providers' performance concerning safely and timely delivery of the service for success of the project or drilling campaign. Bautista and Ward (2009) recommend that, the entire procurement team should also be engaged in managing the post award contracting activities. Contract Administration processes and activities such as monitoring and measuring contractor performance, managing contract change process, and managing contractor payment process should be integrated with other departmental core processes such as customer service, financial management, risk management, schedule management, and performance management (Hotterbeekx, 2013).

KPLC is a limited liability Company trading in the Nairobi Stock Exchange (NSE), and is the only main distributor of electricity in the country. KPLC as an organization has actively engaged several contractors in executing their duties in distribution of electricity in Kenya. Contractors are an integral part of the Company's overall business practice. The organization has an elaborate supply chain department and Projects department, with branches across the country, including those that support county functions in managing contractor activities. According to the Kenya Power Annual Report 2017-2018, KPLC spent some KShs. 120 Billion in Capital projects in two years, funded by various financial partners. KPLC has a subsidiary company called Kenya Power International (KPI) that mainly runs a technical training facility and is positioned to undertake other major projects in Optical Fibre and Telecommunications (KPLC Annual Report, 2017/2018).

Problem Statement

Although every organisation in the Energy Sector has put in place contract management procedures, there are still shortfalls in making sure contractors fulfil their contractual obligations timely, safely and at acceptable level of quality (Chuah et al., 2010). The emphasis remains for organisations particularly operators to keep on reviewing the procedures by identifying the challenges and put forward suggestions for improving the procedures. With all the contract management in place still incidents and accidents happen which after investigation are still found to be caused by lack of proper CM which lead to poor contractor's performance (World Bank, 2008).

These incidences demonstrate an increasing demand for better contract management in the complicated energy sector in Africa (World Bank, 2012). However, no contract arrangement can guarantee a problem free environment in project execution, it is the quality of the people, management system of the company and contractor that are the best guarantor of success (Bhardwaj, 2011). Many instances where contractors do not fulfil their contractual obligations timely, safely and at acceptable level of quality have necessitated better contract management in the interest of the public in Kenya Power Company.

Despite significant research progress, the effectiveness of contract management in terms of monitoring contractor's performance in Kenya has not been tracked and published widely. This motivated the researcher to conduct this study.

Objectives of the Study

General Objective

To determine the effectiveness of contract management on contractors' performance in Kenya Power

Specific Objectives

- 1. To explore the influence of Competence of Contract Management Team on Contractors performance in KPLC.
- 2. To find out the influence of contract selection criterion towards Contractors performance in KPLC.

Theoretical Review

Agency Theory

At the foundation of the agency theory is the assumption that there is an asymmetry of information between the two parties to a relationship in a given decision-making situation when one of the parties, referred to as the agent, acts on behalf of or represents the other party, referred to as the principal. (Agnieszka et al, 2017). The analysis of the agency theory helps identify the relativity and mutability of the subject matter of the cognition. The entity participating in the principal—agent relationship can be an individual person, entire groups of people, the state administration or an enterprise. Each party may have different (more precise, fuller) information on the subject of the relationship. The agency relationship appears whenever one of the parties must rely on the acts of the other. The agency relationship is a contract, under which the principal engages another person (the agent) to perform specific projects on its behalf, delegating decision making rights. The agency theory has three assumptions; The efficiency of the principal's operations depends on the agent's acts and decisions; The parties make decisions to the relationship under conditions of uncertainty and risk; The principal and the agent have conflicting objectives to some extent. The pluralism of the assumptions constituting the central part of the agency theory leads to the focusing of

attention on issues of monitoring the activities of one of the parties to the relationship. It is assumed in agency theory that the agent operating on behalf of the principal has the information advantage. The information advantage and the assumption of the existence of a conflict of interests between the principal and the agent can generate opportunistic behavior on the part of the agent.

