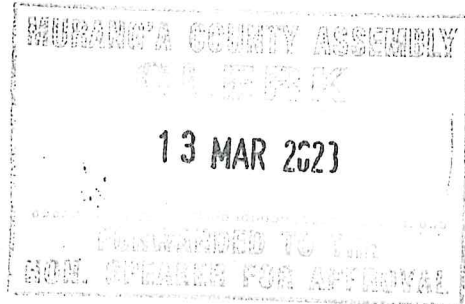


REPUBLIC OF KENYA



COUNTY ASSEMBLY OF MURANG'A

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THIRD ASSEMBLY – FIRST SESSION

SECTORAL COMMITTEE ON PUBLIC WORKS, ROADS AND  
TRANSPORT

REPORT ON

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THE STATUS OF COMMUNITY BASED (WARD) PROJECTS AS AT 1<sup>ST</sup>  
MARCH, 2023 (FY 2022-2023)

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*Clerks Chambers*  
*Murang'a County Assembly*  
**MURANG'A**

*13<sup>th</sup> March, 2023*

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## **1.0 PREFACE**

The Committee prepared a report on the progress of the Community based projects for the FY 2022-2023. This report contains the summary of the current status, challenges and recommendations for effective execution of the Ward projects.

## **1.1 COMMITTEE MEMBERSHIP**

Members of the Public Works Roads and Transport Committee are as follows:

|                                 |                  |
|---------------------------------|------------------|
| 1. Hon. Samson Mukora Ngigi     | Chairperson      |
| 2. Hon. Laban Chomba Njaramba   | Vice Chairperson |
| 3. Hon. Moses Gachui Mungai     | Member           |
| 4. Hon. Alex Ndunda Makau       | Member           |
| 5. Hon. Grace Nduta Wairimu     | Member           |
| 6. Hon. Gerald Wambugu          | Member           |
| 7. Hon. John Kamwaga Mwangi     | Member           |
| 8. Hon. Isaac Chefman Njoroge   | Member           |
| 9. Hon. Dinah Muthoni Kagiri    | Member           |
| 10. Hon. Liz Muthoni Mbugua     | Member           |
| 11. Hon. Simon Mwaura Wamwea    | Member           |
| 12. Hon. James Karanja Kabera   | Member           |
| 13. Hon. Bernard Ruiru Njeri    | Member           |
| 14. Hon. Priscilla Njeri Mwangi | Member           |
| 15. Hon. Peter Munga Njuguna    | Member           |

## **1.2 COMMITTEE SECRETARIAT**

The secretariat supporting the committee comprises of the following officers of the County Assembly;

1. Jane Nduta Njeri – **Senior Clerk Assistant and Head of the Secretariat**
2. Naomi Wanjiku Maina – **Hansard Reporter**
3. Caroline Karugo – **Research Officer**
4. Zachary Waithaka – **Serjeant-At-Arms**

### **1.3 ESTABLISHMENT AND MANDATE OF THE COMMITTEE**

The Departmental Committee on Public Works, Roads and Transport is established pursuant to provisions of Standing Order 204.

As a sectoral Committee under these provisions, the Committee is mandated to:-

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) study and review all county legislation referred to it;
- (d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the Assembly;
  
- (f) to vet and report on all appointments where the Constitution or any law requires the Assembly to approve, except those under Standing Order 198 (*Committee on Appointments*) ; and**
- (g) make reports and recommendations to the Assembly as often as possible, including recommendation of proposed legislation.

Pursuant to the fourth schedule of the Constitution of Kenya 2010 and the second schedule of the County Assembly standing order (204), the Committee is also mandated to look into all matters related to;

- a. County transport,
- b. Including county roads,
- c. Street lighting,
- d. Traffic and parking,
- e. Public road transport
- f. Storm water management systems in built-up areas

#### 1.4 Terms of Reference

The committee set out the following objectives in preparing the report for the second Assembly;

1. To report on the planning of the Community Based/Ward projects.
2. To identify the challenges in the execution of the projects.
3. To make recommendations on how to address the challenges hindering effective accomplishment of the Ward projects.

