

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**DAILY HANSARD**

**THURSDAY 20<sup>TH</sup> JANUARY, 2022**

**Afternoon Sitting**

## COUNTY ASSEMBLY OF BUNGOMA

### HANSARD OFFICIAL REPORT

THURSDAY 20<sup>TH</sup> JANUARY, 2022

The House met at 2:30 p.m.

(Mr. Deputy Speaker [Hon. Stephen Wamalwa] in the Chair)

### PRAYER

### COMMUNICATION FROM THE CHAIR

Honorable Members, we have a visiting institution by the name Royal Vision Academy from Mabanga. I will call the teachers to stand up. They are led by Teacher Emily Awino, Maxwell Wafula, and all the students.

Let's applaud them.

*(Applause)*

You can get seated. At the appropriate time, we will give the Honorable member representing where the school comes from and other two members, a male and a female to at least say something about the school and encourage the pupils who have come.

### PAPERS

#### REPORT BY THE PUBLIC ACCOUNTS COMMITTEE ON THE COMPENDIUM OF THE FIFTH SESSION OF THE SEVENTH COUNTY ASSEMBLY

**Hon. Tony Barasa:** Thank you, Honorable Speaker. I take this opportunity to table a report on compendium of the Public Accounts Committee report for the fifth session for the second County Assembly.

**Mr. Deputy Speaker:** Thank you, Honorable Members. A report by the Committee on Public Accounts on the Compendium of the fifth session of the second County Assembly having been procedurally laid before this House, it becomes the property of this Assembly.

### NOTICE OF MOTION

#### REPORT BY THE PUBLIC ACCOUNTS COMMITTEE ON THE COMPENDIUM OF THE FIFTH SESSION OF THE SEVENTH COUNTY ASSEMBLY

**Hon. Tony Barasa:** Honorable Speaker, I beg to say that this House adopts the report by the Public Accounts Committee on the Compendium of the fifth session for the second County Assembly.

**Mr. Deputy Speaker:** Honorable members, a notice of motion having been issued in a procedural manner, I thus direct that it be circulated at the right time to form part of business to be considered by this House

## STATEMENTS

**Mr. Deputy Speaker:** Honorable Members, we have visitors in the gallery and therefore want to allow the Honorable Member of Assembly representing the area in which the Royal vision Academy comes from, to say something about the schools, so that we can allow other members to encourage the pupils who are around. Hon. Anthony Namunyu Lusenaka.

**Hon. Antony Lusenaka:** Thank you, Honorable Speaker for giving me this chance and for your office allowing these students to come and learn a few things about this County Assembly. Royal Vision Academy comes from Bukembe West Ward along Webuye-Malaba road. It is one of the best performing schools in my ward. Looking at the results for the last three years, almost more than 50 students have been getting four hundred marks and above.

*(Applause)*

I want to appreciate the teachers for the good work they are doing for the community. Getting 400 marks is not easy. I know that in the next ten years from now, we will have lawyers, Engineers and other serious professionals from that school and that is where the community should be moving to.

I want to encourage them that when they face their exam in March, they should do with courage. I wish them the best of luck because they are well prepared.

I want them to take advantage of this scholarship, last year we gave around 5 students from that school and they joined National Schools. This year, God willing, we may get more. I just challenge them to work hard and get more than 400 marks, so that they can help their parents not to struggle to pay their fees.

I thank the administration of this institution for allowing them to come and learn a few things here and there.

*(Applause)*

**Mr. Deputy Speaker:** Thank you, Hon. Antony.

**Hon. Tony Barasa:** Asante sana, Bwana Spika. Kwanza nachukua fursa hii kushukuru Mheshimiwa Antony Lusenea kwa kutunza hii shule ya Royal Vision. Vile tunajua ya kwamba, taifa lolote lile litajengwa kupitia elimu. Watoto wetu ambao wako shuleni ni viongozi wa kesho. Jambo hili tunataka kulitilia mkazo kwa sababu sio viongozi wa kesho ni viongozi wa sasa. Juhidi zao ambazo wanazifanya katika elimu zitawawezesha wao kukua

pahali pema katika siku zijazo ili kutengeneza jamii. Mimi nataka kuwashukuru walimu ambao wamekuja na watoto hawa na kuwasihii wanafunzi kwamba chanda chema huvikwa pete. Popote walipo, lazima wazingatie mambo ya kuwa na nidhamu kwa wazazi wao na walimu wao. Mnafaa kujua kwamba, hapa tulipo, sisi hatutakua MCA's milele. Siku nyingine, watakuja kukalia viti hivi ambavyo tumekalia. Shukrani zangu na kongole ziwaendee walimu pamoja na MCA's ambao wamefanikishwa watoto hawa kufika hapa siku ya leo. Asanteni.

