

MURANGA COUNTY ASSEMBLY

THE HANSARD

Wednesday, 30th September, 2015

The House met at 2:42 p.m.

(First Chair Hon. Bernard Kariuki in the Chair)

PRAYERS

NOTICES OF MOTION

CAPACITY BUILDING PROGRAMS FOR ENGINEERS EMPLOYED BY MURANG'A COUNTY GOVERNMENT

Hon. Eliud Gitau: Thank you Mr Speaker, I beg to give notice of the following motion;-
Aware, that County roads is a devolved function as stipulated in part 2 of the Fourth Schedule of the Constitution of Kenya 2010, further aware that county roads require regular rehabilitation and maintenance to keep them in good condition and high operational efficiency , recognizing the fact that engineers employed by the county government have a responsibility of supervision of contractors particularly with regard to the standard of workmanship in accordance to contract drawings and specifications ; this House urges the County Executive Member for Transport and Infrastructure to organize capacity building programs for the county government employed engineers so that they can enhance their project supervisory skills.

ESTABLISHMENT OF AN EMERGENCY FUND

Hon. Charles Kirigwi: Thank you Mr Speaker, I want to give notice of the following motion;-

Aware that the Kenya Meteorological department has urged the country to be prepared for the El -Nino rains expected between mid-September and December 2015, further aware that the Deputy President recommended that the national and county governments need to adjust and re-align their budgets accordingly, in order for the country to respond appropriately to the impending El- Nino rains, recognizing the detrimental effects associated with the rains including destruction of infrastructure, loss of livestock, damage to crops and even loss of human life, cognizant of the fact that Murang'a county is highlighted as one of the landslide prone areas, noting that section (110), (111) and (112) of the Public Finance Management Act provides for establishment and management of an emergency fund, with the approval of the County Assembly; this House, urges the County Executive member in charge of Finance, IT and Planning;

1. To establish an Emergency Fund (PFM 110) and set aside Kshs. 50 million in the supplementary budget for FY 2015/2016 and every subsequent financial year, to cater for interventions such as evacuation of people from the vulnerable areas, among other disaster mitigation measures.
2. Further, in consultation with the CEC Agriculture, Livestock and Fisheries, to come up with a preparedness plan to cater for imminent post-harvest losses associated with prevalence of diseases due to high moisture levels.
3. In consultation with the CEC Health and Sanitation, facilitate provision of drugs in the event of cholera and malaria resulting from stagnant water in the flood prone areas in the lower Murang'a.
4. In liaison with the meteorological department, map out the prone areas in Murang'a and engage the services of the National Youth Service for prior evacuations of people and livestock.

MOTIONS

ESTABLISHMENT OF A COUNTY MATERIAL TESTING LABORATORY

Hon Eliud Gitau: I beg to move the following motion; -

Aware, that county roads is a devolved function as stipulated in part 2 of the Fourth Schedule of the Constitution of Kenya 2010, further aware that quality control measures for road maintenance works should be enhanced through conducting specific tests on materials, components/dimensions and workmanship standards to ensure the final product complies with the project specifications, recognizing the fact that contractors conducting various works in the county have been using sub-standard materials during construction as they are not subjected to laboratory tests; this House urges the County Executive Member for Transport and Infrastructure to initiate establishment of a county material testing laboratory and propose a budgetary allocation for the same in 2016/2017 financial year to facilitate field and laboratory tests so as to meet the testing demands for materials to be used on various projects.

Mr. Speaker, my motion has been motivated by the poor workmanship in our roads which has been going on throughout the county. As you are aware, material testing is a component in the contract documents. Due to scarcity of the laboratories within the region, we find that we end up not doing any material testing but in the document there is a material testing sub-heading with a funds allocation. We fail to understand how we can do some jobs for road construction without catering for some of these components.