#### 1.5 ACKNOWLEDGEMENT

This Report was considered at length by the Committee in a meeting held on 13<sup>th</sup> March, 2023 and the resolution to adopt this Report was reached unanimously by members of the Committee.

The Committee wish to sincerely thank the Offices of the Honorable Speaker and the Clerk of the County Assembly for the cordial support extended to the members to enable the Committee complete this report. I applaud members of the Committee for their diligence and commitment as well as the secretariat for their competence in the completion of this task.

On behalf of the sectoral Committee on Public Works, Roads and Transport it is my pleasure and duty to present to the House, the Committee's Report for noting.

**Thank you.**

Signed: .......... Dated this; 14<sup>th</sup>.....Day of March, 2023.

Hon. Samson Mukora Ngigi

**CHAIRPERSON, PUBLIC WORKS, ROADS AND TRANSPORT COMMITTEE**

## **2.0 BACKGROUND**

**Hon. Speaker**, pursuant to Article 174(f) of the Constitution of Kenya 2010, one of the aspects envisioned by devolution is to promote social and economic development. This is in addition to the provision of proximate and easily accessible services throughout the 47 County Governments in Kenya. In realizing this objective, His Excellency the Governor of Murang'a County, Dr. Irungu Kang'ata has planned for implementation of projects at the Ward level.

He highlighted the Community projects as his third (3<sup>rd</sup>) pillar of the County Government vision and a catalyst for effective implementation of devolved functions under the fourth schedule of the Constitution of Kenya, 2010. Projects identified under this program include water, streetlights, roads, Murrum, dispensaries and renovation of ECDES. One of the motivation towards the agenda of Community projects by His Excellency the Governor is to support local contractors at the grassroots level.

## **3.0 PLANNING AND BUDGETING OF COMMUNITY BASED PROJECTS**

### **3.1 Budget Allocation in the Supplementary Budget FY 2022-2023**

**Hon. Speaker**, attainment of the objectives of the community projects required a substantive budget allocation and the goodwill of the County Assembly in approving it. The community -based projects were factored in the supplementary budget estimates FY 2022-2023 and subsequently appropriated for by the County Assembly in accordance with the Law. Pursuant to section 39 (6) (c) of the PFM regulations, the CEC justified reduction of **Kshs. 250 million for gravelling and maintenance** and its re-allocation to the new program on **Community Based Projects**.

### **3.2 Equitable Distribution of the Kshs, 280 million**

**Hon. Speaker,** the allocation of **Kshs. 280 million** for community-based projects has been equitably distributed across all the 35 Wards and is itemized accordingly. Each ward has been allocated **Kshs. 8 million** for the various projects. It is important to note that identification and prioritization of these projects has been done through constant consultations with the MCAs.

### **3.3 Domiciling of projects in the Roads, Housing and Infrastructure sector**

**Hon. Speaker,** the Community projects program has been domiciled in the Roads, Housing and Infrastructure department. This was informed by the view that most of these infrastructure projects require technical expertise in aspects such as drawing of building plans and preparation of Bill of Quantities (BQs). However, the CEC confirmed that once the projects are completed they will be handed over to the respective departments for management, monitoring and evaluation.

### **4.0 FY 2022-2023 ANNUAL WORKPLAN FOR THE COMMUNITY BASED PROJECTS**

The annual workplan for the community based projects for the FY 2022-2023 was presented by the CEC. The workplan articulated itemization of the program the objectives activities and output of the various sub-programs as follows;

