

REPUBLIC OF KENYA
MURANG'A COUNTY ASSEMBLY
THE HANSARD

Tuesday, 1st October 2024.

The House met at 2:45p.m.

[The Temporary Speaker (Hon. Hanna Wairimu) in the Chair]

PRAYER

PAPERS

ANNUAL REPORT FROM THE OFFICE OF THE COUNTY ATTORNEY FOR THE YEAR ENDED
30TH JUNE 2024

Hon. Loise Mbogo: Thank you, Mr. Speaker, I am a nominated Member of County Assembly (MCA) and a Member of Governance Committee. I beg to lay the following Paper on the Table of the Assembly today Tuesday, 1st October 2024; -

The annual report from the office of the County Attorney for the year ended 30th June 2024 pursuant to Section 28 of the County Attorney Act.

Thank you, Hon. Speaker.

(Hon. Loise Mbogo laid the Paper on the Table)

REPORT OF GOVERNANCE, LABOUR, JUSTICE AND LEGAL AFFAIRS COMMITTEE ON THE
ANNUAL WORK PLAN FOR THE FINANCIAL YEAR 2024/2025 FROM THE DEPARTMENT OF
PUBLIC SERVICE AND ADMINISTRATION

Hon. Loise Mbogo: Thank you Hon. Speaker, I lay the Paper on behalf of the Chairperson. I wish to lay the following Paper; -

The Report of the sectoral Committee on Governance, Labour, Justice and Legal affairs on Annual Work Plan for the financial year 2024/2025 from the Department of Public Service and Administration be laid on the Table of the Assembly.

Thank you, Hon. Speaker.

(Hon. Loise Mbogo laid the Paper on the Table)

The Temporary Speaker (Hon. Hanna Kamau): Next order.

NOTICE OF MOTION

ADOPTION OF REPORT OF GOVERNANCE, LABOUR, JUSTICE AND LEGAL AFFAIRS COMMITTEE ON THE ANNUAL WORK PLAN FOR THE FINANCIAL YEAR 2024/2025 FROM THE DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION

Hon. Loise Mbogo: Thank you, Hon. Speaker, I beg to give Notice of the following Motion; that, the Assembly adopts a Report of the sectoral Committee on Governance, Labour, Justice and Legal Affairs on annual work plan for the FY 2024/2025 from the department of Public Service and Administration, laid on the Table of the Assembly on Tuesday, 1st October 2024.

Thank you, Hon. Speaker.

The Temporary Speaker (Hon. Hanna Kamau): Next order.

MOTION

ADOPTION OF REPORT OF PUBLIC WORKS, ROADS AND TRANSPORT COMMITTEE ON STATUS OF COMMUNITY BASED PROJECTS AS AT JUNE 2024

Hon. Samson Mukora: Hon. Speaker, I represent Kagundu-ini Ward and also the Chairperson for Transport, Public Works and Infrastructure. I beg to move the following Motion; -

That, this Assembly adopts the Report of the sectoral Committee on Public Works, Roads and Transport on the status of the community- based project as at June 2024, laid on the Table of the Assembly on Tuesday October 1, 2024.

Honourable Speaker, in line with the aspirations of devolution, His Excellency the Governor highlighted community projects as his third pillar of the county government vision. The impact of the community- based project cannot be understated specifically the provision of conducive learning environment through renovations and construction of ECDE centers. The Committee has continued to support the sector through its oversight, legislation and representation and budget making mandates. Execution of ward projects requires substantive budget allocation appropriated by the Assembly.

The Committee appreciates the increased budget allocation for the community projects programme from Kshs 455Million in the FY 2023/2024 to 1,050,000,000 in the FY 2024/2025. Despite the positive

impact of the programme, the Committee made key concerns on valuation of works executed in the FY 2023/2024, the views range from shortcomings of the department, works officers, contractors, MCAs and the procurement process.

Among the concerns raised by the Committee includes leniency of the department on taking action on slow and underperforming contractors, works officers not going to site to inspect the works and recommendation of payment for shoddy contractors, awarding of tenders to the highest bidders and problematic contractors, non-responsive tenders due to delay by the department in advertising the projects and also under evaluation of projects have frustrated many contractors resulting into delays in completion of works since some has to stall the projects to go look for resources for completions. Those were among the concerns raised by the Committee.

With that honourable Speaker, the CEC submitted the following; he visited the Assembly accompanied by the Chief Officer and the engineer on Wednesday 24th August 2024 at 11:30 and submitted as follows;

Unfavorable weather conditions in upper Murang'a greatly harm commencement of projects, he stated that the first cohort of projects will be advertised in September and I think the members should note this, which ended yesterday and by the end of November the projects will have commenced.