What we understand by the construction of roads, there should be a material testing for gravel, aggregate and sand and delivered to the contractors when they are doing these roads because they are diverse in the county. There should be field and laboratory tests for compaction dimensions so that we can get the end result. Whenever we do constructions without setting standards, we fail to get quality and value for money. There should be tests for site soils where the roads are, there should be a certification of quality control tests. The nearest laboratory is in Nyeri which is in another county. We lose money when we pay to another county.

The testing equipment is also very old. We are having poor workmanship because we have not facilitated our local contractors so that they can meet the standards. Different areas need different types of materials for construction. Mr. Speaker, I am urging the CEC to factor funds to establish these laboratories to enhance quality materials for our roads. We are almost into El-nino season, and the status of roads in our county, where we have used a lot of money, you cannot imagine that those roads have been made by qualified contractors who have met the standards.

Whenever you ask for material testing proof, you only get a paper indicating that the tests have been done, but if you can ask the engineers where they collected the materials, they will state the local quarries and they do not even know where the quarries are. How can you get a testing certificate without even taking the materials for testing? That is why I am urging this House to support this motion, so that we will be allocated some funds to facilitate the executive to start a laboratory testing unit in Murang'a. I will urge Hon Esther to second the motion, thank you

Hon. Esther Ngugi: Members of this House and the public at large are concerned about the poor workmanship on our roads, Mr. Speaker, on constructions, repairs and rehabilitation; even the members of the public are not satisfied.

The cause of this poor workmanship is not using the proper materials and the compaction not being done properly. As the chairman has said, the quality of tools and equipment are not of the standard quality and the concrete mixture is not properly done. Mr. Speaker, why we

need a laboratory in our county to test the construction materials is to prolong the life of our roads and lower the cost of vehicle maintenance and ensure accessibility.

Some of the tests needed for the materials to be used on our roads are tests for gravel and sand, compaction densities, tests for concrete and mortar and tests for different types of soils. This is because different sections of roads require different types of soils. You can note that the section between Kenol and Karugia in the on-going construction of Kenol-Murang'a road, the Contractor had left it for a while and they went on to do the less complicated sections. This is because that is a swampy section with clay soil which is not good for that area. They had to excavate the soil and take it elsewhere and replace it with loam soil that has average water retention and drainage qualities. Thank you Mr Speaker, I second

(Question proposed)

Hon. Charles Kirigwi: I support the motion. My only concern is that we are pushing it very far to 2015/2016 whereas I know there is dire need to have the laboratories established as fast as possible. However due to budgetary constraints, I feel that in Murang'a county we can count the number of quarries that we have and when we are doing roads we get the materials from the quarries that we have in the county. Most of it about 90 per cent we get within the county.

Because quarries are not many, as we wait for budgetary allocation next year to establish this laboratory, I would also propose that the CEC can go and sample all the quarries that we have at their cost and then they document that in their records so that when a contractor goes to make road in an area, he is directed to a tested quarry where he can get materials to do a certain road

I think this is a good motion but to safeguard ourselves I will urge the committee to go further and get some coins here and there, I know they can, and have the quarries tested as they are today so that we can have that documented for tomorrow. I support.

Hon. James Kariuki: Mr. Speaker sir, while I support this motion I would like to give my view in as much as we are complaining about the quality of the materials that are used by the contractors, I think there is also a bit of sloppiness from engineers.

They do not do their work properly; they know what they are supposed to do. These people are well educated and they have no reason whatsoever, the works officers and engineers in charge of roads, they have no reason whatsoever of not doing their work properly.

As far as we are blaming, as much as we are saying we need to test the materials you will be shocked that if you go with a works officer to quarry he will tell you these quarry waste is not proper for roads this one is, even by looking at the materials. But there is a lot of sloppiness, a lot of laziness, a lot of dis-interest sometimes you wonder why they went to school.

Then you come to contractors they do a shoddy job deliberately because they want to make money. And sometimes you wonder why would you want to make money without doing a good job and yet the kind of profit you are going to get is quite substantial.

So as much as we are blaming the kind of materials that we use the contractors, engineers, the work officers know precisely what they are supposed to be doing. And I think it is high time that they pulled up their socks and did a good job.