### Program Based Budget

|    | Sub-Program                                     | Objectives  | Activities   | Out-Put   | Total Budget Kshs |
|----|---|---|--|---|-------------------|
| 1. | ECDE Classroom renovation & construction        | To provide quality learning facilities and a better learning environment. | Plastering works<br>Painting works<br>Tilling works<br>Terrazzo works<br>Ceiling works | Improved learning environment                           | 105 M             |
| 2. | Roads Development                               | To build resilient roads within the County                                | Grading works<br>Earthworks<br>Drainage works<br>Gravelling works                      | Improve accessibility                                   | 105 M             |
| 3. | Market Sheds                                    | To provide better trading environment                                     | Concrete works<br>Steel Works<br>Roofing works   | Improve revenue and employment                          | 32.3 M            |
| 4. | Dispensary Renovation and construction          | To grow a healthy community   | Plastering works<br>Painting works<br>Tilling works<br>Terrazzo works<br>Ceiling works | Improve health  | 30M               |
| 5. | Pipe distribution                               | To provide access to water  | Piping<br>Excavation   | Improve water connectivity                              | 20 M              |
| 6. | Other infrastructure (Culverts and Footbridges) | To improve access and drainage of storm water                             | Concrete works   | Improve connectivity                                    | 10 M              |
| 7. | Urban Development                               | To provide mobility within the urban centers                              | Earth works<br>Asphaltic<br>Concrete<br>Drainage works                                 | Improve aesthetics of urban centers and improve revenue | 175 M             |
| 8. | Energy distribution                             | To increase connectivity and to provide sustainable energy                | Maintenance of floodlights and streetlights.   | Improve security  | 11 M              |



#### **4.1 Committee Expectations on Execution of the Projects as at November 28, 2022**

The committee expectations with regards to implementation of the works as at November 28, 2022 was that;

1. The BQs will have been prepared for the first phase of the projects which entail ECDEs, dispensaries and water projects.
2. The BQs for road projects such as gravelling will be completed.
3. Renovation and construction works of ECDE classrooms will be completed before schools re-open in January 2023.
4. Contractors who delivered sub-standard jobs during the previous regime should be blacklisted from the procurement process.
5. No contracts should be paid without valuation of works on site to ensure that quality work is delivered in accordance with the approved BQs.
6. The County Public service Board will address the issue of shortage of technical officers ie engineers, works officers to facilitate efficient execution of the projects.
7. That any balances left after completion of projects maybe utilized to cater for other needs.
8. MCAs will be engaged from the onset of the ward projects in their respective Wards.
9. Allocation towards energy street lighting would be used to operationalize dysfunctional street and flood lights as well as cater for the pending electricity bills.
10. MCAs would utilize their time during the long recess in December to oversight the projects.

## **5.1 Emerging Challenges and Committee Concerns**

In view of the undertakings made on commencement of the projects, the committee noted with concern that;

1. As at January 01, 2023 implementation of works had not commenced across the Wards yet children were almost reporting back to school.
2. Noting the likelihood of undertaking works when learning is ongoing, there was no communication regarding plans for the safety of ECDE children and alternative/temporary classrooms to ensure that learning is not disrupted.
3. Some tender applicants complained about the online application process and deemed it to tedious especially with regard to the portal access.
4. Some tenders did not go through and had to be re-advertised.
5. The rainy season is almost approaching yet road works have not commenced.
6. In some Wards where tenders were awarded, works officers were not present for coordination and consultation.
7. In most of the Wards, contractors and works officers do not inform the offices of MCAs when going to the ground.

## **7.0 STATUS OF COMMUNITY BASED PROJECTS AS AT 1<sup>ST</sup> MARCH, 2023**

### **Meeting with the CEC Roads, Housing and Infrastructure**

The committee held a meeting with the CEC Roads, Housing and Infrastructure on 1<sup>st</sup> March, 2023 at 12.00 noon in the County Assembly to discuss the progress of the Ward projects. The CEC was required to address the following issues;

- i. Provide actual status of procurement of works and reasons for delay in the tendering process.

- ii. Explain assessment measures in place for BQs to ensure that actual cost of works done do not outrageously deviate from the amount allocated for the project.
- iii. Guidance on shifting of projects.
- iv. Provide data breakdown (per Ward) on specific projects that have already been done, those that are ongoing and projects that have not started at all and reasons why they have not commenced.
- v. Plans in place by contractors to ensure the safety of the children while ECDE renovations and construction works are being undertaken.