Theory of Incomplete Contracts

The theory of incomplete contracts has been much developed over the last few years, but it has failed to generate any empirical work (Bruce R., 2001). The name, incomplete contract theory suggests that the theory's main concern is to consider the limitations of contracts that fail to specify not only investment levels, but also many of the other contingencies that a complete contract might wish to include. The reason for this failure might be due to bounded rationality such that some contingencies cannot be imagined, or to the cost of writing complex contracts. The theory might then ask, for example: how efficient are simple contracts that can specify, at most, only one price, one product specification and one quantity? An efficient contract is one that gives the optimal incentives for both investment and trade.

Conceptual framework

Conceptual framework is defined as the result of when a researcher conceptualizes the relationship between variables in the study and shows the relationship graphically or diagrammatically (Mugenda & Mugenda, 2003). The researcher conceptualized the relationship between contract management team and contract selection as independent variables, and contractors' performance as the dependent variable

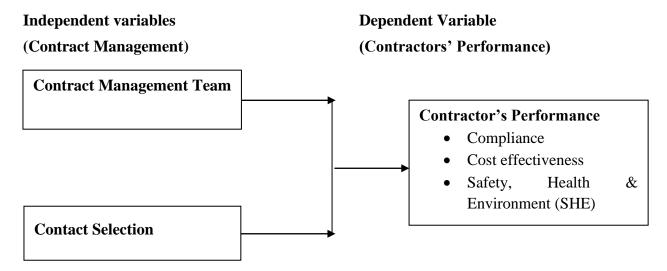


Figure 2. 1: Conceptual Framework

Empirical Review

A number of studies have been done to assess the effectiveness of contract management in public organizations. For example, Bernard Yegon (2018) established the determinants of procurement contract management of selected state corporations in Kenya. The study concluded that compliance with the contract conditions by the supplier/service provider enhance procurement contract management in state corporations. State corporations comply with contract conditions by awarding the contract to the most suitable party. The study further concluded that state corporations comply with both general and specific contract's

conditions. The researcher also concluded that failure to understand the contract document potentially leads to mistakes in implementation of contract which caused unnecessary rework and increase in project cost. Rajab (2014) did a research in Tanzania on effectiveness of CM on contractors performance in Oil and Gas Industry. The study findings revealed that the CM activities at the case company were effective and there is a relationship between CM activities and Contractors' performance outcome. Although the study findings revealed that not all the CM activities are statistically significant related to the contractors' performance, effective relationship with preferred contractors revealed to be the key success driver for contractors' performance.

Beijer (2012) on his study on design of a supplier performance measurement and evaluation system, the researcher used different kinds of data collection methods such as: extensive literature review, desk research, unstructured and structured interviews and group meetings. Beijer recommended "Quality" and "Delivery" as performance criteria to monitor the operational performance of contractor or suppliers, because these performance criteria can be used to both monitor and analyze contractor or suppliers.

Kumar and Markeset (2007), a study on development of performance-based service strategies for the oil and gas industry: a case study, the study framework considered various influencing factors and their attributes, as well as performance factors categorized as critical success factors, performance killers and cost drivers. In the research, data wes collected through questionnaire, interviews, available documents and literature survey. The study did show the importance of service performance for involved parties to compete in the market and need for monitoring of the contractors performance. The study did not discuss whether the contractors' performance can be influenced by CM.

Salim (2013) on his study on "the role of procurement contract management in the effectiveness of project management", a case study at MIC-Tanzania. The study addressed a need of contractors' compliance to contract terms and conditions, technical capability and contract monitoring towards project management. The study methodology was descriptive design, purposive non-probabilistic sampling technique was used, data were collected by using interview and questionnaire. The author's conclusion includes the following; staff inadequacy in CM function, disputes caused by late delivery by suppliers, poor quality of works/services, vague specifications, supplier's technical incapability and little attention to make contract visible to other stakeholders. Also mentioned in the research was lack of efficient technical evaluation and monitoring of KPIs.