Mr. Speaker roads are very close to everybody's heart here. We know that if the roads are properly done at least 75 % of us are likely to come back in 2017 and at the same time we shall be making the man at the village level very happy. The department of roads should take its work very seriously.

One other thing that I want to talk about is that whenever they are doing the roads especially the rural roads that are being done in our county, it looks like the engineers and

works officers do not factor in the issue of drainage and yet we know that most of the roads are damaged because of water.

It is imperative that whatever road is being done even if it is a kilometre of half a kilometre, the drainage of that road should be done properly and professionally by putting in culverts and other materials that are required, Mr. Speaker I support.

Hon. Kago Njoroge: Thank you Mr. Speaker, I want to appreciate the mover of the motion for coming up with such a good motion whereby we need a laboratory to test our materials.

But Mr. Speaker I understand as the mover has said, I think the chairman of roads needs to answer this why he has confessed that some amount of money has been put in each and every road whereby there is money set to do that testing in a laboratory.

We know in central Kenya we have got only one laboratory in Nyeri and if they have been getting that money without doing that test those contractors should refund that money to the county together with the engineers who has been approving that work.

I also fail to understand as I say like the hon. member who has said, if you go to my ward at Gitaru primary school, you will find a contractor did a shoddy job and when we complained he went back there and the work he re-did is still shoddy. Imagine the **class** has never been used and it is full of cracks because of poor workmanship and poor quality of materials.

It does not matter whether we have a laboratory or not, the engineers have that knowledge, they know the quality even by using eyes, you know what you are supposed to do as a contractor.

So even if we say we need to have this laboratory, we can have 20 laboratories but they will be useless to us as they will not be well used. We have a laboratory at Nyeri what does it take for our engineers to carry the materials test them and come back here and say this quarry is the one with best materials?

It is not a must that we have our own laboratory here we need to know what the concerned CEC has been advising the contractors because he has been allocating money to contractors.

I also understand most of the works that have been done in our wards, schools and anywhere else even the BQ's are done in the office, none of our people go on pre-visit tendering. Like that one I am complaining of Gitaru which I have taken to the relevant committee, imagine someone is being told to demolish the whole class and he never demolished the whole class to the foundation, he just demolished the walls.

I fail to understand we are paying our engineers and we are paying our CEC who is supposed to be working. I do not know whether it is rule but I heard that a certain contractor can go even to the finance officer trying to mock him that he is not able to pay simply because the MCA is interfering or he is saying the work is not well done. I fail to understand what the work of these engineers is. How qualified are they? Who called them engineers?

Even if the materials are not tested we need to have simplest understanding of engineering concept where everybody knows this is supposed to be done like this.

As we support Hon. Gitau on this who is the chairman for Roads and Public Works we also need to have a technical person employed by the Assembly who will be assisting the Roads committee when they are doing their oversight work. Thank you Mr. Speaker I support the motion.

Hon. Mary Waithira: Thank you Mr. Speaker sir, I rise to support the spirit of the motion. I would like to start by supporting hon. from Ng'araria that the CEC concerned together with his staff in this department have really portrayed a lot laxity in their work and that is why the issue of supervision is not carried out properly.

I do not think we need to support the employment of a technical person in this Assembly to help the committee when we are using so much money to pay a CEC, Chief Officer and other works officers employed by the county government of Murang'a by virtue of their qualifications. We are paying them a lot of money for them to give services to this department.

If we want to enhance the quality of our roads we must start with the materials that we are using to make our roads. And since mostly we are able to make our roads using locally available materials in form of quarry waste, gravel and hard core, I feel that we need to support the initiation of a laboratory where we will be subjecting our contractors to be getting a certificate after the testing of the materials.

Why the testing of materials is done and mostly in the spirit of Roads 2000 is so that the material that we use on our roads is up to date. When you look at different materials that we have when it comes to compaction you do not achieve the same rate because our materials behave differently from each other. Why we say a material to be tested is because they have different elasticity levels when it comes to compaction.