The second cohort projects will be advertised in December 2024 and will commence by January 2025. Another submission was awarded and unpaid projects for FY 2023/2024 is currently 153, 038, 577 as at June 30, 2024 while pending bills are at 99,771, 692, the non- responsive tenders are solely under the control of the procurement process. He also submitted that there are seven work officers in each sub-county and they have been supervising the projects professionally. The department is aware of the programme impacts in the entire County and is waiting for the department of Finance and Economic Planning to give guidance on the anticipated supplementary budget.

The Committee recommended, in view of deliberations with the CEC regarding the community-based projects; -

1. That officers of MCAs to minimize constant confrontation with contractors and works officers and endeavor to resolve issues in an amicable, fast and efficient manner.
2. Names of slow and underperforming contractors should officially be forwarded by the respective office of the MCA to the procurement department along with comprehensive justification of complaints.
3. If a tender is non responsive, the department should notify the office of MCAs on time and not wait for them to go and inquire.

4. The department should ensure that there is proper planning on how to guide underfunded contractors to get support from banks without delaying commencement of works.
5. To enhance co-operation, works officers should assist the offices of MCAs in interpretation and verification of the Bill of Quantities (BQs) before commencement of projects.
6. Works officers should inform offices of MCAs before undertaking site visits for inspection of projects.
7. According to the declaration from the County Executive Committee Members (CECM), the first and second cohorts of projects should be advertised and commence as scheduled by September and February respectively.
8. The procurement department should strictly adhere to the Public Procurement and Asset Disposal Act, 2015 to reserve a minimum of 30 per cent of tenders to special categories.
9. Since one of the objectives of ward projects is to support and empower local upcoming contractors, bids prepared should be friendly to tender applicants to avoid issues of stalled projects, substandard jobs and pending bills.
10. For the purpose of posterity, the County Government should ensure that the program is safeguarded and anchored in a sound policy or legislation enacted by the County Assembly.

Those are among the few highlights which are enshrined in the Motion we are having in our desks. It is my plea; members have gone through the Report and they have gone through all the recommendations and so many things that are in that Report. We have captured the thoughts of the members. We have been listening to members and how some contractors have been misbehaving and you cannot at any point let the resources of the people of Murang'a be used in an inappropriate way.

We had come with those recommendations and with that I think each and every member will be satisfied with whatever will be done in their wards. If you have got the last recommendation as a Committee, we thought that this initiative that was brought forth by our Governor. it was within his manifesto it has made us to realize equitable distribution of resources across the whole County. We do not know what might happen tomorrow maybe some of us will be back here, some of us will have gone for higher seats and some of us will have found other greener pastures somewhere else, the same case to our Governor; then there might come a person who will not have the knowledge and the wisdom of our Governor to ensure there is equitable distribution of resources across the County. So, it was the thought of the Committee that if there be a Policy on a certain amount that will be distributed to the ward equitably; this will help even those people who will come after us. And I think that will be the greatest and the golden gift that we will have left behind for those who will come back and for others who God will bless them in

different ways. And with that I want to call Hon. Boniface Mabu one of the Committee members to second the Motion as I urge all the Members to support this Motion. Thank you.

Hon. Bonface Mbau: Thank you Madam Speaker. I want to thank our Chair together with the Members for coming up with this Report. Secondly, I want to thank our honourable Governor, for coming up with the community-based projects which makes sure that there is development in all corners of Murang'a County. If you check in that Report, it is true that there was some delay in projects because some of the data was non-responsive. And I want to thank our Chair because he has come up with that Report saying that the tender is non-responsive. The office of department of Housing should be informed the respective MCA. So, Madam Speaker I second the Motion. Thank you.

Temporary Speaker (Hon. Hanna Wairimu): Thank you Chair Public Works in the Committee for the good work well done.

(Question proposed)

Temporary Speaker (Hon. Hanna Wairimu): Honorable Member the Floor is now open for the debate. Hon. Moses.

Hon. Moses Muchiri: Thank you, Hon. Speaker. I stand to support the Motion and also to congratulate the Committee for the work well done. Also to thank our Governor Dr. Irungu Kangata for coming up with the proposal for community projects. Hon. Speaker I am aware of the transformation that has been done in Muguru ward where many projects have very done very well and completed and they are serving the great people of Muguru ward, especially on Health where we have been able to refurbish Kangema sub-county hospital. Also, we have been able to complete Mununga dispensary which was tiled over 20 years ago which is currently operational.