**Hon. Jane Chebet:** Mr. Speaker, I want to take this opportunity to thank God that since the year began, it is my first time to make a contribution towards the school that is seated behind us. Having come from a background of teaching, and having taught for sixteen years, I want to encourage not only the pupils but also the teachers. The sky is not the limit. There are spaces beyond the sky. Get into browner pastures and that could be something beyond the teaching profession.

I also want to congratulate the teachers of this school. It is their efforts that are bringing good results in that school and even enabling them to come to this House. I really appreciate the teacher. If I at any one time had an opportunity of visiting such a school, I would have really wished to have an exchange program with one of my schools that is almost performing equally so that we exchange notes and see how our pupils can keep on excelling in their exams.

It has always been said that becoming number one is easy but remaining number one is not easy. I encourage the pupils that they keep working hard so that even in this era of CORONA, we don't need to have an excuse that it was because of this pandemic that their performance has been low. They should even perform much more than those who have passed through the system. I really wish them all the best in their forthcoming exams.

**Hon. Frankline Simotwo:** Thank you Mr. Speaker for giving me this time to say something about this school. As I have heard from my colleague about how the school is performing, it is encouraging that we thank the teachers and the students for their efforts. It is this time that we want to thank the people who struggled for devolution because as you see, these kids have come to learn from this assembly which is a replica of the National Parliament. We also congratulate men and women who fought seriously for devolution.

Devolution is what we are seeing. I want to appreciate the teachers from what we have heard performing. We know our colleague Luseneka will one time retire. These kids will take over. We want to wish the pupils success in their exams. Thank you very much for that time.

**Mr. Deputy Speaker (Hon. Stephen Wamalwa):** Thank you for making a remark about the school. We shall move on to the next item on the Order Paper.

**Hon. Rosemary Khisa:** Thank you Honorable Speaker for giving me this opportunity to take and appreciate our school by the name Royal Vision Academy. I could not just sit down without appreciating them. As much as the school is in Bukembe West, the pupils come from

my ward, Nalondo West. I just want to say thank you for coming so that you can learn. You were supposed to go to Nairobi when it had not been devolved.

When we talk of the Assembly, we could only mention the National Assembly. But it is good that through devolution, we have our County Assembly which is a replica of the National Assembly. Welcome and feel free. Be ready to learn the few things that we do in this Assembly.

For the teachers, I say thank you for the work that you are doing. There is nobody who is at a very good position like any professional who has not passed through the hands of a teacher. I applaud the work that you do. Most of the pupils that come from my area, in the last examination, got scholarship from my ward. That is a very good thing. We didn't look at the Academy because sometimes we normally do public schools. When we are giving out scholarships, it is also important. Some of the pupils that are here are very vulnerable.

It is only because teachers and the owner of the schools sometimes admit vulnerable pupils and they are taken care of by the teachers. It is not that when you go to an Academy, you are able. That is why we thought it important to give them scholarships. Thank you very much for coming. We wish you all the best as you face the National examination which is coming in March. May God bless you so that whatever the teachers have taught you can be remembered.

*(Applause)*

**Hon. Elvis Abuka:** Thank you Honorable Speaker. I appreciate you today for catching my eye for the first time. I am on my feet to appreciate my school for one reason. Every day I come to Bungoma town, I usually see the bus. I can tell you that the good result as earlier mentioned by the area MCA, Hon. Luseneka is equated to the discipline of the school. When I look at how the students conduct themselves, you can tell that it is a school that considers discipline as one of the factors that contributes to good or better results. I want to appreciate the school and all the pupils. I know it is not easy for an institution to produce such results.