It is true sometimes we can help our contractors to get materials from some quarries which the engineer is supposed to have some materials tested but you find that sometimes due to the location of the road the contractor is working on, the quarries that the CEC might have carried tests on may be very far away from where the contractor is working. And due to this challenge we are saying if only we have an establishment of a quarry this will help whoever contractor is working on a road that is very far from where the established quarry is can be able to take his materials tested and get a certificate and may be a contractor will be able to use his materials.

If you look at whatever has been happening on our roads, many of the materials being used are substandard, but we may not tell the contractors they are using bad quality because in our tender document there is no given specification of the materials they need to use and from which quarries. But we can be able to look at the materials the contractor is using if only we make it a requirement that for a contractor to be given time to commence, he must possess a certificate of the kind of material he is using. And I think this will be helping to achieve the quality of the roads that we require.

So I so much support the spirit of this motion and I think it is high time we give approval to CEC so that he can start initiating, due to budgetary constraints during this time that in 2016/2017 as we come up with budget we can have money allocated to start a laboratory. And the laboratory does not need much we only need two rooms and machine that will be giving us the kind of the materials that we want and the specifications.

So that as we send the contractors to start working on the road they will be using the materials that we require, when it comes to compaction they will also be able to achieve. But we may not go far and we may not be able to tell the contractors that they have made a mess if at all we do not tell them what to do and what kind of materials to use.

Again, many of contractors we are using are wasting so much energy to move all the way from Nyeri or Kiambu for them to acquire the certificate. I think the devolution was brought so that services can be brought closer to our people and I think we stand a chance to start our laboratory.

I support this so that we also play a part in achievement of good quality that we need in our roads. I support.

Hon. John Gitau: Thank you Mr. Speaker, I also rise to support this motion and actually commend the mover but I am wondering because I am a lay man in engineering and construction whether these people carry those materials to Nyeri for testing or the testers go to the quarries to test, then it must be very tedious.

The idea that we request our county to have testing materials is good. I do not think this is going to solve the entire problem of bad workmanship. I was seated here when I heard the hon. member for Mugoiri talk of poor workmanship. I think he should take it beyond this House when a classroom is constructed and shoddy work is done because poor work leads to the wastage of money and, actually, the particular contractor should be charged.

Mr. Speaker sir, we have a problem during procurement processes. The procurement office for Murang'a should know all the documents that they are supposed to ask for from the contractors. They have been making mistakes. There is something we call insurance and this insurance will be very helpful for the person giving the contract and the contractor. In construction, there is a particular insurance called contractor's or risk policy. This is where if you require something to be constructed for you as a county, you need to ask the contractor to confirm to you that he has procured insurance so that should anything go wrong, this insurer will come and compensate. They do that because if you, for instance take a case of Murang'a, we are used to giving very small contractors very big jobs.

If you assume that you are to give a contractor to build a building that will cost Kshs. 100,000,000, and that building eventually becomes uninhabitable or is badly constructed, that contractor will not be in a position to pay that money. Therefore, that is county money that will be a waste. Even if they are touched, there is no way that this money will go to paying for that building. As such, we need to clearly state that before we procure; a contractor should show us that he or she has the contractors all risk policy. That way, we will be safe. While the motion is very good, we also need to strictly put in other measures. I support. Thank you Mr. Speaker sir.

Hon. Joseph Njoroge: Mr. Speaker sir, I am the hon. member for Mbiri and I stand to support the motion and also congratulate the mover for bringing this important motion to this House. It is in order for this Assembly to know that we have done a lot since we joined the county from the defunct local authorities. We are happy because we are surrounded by many quarries which supply the building materials to our roads. It is good because the mover of the motion has indicated that we need to test materials because of the many buildings being constructed in this area. It is the high time for this Assembly to put into consideration that all the materials used in the constructions should be tested.