A research work by Muturi (2013) tilted "Assessment of effectiveness of procurement contracts management in public organisations in Tanzania, a case study of Kinondoni Municipal Council" The study objectives were to assess adequacy of skills for the key CM staff, assess the extent of contract variation, and examine on time delivery of goods and services at the case organisation. Methodology used on the study was exploratory design, nominal and ordinal scale used to test the data collected, interview, documentary review and questionnaire used to collect data, researcher used probability method for sampling purpose. The survey discloses that, there are a problem of late deliveries, un-controlled variations to contracts and lack of effective professionalism. The study did not consider the private sector; no SHE performance was addressed in the research, and the research did not provide how CM influences contractor performance.

RESEARCH METHOLOGY

Research design

Descriptive design was used in this research. According to Kothari (2004), a descriptive research is a research design which is concerned with describing the characteristics of an individual or group. It helps researchers plan and carry out descriptive studies, designed to

provide rich descriptive details about people, places and other phenomena that have not been manipulated. A questionnaire was developed to capture the respondents' perception of the Contract Management activities in KPLC.

Study Population

Population of the study involved approximately involved 118 people from the selected departments that are major stakeholders on contract management. This is because of easy accessibility and they are the ones who get involved in managing contractors' performance throughout the contract period. The study was conducted at Head office of Kenya Power Company, which is in Nairobi, Kenya. It is believed that if sample is chosen carefully using the correct procedure, it is then possible to generalize the results to the whole of the research population (Dawson, 2002). Table 1 shows the population distribution of the employees to be interviewed in the study.

Table 1: Target population

Stratum/Department	Population	Percentage
Supply Chain	13	11.0
Finance	9	7.6
Projects	23	19.5
Information technology	11	9.3
Human resources	6	5.1
Audit	3	2.5
Commercial services	13	11.0
Network Management	21	17.8
Company secretary & Legal	7	5.9
Safety, Health & Environment	12	10.2
Total	118	100%

Source: Projects Section Records in Kenya Power Company, December 2018

Sampling Method, Procedure and Calculation

The whole population of 118 was interviewed in the study. The head of procurement and projects in Kenya Power was interviewed extensively to get more information on contract management procedures in Kenya Power.

Data Collection Instruments

Primary and secondary data was used in the study. Primary data was collected by use of structured and unstructured questionnaires, to elicit specific responses for qualitative and quantitative analysis respectively. The questionnaires were developed in line with the objectives of the study.

Pilot Study

A pilot study was undertaken using 10% of sample (12 respondents) to pretest the questionnaire to ensure the questions are not ambiguous. A drop and pick approach as well as an online questionnaire were used to disperse the questionnaires and follow-ups were made to ensure timely collection. To ensure validity of the data, the researcher used purposive random sampling to ensure that research instruments are only administered to individuals who are involved in CM process and monitoring contractors' performance. The researcher also ensured that company data base information is collected from authoritative personnel. The questionnaire was then tested and comments for the questions which are not clear was reviewed and corrected. The validity of the data was tested using SPSS.

In order to achieve reliability of data, in addition to the 5-likert scale, space for respondent's comments on the particular variables was provided to get respondents understanding on the matter. The respondents' responses from same departments were checked for consistency on some of the questions. Interview was used to crosscheck data collected through questionnaire. The reliability of the study data was tested using SPSS to calculate the Cronbach's alpha coefficient of internal consistency of the variables which was used in the questionnaire.

Data Analysis and Reporting

Data was analyzed with the help of excel and SPSS package. Descriptive and inferential statistics derived from a five-point likert scale was used to discuss the findings of the study. The data collected was reproduced in form of tables, charts and statistics. Analysis of Variance (ANOVA) was used to determine whether there are significant differences between two or more groups or samples at a selected probability level. Since the measures that were used to assess the primary constructs in the research model are quantitative scales, regression analysis was also used.