We have also been able to do a lot of ECDEs, as well as roads, as well as issue bursaries to our needy students both in secondary schools as well as tertiary institutions. But Hon. Speaker, it is also good to note that there is a lot of challenges and problems on the community projects especially when it comes to tendering process as well as awarding these contracts as well as payments. In my ward I can see we have three pending projects that have not yet been paid. Hon. Speaker, it is good to note that the Marimira ECDE centre that one is completed although it was not done at the site because of land issues, the ECDE that was done was Kahiti primary ECDE classroom which was done and also, I invited H.E. the Governor to launch the project and that project is complete.

Hon. Speaker, I would like to complain about the last two projects, that is grading and gravelling of Muguga stage access road as well as construction of Kanorero dispensary. Hon. Speaker, it is good to

note, gravelling of Muguga road, the work that was done is sub-standard. I can say the contractor was about to be paid or has been approved to be paid about an amount of 2.2 million. The work that was done on the site is not even worth half a million, because out of the road which is about two kilometers the work that was done is even less than half a kilometre. The contractor just came, graded the road, put some materials and left the site. I complained with the County engineers, I complained to the County Executive Committee Member (CECM), I complained to the Governor H.E. Dr. Irungu Kangata who sent the engineers to the ground but the engineers colluded with the contractor and approved the work despite my complaints and complaints from the people of Muguru that the project was not done well or was not completed.

So, it is good for the Committee to look at those contractors because some of them are criminals, they are cartels. Some of them do not even do any work on the ground. They just go and take pictures or rather projects come with the pictures to the executive where they are paid. It is high time we become transparent and we become accountable for the public money because the money that is used is public money. We need to stop those debts. Also, on the case of Kanorero dispensary, nothing was done there on ground. The contractor just came and did zero work. There is nothing that is done on that site and I know the contractor is about to be paid. So, it is high time we stop those cartels, we stop the colluding. Our work is oversight and we need to stop those County Executive officers who are colluding with the contractors paying them without doing any work. That is corruption that we cannot condone in this House.

So, I urge the Committee to continue supervising how those projects are awarded, those contractors that are awarded those contracts because some people who are in the executive, even own those companies where they award themselves those contracts, pay themselves, which we cannot allow to continue. I urge the Committee, to put more effort to fulfil the recommendations that they have made.

Just a minute, Hon. Speaker. It is good for the Committee to work on that, especially where the contractors are awarded a lot of contracts. You find one contractor with over ten contracts, which they cannot complete on time because some of those people in procurement know those contractors and collude with them. That is something that, Hon. Speaker, we are not going to allow, especially, as an elected Member of County Assembly representing the great people of Muguru Ward.

Thank you, Hon. Speaker. It is also good to note on another area on labour. We have also had some complaints on the ground. Where those contractors hire people who do not belong to the Ward. In one case, when the Mununga dispensary was being done, I went there at night and met Kambas installing tiles there, whereas we have people in my Ward who can work on those projects. In Kiamara early childhood development, there was a contractor by the name Alatech, I do not know where they came from, they are

foreigners who do not belong to Muguru Ward, it is good for the community projects, we understand they are community projects and local contractors should be considered, local labour should be used as well as local resources. We have many suppliers who can supply the building materials in our ward, because we have those suppliers and they should be used so that they can benefit with those community projects. Thank you, Hon. Speaker, I stand to support.

Temporary Speaker (Hon. Hanna Wairimu): Hon. John Kamau Munyua.

Hon. John Munyua: Thank you, Madam Speaker. I will start by saying, Hon Member for Muguru has really said what is in his heart or in his mind and Hon. Speaker, it is good to air their view but on saying that there are some other fellas, a name he has said, I believe they are also humans and they are Kenyans.

Hon. Speaker, it is quite a good report, I have seen there are those wards that managed to get payment of...

(Hon. John Ngugi rose on a point of order)

Temporary Speaker (Hon. Hanna Wairimu): Yes, Hon. Kibaiya.

Hon. John Ngugi: Madam Speaker, the Hon. Member for Gaichanjiru has not indicated whether he is supporting or not supporting the report. That is where we start.

Hon. John Munyua: Thank you, my senior from Gatanga. I do support the Motion with all my heart and it's a good progress that Committee has done quite a good job and all of us, I wish all of us elected members are here to really understand what happened. What they wanted to do for their people and all of them, all of us should have say something regarding what happened because we represent those people. I believe we have the better view of what really happened. The Committee, its upon them, maybe they can go to the ground and look into those issues that the honourable member is raising because we are the watchdogs of the people of Murang'a.