### **6.1 Submissions by the CEC**

The CEC Eng. Pius Njuguna accompanied by Eng. Maina from the roads department presented the following progress pertaining Ward projects;

1. There are 84 projects under the community-based projects specifically 120 new classrooms and 84 classrooms for renovations, but have been combined according to the size of the contracts, so they are all basically 84 contracts.
2. Out of the 84 contracts, the first tendering process was done where 28 projects were awarded and commencement letters have already been awarded for them, meaning that 30% of the projects have already commenced.
3. 56 projects were non responsive in the first tendering process and were re-advertised. They are currently in the process of being awarded at the lapse of the procurement process where contracts and commencement letters will be given and will be responsive.
4. Currently after evaluation, all the 56 projects are responsive except one for Gatanga Ward where the tendered amount was more than the engineers estimate by 25% and the area MCA is aware.

5. As at Monday 27<sup>th</sup> February, 2023 the department had sent letters of commencement via email to winning bidders so that they send back their acceptance letters within 7 days.
6. Contractors should be expected on site across the Wards by Mid-March.
7. That payment to contractors is guaranteed since the vote is already in place. He further clarified that when using IFMIS systems for procurement, money must be there unlike in the past where the works were not going through IFMIS.
8. Planning and supervision of works has been subdivided into two (2) groups, with one group being headed by one engineer in Murang'a South and all the works officers and the second group by an engineer and all works officers in Murang'a North. The works officers are cognizant of their roles and any reports on progress of works are submitted by the designated engineers to the CEC.
9. There is a list of members of the community who are following up on the progress of the projects on the ground
10. Contractors should not fail to complete work on the basis that they underquoted because they are required to operate within the engineers estimates which is normally negative to positive 15%.
11. With regard to the balances of the Kshs. 8 million after projects have been committed, the department will reconcile and try to balance between the development and recurrent expenditures. The balance amounts cannot be committed to any other use unless it is recommitted again through IFMIS. For instance, balances remaining cannot be used to purchase furniture for ECDE classes, since from the finance perspective that is considered a recurrent expenditure.
12. BQs have been balanced and works officers are working hand in hand with contractors on site to eliminate any variations.

13. The Department is working together with offices of the MCA in identification of projects before tendering.

14. The second batch of projects which includes roads will be advertised from 1<sup>st</sup> March, 2023.

## **6.2 Reasons for delay in procurement and commencement of works**

Factors causing delay in procurement and commencement of works are;

### **1. Legal requirements of procurement**

According to the Public Procurement and disposal Act, there is a mandatory standstill period of fourteen (14) full days between notification to award the contract to the successful bidder and the award of contract as per section 68 (2) of the Act. Notice of the tender award shall be issued promptly to the successful bidder and at the same time to the unsuccessful bidder.

The standstill period is to afford unsuccessful bidders who may have grievances on the procurement process to contest the decision and seek an administrative review. This unavoidable legal factor has caused delay in commencement of works.

### **2. Non-responsive projects**

Non-responsive projects had to be re-advertised and undergo the entire procurement process hence presenting further delays in execution of works.

### **3. Lack of requisite documentation**

Some contractors did not have the right documentation hence did not comply with the procurement requirements.

## **7.0 COMMITTEE FINDINGS**

From the analysis of the progress of Ward Projects, the Committee made the following observations;

1. Communication has not been issued to the Ward offices regarding the specific contractors undertaking works.
2. To reduce delays and meet the high expectations of the residents through Ward projects, some of the small works can be procured through request for quotations which is less bureaucratic.
3. Works officers in different areas are not taking their work seriously since they are not present for coordination once tenders have been awarded for commencement of works.
4. Some of the non-responsive projects are as a result of over quotation of works by contractors way beyond the engineers estimates.
5. The department has not observed timelines for execution of projects especially for first phase of the projects which entailed ECDES which have taken too long to be concluded.
6. Most of the local contractors are not conversant with the IFMIS systems of tendering.