DATA ANALYSIS, PRESENTATION AND INTERPRETATION

Descriptive Statistics

Contract Management Team and Contractors' Performance

The first specific objective of the study was to explore the influence of competence of contract management team on contractor's performance in KPLC. The respondents were requested to indicate their level of agreement on various statements relating to contract management team and contractors performance in KPLC. The results were as shown in Table 2.

From the results the respondents agreed that the contract management team effectively communicates with all stakeholders (M=3.829, SD= 0.817). In addition, the respondents agreed that the team ensures timely and accurate documentation of contract changes (M=3.814, SD= 0.899). Further, the respondents agreed that the team proactively resolves issues or disputes related to the contract (M=3.781, SD= 0.752). From the results, the respondents agreed that the team monitors project progress to ensure compliance with contract terms (M=3.769, SD= 0.691). In addition, the respondents agreed that the team manages contract-related risks and addresses them promptly (M=3.743, SD= 0.533). Further, the respondents agreed that the team ensures all contract deliverables are met on time and within scope (M=3.718, SD= 0.685).

Table 2: Contract Management Team and Contractors' Performance

	•	Std.
	Mean	Deviation
The contract management team effectively communicates with all	3.829	0.817
stakeholders.		
The team ensures timely and accurate documentation of contract	3.814	0.899
changes.		
The team proactively resolves issues or disputes related to the	3.781	0.752
contract.		
The team monitors project progress to ensure compliance with	3.769	0.691
contract terms.		
The team manages contract-related risks and addresses them	3.743	0.533
promptly.		
The team ensures all contract deliverables are met on time and within	3.718	0.685
scope.		
Aggregate	3.776	0.730

Contract Selection and Contractors' Performance

The second specific objective of the study was to find out the influence of contract selection criterion towards Contractors performance in KPLC. The respondents were requested to indicate their level of agreement on various statements relating to contract selection criterion towards contractors performance in KPLC. The results were as shown in Table 3.

From the results the respondents agreed that the contract selection process is clear and transparent (M=3.916, SD= 0.744). In addition, the respondents agreed that the criteria for selecting the contract type align with the project's objectives (M= 3.888, SD= 0.596). Further, the respondents agreed that the selection process involves input from all relevant stakeholders (M=3.860, SD= 0.820). From the results, the respondents agreed that the chosen contract type appropriately manages project risks (M=3.713, SD= 0.762). In addition, the respondents agreed that the contract selection ensures a fair balance of responsibilities between parties (M=3.654, SD= 0.619). Further, the respondents agreed that the contract terms are clear and align with industry standards (M=3.612, SD= 0.732).

Table 3: Contract Selection and Contractors' Performance

	Mean	Std. Deviation
The contract selection process is clear and transparent.	3.916	0.744
The criteria for selecting the contract type align with the project's objectives.	3.888	0.596
The selection process involves input from all relevant stakeholders.	3.860	0.820
The chosen contract type appropriately manages project risks.	3.713	0.762
The contract selection ensures a fair balance of responsibilities between parties.	3.654	0.619
The contract terms are clear and align with industry standards.	3.612	0.732
Aggregate	3.774	0.712

Correlation Analysis

The present study used Pearson correlation analysis to determine the strength of association between independent variables (contract management team and contract selection) and the dependent variable (contractors' performance in Kenya Power). Pearson correlation coefficient range between zero and one, where by the strength of association increase with increase in the value of the correlation coefficients.

Table 4: Correlation Analysis

		Contractors' Performance	Contract Management Team	Contract Selection
Contractors' Performance	Pearson Correlation Sig. (2-tailed)	1		
1 errormance	N	101		
Contract	Pearson Correlation	.885	1	
Management	Sig. (2-tailed)	.000		
Team	N	101	101	
	Pearson Correlation	.843	.129	1
Contract Selection	Sig. (2-tailed)	.002	.091	
	N	101	101	101

^{**.} Correlation is significant at the 0.01 level (2-tailed).