Hon. Chair, that is a clarion call and maybe you can engage and better the process because I believe it is a process that we are starting and we can only make it better by engaging and sharing ideas that will ensure our people benefit 100 percent. Honourable Chair, I support the Motion and for me I am happy what are we managed to do for the people of Gaichanjiru.

Hon. Chair, Madam Speaker, I don't know why today there is no camera. It is unfortunate for this House because someone's is going somewhere there's no camera. I am not complaining, God is there for us all.

(Laughter)

Temporary Speaker (Hon. Hanna Wairimu): Okay Hon. Munyua. Serjeant- At- Arms, where are the cameras? They are not present? Next time you ensure we have photo coverage in our House.

Hon. John Munyua: Thank you, Hon. Speaker, for giving me that time. Thank you.

Temporary Speaker (Hon. Hanna Wairimu): Hon. Kibaiya.

Hon. John Ngugi: Thank you Madam Speaker. From the onset I want to thank the Committee for coming up with a robust report about the status of the community project. They have identified all the bottle necks and they have suggested a way forward to make the process better. I want to commend them for that. That said Madam Speaker, the community projects are ward-centric and the issues in my ward might not be the same issues that we have in Gaichanjiru or Kagundu-ini. I thank the member for Muguru for a spousing the issues that he has in his ward and I pray and believe that the chair will take this seriously.

I want to urge the chair to ensure that those who have complied and through this report that you have given us for the pending bills, we can work very closely, we can work in conjunction with myself and my Committee to ensure that this monies are paid because we have the current disbursement for the month of July and we agreed in the *kamukunji* (informal meeting) that we had with our honourable Governor that will ensure that this money is paid to the contractors because that is the right thing to do.

I know that there are some complaints about the procurement process and Chair, I must advice you that we have met with procurement department and we have agreed on how this is to be done. And I know by the end of next week the tenders will be floated. That is not what we have agreed but I think it is a better step than what we had last year because I believe if this is done and committed by the end of October, I think by the time the school closes we can start our project.

Chair, there is another issue of concern to me, that there were some security lights issued by department of infrastructure and I do not know the criteria that was used to issues those lights because Gatanga ward never got any. I have heard members bragging they got some. So, when you retire, I will probably require some clarity from you as to how those lights were distributed. Thank you very much, Madam Speaker I support.

The Temporary Speaker (Hon. Hanna Wairimu): I now call the Chairperson Public Works, Roads and Transport to respond.

Hon. Samson Mukora: Thank you Madam Speaker, first of all I want to thank those members who have contributed and supported. I want to assure them that no stone will be left unturned until whatever we have been given for our people is used in a prudent way.

I also want to reiterate what member for Muguru has said about the projects that some of them were never done or done shoddily, and that is what culminated in us having this Report. We came up with

this Report because we heard so many members complain from their wards and we wanted to have a robust Report and cover everything that has happened. This is third financial year that we are starting right now. First one we had challenges; some we were able to do away with in second year and we wanted to have this candid discussion so that we make sure that in this financial year we won't repeat whatever has happened.

When we were about to go for a meeting with CECM and Chief Officer, I wrote in our WhatsApp group for any member who had complaint of any contractor who had done shoddy job and maybe they feel that they have been paid, to give us those names. My Committee and I we were ready to visit those projects and see what has been done and see whether the contractor has been paid so that we could be able to question the CECM and Chief Officer, the engineers and works officers who went there and inspect the projects. Once we did that in our What App group where the communication is always done, unfortunately no member responded. So, when the CECM came I could not ask him further questions because I never went for a site visit because none of the members responded. So, next time Hon. Members if you find us writing something on the group and you find that it has affected you, it is good you respond so that the necessary measures and actions can be taken.

The Committee and department are ready and I also thank Hon. Kibaiya for what he has said about the procurement process. Soon the tenders will be advertised. The CECM committed himself that by the end of September they would have advertised but we are not late because even if they advertise for the projects right now there is no way we can go to those classes and start renovating them when our students are still learning. By the end of October they will have advertised, gone for normal process prescribed by the law and tentatively by end of November the work will start and before our kids resume to their class by January, we will have done all the renovations.

Thank you everyone for being supportive to these wards' projects. Thank you, Hon. Speaker.

(Question put and agreed to)

ADJOURNMENT

The Temporary Speaker (Hon. Hanna Wairimu): There being no other Business, this Assembly stands adjourned until tomorrow Wednesday, October 2, 2024 at 9:30 a.m.

Thank you.

The Assembly rose at 3:20 p.m.