## **8.0 COMMITTEE RECOMMENDATIONS**

In view of the current progress of the Ward Projects the committee made the following recommendations;

1. The CEC should take note of the oncoming rainy season and fast track the procurement process of road projects.

2. Notwithstanding the executive directive on use of open tender system in procurement, the CEC should consider and advise on use of alternative procurement methods such as quotations for small tenders of works that require less monies, in order to reduce the bureaucracies of the OTS.
3. The Works officers deployed in the sub-counties should;
  - i. provide technical advise and assist the offices of MCAs to interpret and understand all contents in the Bill of Quantities (BQs).
  - ii. prepare progress reports of ongoing works which should be used as a basis for assessment of completed works before contractors are paid.
  - iii. liaise with the offices of MCAs for smooth coordination and oversight and issue timely communication when going to the sites.
4. The CEC should ensure that contractors who deliver quality work are not frustrated by the current County Government during payment of works. However, in as much as the County Government intends to promote local contractors, those who undertake sub-standard/shoddy jobs should NOT be paid.
5. Caution should be taken during identification of projects to ensure that the value of the projects is not beyond the Kshs, 8 million allocated.
6. The local contractors should be trained on IFMIS systems and adopt it.
7. Through the Ward offices, the department should sensitize potential contractors on all the requirements for tendering.
8. Since most of the ECDE construction and renovation works will be done while learning is ongoing, the safety of ECDE children should be guaranteed.







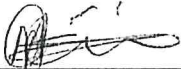




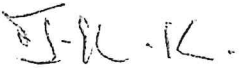

STATUS OF BALANCES AND RECOMMENDATIONS

| S/No. | Ward           | ECDE Awarded | ECDE Non Responsive<br>(Eng. Estimates) | Balance        | Recommendations                                       |
|-------|----------------|--------------|---|----------------|---|
| 1     | KIHUMBU-INI    | 4,295,200.00 |   | 3,704,800      | Gravel GICICI-CUGU; KAGOGO-NYAGA ROAD<br>2.75Kms      |
| 2     | MURUKA         | 6,787,010.00 |   | 1,212,990.00   | Do Makindi E.C.D.E and Gatitu ECDE Toilet Blocks      |
| 3     | GAICHANIRU     | 5,475,430.00 |   | 2,524,570.00   | To gravel Kariua & Ngurweini Access Roads 1.7Kms,     |
| 4     | KAMAHUHA       | 3,926,874.00 |   | 4,073,126.00   | To gravel Siranga & Rurii Access Roads 4 Kms          |
| 5     | MUGURU         | 6,341,364.00 |   | 1,658,636.00   | To gravel Muhuga & Iyego Sec. Access Roads 1.5<br>Kms |
| 6     | GATANGA        | 2,302,100.00 | 1,586,145.00                            | 4,111,755.00   | Do Cabro Kirwara Market & Karimuri Twin Culvert       |
| 7     | MUGUMONI       | 3,113,910.00 |   | 4,886,090.00   | Do Cabro Gatanyu Market                               |
| 8     | KAKUZIMTUMBIRI | 7,655,070.00 | 1,373,690.00                            | (1,028,760.00) | No Budget for Mwana Wi Kio A (Balance 344,930)        |
| 9     | ITHANGA        | 3,023,259.00 |   | 4,976,741.00   | Open and grade Access Roads                           |
| 10    | KAMACHARIA     | 3,728,280.00 |   | 4,271,720.00   | To construct Thuita Dispensary                        |
| 11    | KIRU           | 4,645,910.00 |   | 3,354,090.00   | To renovate Kiriko, Kairo, Nguruni ECDE classrooms    |
| 12    | NG'ARARIA      | 5,339,750.00 |   | 2,660,250.00   | To gravel Kiamuhu- Kianjereri Access Roads 2Kms       |
| 13    | KIMORORU/WEMPA | 4,659,080.00 | 2,691,540.00                            | 649,380.00     | To install culverts                                   |
| 14    | MAKUYU         | 7,004,800.00 |   | 995,200.00     | To construct footbridge/ Culverts                     |
| 15    | WANGU          | 4,782,480.00 | 3,213,370.00                            | 4,150.00       |   |
| 16    | TOWNSHIP       | 6,816,230.00 |   | 1,183,770.00   | To construct a footbridge                             |
| 17    | GATURU         | 4,537,534.00 |   | 3,462,466.00   | To construct toilet block at Kabuta Shopping Centre   |