From the results, there was a very strong relationship between contract management team and contractors' performance in Kenya Power. (r = 0.885, p value =000). The relationship was significant since the p value 0.000 was less than 0.05 (significant level). The findings are in line with the findings of Muturi (2013) who indicated that there is a very strong relationship between contract management team and contractors' performance.

Moreover, the results revealed that there is a very strong relationship between contract selection and contractors' performance in Kenya Power (r = 0.843, p value =0.002). The relationship was significant since the p value 0.002 was less than 0.05 (significant level). The findings conform to the findings of Rajab (2014) that there is a very strong relationship between contract selection and contractors' performance.

Regression Analysis

Multivariate regression analysis was used to assess the relationship between independent variables (contract management team and contract selection) and the dependent variable (contractors' performance in Kenya Power).

Table 5: Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.859	.738	.737	.1034

a. Predictors: (Constant), contract management team and contract selection

The model summary was used to explain the variation in the dependent variable that could be explained by the independent variables. The r-squared for the relationship between the independent variables and the dependent variable was 0.738. This implied that 73.8% of the variation in the dependent variable (contractors' performance in Kenya Power) could be explained by independent variables (contract management team and contract selection).

Table 6: Analysis of Variance

Model	Sum of Squares	um of Squares df		\mathbf{F}	Sig.	
Regression	139.103	2	69.552	790.364	.000 ^b	
1 Residual	8.612	98	.088			
Total	147.715	100				

a. Dependent Variable: contractors' performance in Kenya Power

The ANOVA was used to determine whether the model was a good fit for the data. F calculated was 790.364 while the F critical was 3.089. The p value was 0.000. Since the F-calculated was greater than the F-critical and the p value 0.000 was less than 0.05, the model was considered as a good fit for the data. Therefore, the model can be used to predict the influence of contract management team and contract selection on contractors' performance in Kenya Power.

Table 7: Regression Coefficients

Mode l		Unstandardized Coefficients		Standardize d Coefficients	t	Sig.
		В	Std. Error	Beta		
1	(Constant)	0.281	0.073		3.849	0.000
	contract management team	0.375	0.097	0.374	3.866	0.000
	contract selection	0.366	0.093	0.367	3.935	0.001

a Dependent Variable: contractors' performance in Kenya Power

b. Predictors: (Constant), contract management team and contract selection

The regression model was as follows:

$Y = 0.281 + 0.375X_1 + 0.366X_2 + \varepsilon$

According to the results, contract management team has a significant effect on contractors' performance in Kenya Power, β_1 =0.375, p value= 0.000). The relationship was considered significant since the p value 0.000 was less than the significant level of 0.05. The findings are in line with the findings of Muturi (2013) who indicated that there is a very strong relationship between contract management team and contractors' performance.

The results also revealed that contract selection has significant effect on contractors' performance in Kenya Power, β 1=0.366, p value=0.001). The relationship was considered significant since the p value 0.001 was less than the significant level of 0.05. The findings conform to the findings of Rajab (2014) that there is a very strong relationship between contract selection and contractors' performance.

Conclusions

The study concludes that contract management team has a significant effect on contractor's performance in KPLC.

In addition, the study concludes that contract selection has a significant effect on contractor's performance in KPLC.

Recommendations

The study recommends that the management of contractors in Kenya Power should implement clear and detailed performance metrics and regular monitoring mechanisms. A well-structured contract management team should define specific performance indicators within the contract, such as timelines, quality of work, and adherence to safety standards.

In addition, the study recommends that the management of contractors in Kenya Power should implement a comprehensive prequalification process that evaluates contractors based on their past performance, financial stability, technical expertise, and capacity to meet project requirements. By selecting contractors with a proven track record of delivering quality work on time, KPLC can significantly reduce the risks of delays and substandard performance.

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