You being one of the leaders on the House, you realize that it is not that easy for such results to be achieved in our school. I appreciate the entire leadership for the good work they are doing. It puts Bungoma County on record. I want to echo the sentiments by my earlier speakers that success wished to a successful successor succeeds successfully. I therefore wish them success as they prepare for the exam.

**Hon. Jack Kawa:** Asante Mheshimiwa Spika kunipa fursa hii nami pia niweze kuwashukuru watoto wetu pamoja na walimu wetu. Kwanza, niruhusu nishukuru mheshimiwa ambaye ni wa wodi ambayo watoto wetu wanatoka, Mheshimiwa Luseneka. Vile watoto wamekuja hivi lazima wajue kwamba mheshimiwa wao ambaye wazazi walimpigia kura na kumtuma katika chumba hiki, anafanya kazi vile alitumwa.

*(Applause)*

Tunataka tuwaambie wazazi wetu pamoja na walimu ambao wametembea na watoto wetu ya kwamba tunaelekea muhula wa mwisho na kulingana na vile tumeketi na Mheshimiwa Luseneka katika chumba hiki, ni mheshimiwa ambaye anajali watu wake wa Bukembe. Mkirudi nyumbani ambia baba na mama pamoja na ndugu na dada wampee fursa ili aweze kuendelea kuwafanyia kazi.

*(Applause)*

Jambo la pili ni kuwashukuru walimu walioketi na kupanga ya kwamba watoto wetu waweze kutembelea chumba hiki. Tunajua kwamba kesho yake mmoja wao ama wawili wanaweza fika mahali pia wawe wanasisia kama sisi. leo tuko, kesho tutatoka na wengine watarudi. Tunawaomba ya kwamba pia wajikaze. Cha msingi ni heshima. Mswahili pia alisema kuwa heshima si utumwa. Tunapoangalia watoto wetu wa sahizi, hawako kama jinsi ilivyokua hapo awali. Watoto wavulana wanatengeneza nywele kama wasichana, wasichana wanapovaa unavaa, hawavai mavazi ya kupendeza wazazi. Mimi kama mzazi nawaambia kwamba ukijiheshimu utaheshimika. Usipojiheshimu hutaheshimika kamwe. Wakatii wetu, ulikua ukimwona mtu mkubwa anapokuja na umeketi chini, unasimama. Unapona mwalimu kutoka shule jirani, hata kama hakufunzi, utasimama. Sahii, hatujui nini kilichoingia katika watoto wetu.

Waheshimu wazazi na mheshimu mwenyezi mungu. Enda kanisani. Waheshimu walimu. Kesho yake, mtakua viongozi katika nchi hii ambayo tunaweza wategemea. Mnapotarajia kukaa katika mtihani wenu wa mwisho, mwaka huu mwezi wa tatu, mungu wa amani, mungu wa upendo aweze kuwakumbusha yale mlisoma kuanzia darasa la kwanza mpaka sasa. Mnapofanya mtihani wenu, tunawaomba muweze kupita. Wazazi wenu na pia Kaunti ya Bungoma itafurahia. Asante sana walimu wetu. Kazi mnayofanya ni ile ambayo sisi hatuwezi sema kinyume.

Mheshimiwa Spika, pia wewe ni mwalimu. Tunaomba serikali yetu inagalie mahitaji ya walimu wetu. Haya maneno ya CBC hayajulikani yanatoka wapi wala yanaenda wapi. Yote tunawaachia. Asante. Mungu awabariki na aweze kuwazingira.

*(Applause)*

**Hon. Rebah Wabwile:** Thank you Mr. Speaker Sir. I thank you for catching my eye. I knew you had already given a ruling that I may not speak but I thank you so much for giving me an opportunity to air something concerning the school that is in the gallery.

This is Royal Vision Academy that is in Bukembe West ward. On behalf of the Committee on Education in Bungoma, I want to thank you for choosing Bungoma County Assembly today to be our Guest. Hon. Anthony Luseneka is a member of Education committee. He is somebody who loves education and I am very sure that because of his performance in the ward, you should not visit any other County Assembly but Bungoma.

We have heard cases where schools have chosen to go and visit other Assemblies. But I am sure the relationship that you have with your MCA made you to come. The Royal Vision

Academy is a school I know very well. It is a school I am passionate associated with because the directors of the school, were my classmates in our heydays. We borrow a lot in issues director of schools. What you do at vision is also what I practice elsewhere. I thank you so much for the good work that you are doing. I want to urge that you continue keeping up with the spirit.