|    |              |              |              |  |
|----|--------------|--------------|--------------|--|
| 18 | GITUGI       | 4,309,970.00 | 3,690,030.00 | To gravel Kahwae- Gitugi Access Road 2.5Kms  |
| 19 | ITHIRU       | 4,356,365.00 | 3,643,635.00 | Gravel Matira - Ndugururu 1.5Kms   |
| 20 | ICHAGAKI     | 2,308,795.00 | 5,691,205.00 | To gravel Kififiri-Kirungu- Nyerere Road,Kiamakumi-Ikungu Road 3.6 Kms   |
| 21 | RWATHIA      | 7,996,776.00 | 3,224.00     | To renovate 1 classroom  |
| 22 | KANYENYA-INI | 6,383,980.00 | 1,616,020.00 | To construct 1 Km of Access road   |
| 23 | KIGUMO       | 2,215,740.00 | 5,784,260.00 | To gravel Kigumo-Iruguini & Pst. Pius Muiru Access Roads And Kwa wamuthithi & Githima-Karura Culvert Pedestrian Footbridge                                 |
| 24 | KINYONA      | 3,314,200.00 | 4,685,800.00 | Do Githiru-Kanyiriri Water Project   |
| 25 | MUTHITHI     | 3,260,680.00 | 4,739,320.00 | Gravel Njora Gathanji AKa-Mukuru Kagurumo-Gichichi- Kiangariini Access Roads 4Kms  |
| 26 | KANGARI      | 7,642,032.00 | 357,968.00   | Provide 1 Km of road for gravelling  |
| 27 | KARJARA      | 4,554,310.00 | 3,445,690.00 | To improve Gatura Market   |
| 28 | KAGUNDU-INI  | 4,204,564.00 | 3,795,436.00 | Gravel Githunguri sec school Access road 3Kms  |
| 29 | RUCHU        | 6,502,455.00 | 1,497,545.00 |  |
| 30 | MURARANDIA   | 4,097,213.00 | 3,902,787.00 | To Gravel Kairichi Gichu, To construct Toilets at Murarandia health center, Completion of Githaithi social hall and construction of a Tea collection shade |
| 31 | KAHUMBU      | 6,820,975.00 | 1,179,025.00 | Mumbu primary school water project   |
| 32 | MBIRI        | 3,468,740.00 | 4,531,260.00 | Provide new ECDE Classrooms  |
| 33 | KAMBITI      | 7,494,686.00 | 505,314.00   | Construct Mihango and Kitune ECDE Toilet Blocks  |
| 34 | NGINDA       | 2,282,880.00 | 5,717,120.00 | To Gravel Kirundu, Kiendwa and Kigoru Access Roads 4.7Kms  |
| 35 | MUGOIRI      | 6,986,700.00 | 1,013,300.00 | Tiling of Githagara health center  |

### Report Adoption

This report was adopted by the following members;

| S/N | NAME                        | SIGN   |
|-----|-----------------------------|--|
| 1.  | Hon. Samson Mukora Ngigi    |    |
| 2.  | Hon. Laban Chomba Njaramba  |    |
| 3.  | Hon. Moses Gachui Mungai    |    |
| 4.  | Hon. Alex Ndunda Makau      |    |
| 5.  | Hon. Grace Nduta Wairimu    |    |
| 6.  | Hon. Gerald Wambugu         |  |
| 7.  | Hon. John Kamwaga Mwangi    |  |
| 8.  | Hon. Isaac Chefman Njoroge  |  |
| 9.  | Hon. Dinah Muthoni Kagiri   |  |
| 10. | Hon. Liz Muthoni Mbugua     |  |
| 11. | Hon. Simon Mwaura Wamwea    |  |
| 12. | Hon. James Karanja Kabera   |  |
| 13. | Hon. Bernard Ruiru Njeri    |   |
| 14. | Hon. Priscilla Njeri Mwangi |  |
| 15. | Hon. Peter Munga Njuguna    |  |