Mr. Speaker sir, you have heard of some of the houses that have collapsed as a result of poor quality materials. We should therefore support the idea of testing of materials. We are happy because we have the Ministry of Works here with us. The county should bring measuring machines to our headquarters. It is in order for each and every county to have a testing area for their materials. If you, for example, were to assess the roads that have been constructed in our county you will find that the width of some roads does not tally with the Bill of Quantities (BQ) yet we have qualified engineers and CEC member. You will find that the width of the road is probably three meters yet what had been captured in the BQ was 5.4 meters.

Therefore, it is the high time for this Assembly to accept that and also tell the CEC concerned to do what is necessary for our roads to be made better than they are. It is also good to note that our area is sloppy and if the drainage of the roads being constructed is not looked into, after one year you will realise that the drainage is no more. It is important for the people concerned to be told that each and every road that is in a sloppy area should have score checks for it to have a long lasting span. It is good for this Assembly to adopt and pass this motion by the hon. member who represents Kimorori /Wempa for the progressiveness of our county. Thank you Mr. Speaker sir.

Hon. Danson Mburu: Thank you Mr. Speaker sir, I am the MCA, Makuyu and I stand to support the motion and congratulate the chairman for bringing it. I support that a

laboratory be established in Murang'a county because we need one and we shall continue needing it. Let it be factored in the budget and the chairman should follow it up so that we may have one in our county.

The complaint is that the work been done is very shoddy and I would agree with it because if you take a case of Makuyu where some work has been done, I have never seen engineers from the office of the Governor coming to supervise the work. Therefore, the contractor knows that there is nobody who will come to supervise his or her work and will have the tendency of doing bad work.

I think that the engineers are there because they are employed. I recommend that they should be going out when the work is being done in various places and supervise the contractors. Most likely, the contractors will do good work. If there are complains of poor workmanship, it means that there is poor supervision by the engineers. Therefore, supervision is very important and the CEC should alert his engineers that they are supposed to go out and do their work.

Mr. Speaker sir, there was a road done from Ithanga to Makuyu that spent a lot of money. I do not remember any day when I saw an engineer coming to supervise the road. As a result, poor work was done and should you visit the road today, you will find that it is in big mess. I keep on going to the CEC, Mr. Njoroge, to tell him to install two bridges on the road but that is yet to be done. The bridges are critical because that road cannot be used as it is. People who should be using that road are opting to use the old road they were using in the past. That makes you wonder why that road was in the first place built.

I request the chairman, Hon. Wanjoki (Eliud Gitau), to visit the area and see the seriousness I am talking about. A lot of money was used but the road is not being used. After he sees the road, maybe he will push the CEC because I personally seem to have failed. In spite of going to his office now and again requesting him to repair the roads, he does not pay attention to me. Therefore, this Motion has come at the right time and I support it. Thank you Mr. Speaker, Sir.

Hon. Eliud Gitau: Thank you Mr. Speaker, I thank the members for supporting this important motion. I have already said that this motion is motivated by the poor workmanship of what is happening within our county. If hon. Kirigwi was in, I could have told him the reason why we pushed to 2016/2017; we did so because we are already in the budget cycle and we want this captured so that factor some funds in the allocation of 2016/2017.

The hon. member for Ng'araria has made a request on the supervisory aspect that is not being done well. We tend to think that we do not have qualified engineers. That is why I have proposed another motion to do a capacity building to those who have been employed by the county so that we can pin them down if after empowering them with knowledge they will not do what is necessary.

All the points that the members have given are well captured and noted. As a committee and as the chairman to that department, I am going to look at the issues raised with the help of any other member within the Assembly. We all have a role that whenever we see shoddy work being done somewhere, we should highlight and alert the relevant people that something wrong is happening somewhere. We will wake up and pull up our socks to ensure that what is meant for the money is received. I thank all the members. Thank you Mr. Speaker sir.

(Question put and agreed to)

ADJOURNMENT

First Chair: Hon. members, the House is adjourned until tomorrow at 2:30 p.m.

The House rose at 3: 27 p.m.