As I almost conclude, this is a school that is situated on our great North Road just opposite the Mabanga market. It is unfortunate that as we talk like this, our great north road is no longer our great north road that we used to know because it is now muddy because of trailers that are causing problems. I only want to give a caution to the teachers of the school that we do not want to lose any of the souls that we are seeing here today, take care of our boys and girls so that at the end of the day we get powerful speakers of this County Assembly.

I am sure you have come here to learn and we need to protect you just like a chicken protecting its chicks. The road is so bad and I know some of you are Day Scholars. Can we be keen on issues of road safety? Can we be keen on who is taking who, so that at the end of the day we are all safe? With all those remarks, I thank you so much.

**Mr. Deputy Speaker:** Thank you, Hon. Reba Wabwile for your remarks and reminding us that our great northern corridor is no longer that good and even accessing the school is a problem but we are praying that everything will be well soon.

Thank you so much Honorable Members for your remarks. I want to believe that when the pupils leave here, they will carry the information and share with those who are not here and teachers will guide them. Thank you so much, may God bless them.

## **MOTIONS**

### **REPORT ON THE STATUS OF CONSTRUCTION OF THE WARD OFFICES BY THE BUNGOMA COUNTY DEPARTMENT OF PUBLIC SERVICE MANAGEMENT AND ADMINISTRATION**

**Hon. Luke Opwora:** Thank you for giving me this opportunity. Mine is to encourage if you allow me, the young men and girls who are here that this leadership is meant for them. Some of us are young but we are here and the future is so bright for them.

I'm here on behalf of the Committee on Public Administration and ICT to move the report on the status of construction of the Ward offices by the Bungoma County Department of Public Service Management and Administration.

Status on Construction of Ward Offices by Bungoma County Department of Public Service Management and Administration

## **PREFACE**

It is my pleasant duty on behalf of the committee to present this report on the Status of construction of Ward Offices by Bungoma County Department of Public Service Management And Administration.

### **Committee Membership**

The following are the Members of the Committee on Public Administration and ICT:

- |     |                       |                  |
|-----|-----------------------|------------------|
| 1.  | Hon. Majimbo Okumu    | Chairperson      |
| 2.  | Hon. Violet Makhanu   | Vice Chairperson |
| 3.  | Hon. Stephen Wafula   | Member           |
| 4.  | Hon. Joseph Juma      | Member           |
| 5.  | Hon. Francis Chemion  | Member           |
| 6.  | Hon. Jack Wambulwa    | Member           |
| 7.  | Hon. James Mukhongo   | Member           |
| 8.  | Hon. Elly Tindi       | Member           |
| 9.  | Hon. Tony Barasa      | Member           |
| 10. | Hon. Meshack Simiyu   | Member           |
| 11. | Hon. Joan Kirong'     | Member           |
| 12. | Hon. Hillary Kiptalam | Member           |
| 13. | Hon. Wapang`ana Erick | Member           |
| 14. | Hon. Joseph Magudah   | Member           |
| 15. | Hon. Luke Opwora      | Member           |

I will skip the mandate of the Committee and come to acknowledgement

### **Acknowledgements**

May I take this opportunity to thank all the Committee Members for their input and valuable contributions during the exercise; and for dedicating their time in examining all documents related to the projects? The committee also takes this opportunity to thank the Offices of the Speaker and Clerk for the logistical support accorded to it during the exercise.

The committee further wishes to record its appreciation to the County Assembly staff attached to it during the exercise. I also thank the Ward Administrators for the various wards visited for their support and guidance during the site visit.



The commitment and devotion to duty by all involved in this noble task made the production of this report possible.

It is therefore my pleasant duty on behalf of the committee to present this report for approval by this Honourable House.

Signed by Hon. Henry Majimbo Okumu Chairperson, Public Administration and ICT Committee.

## **COMMITTEE FINDINGS**

### **Background Information**

During the interrogation of the quarterly reports and financial statements and the annual reports, the committee noted that the department of PSMA consistently submitted pending bills for payments for the construction of various ward offices. It was further noted that the budget allocation for the construction of ward offices across the forty five (45) wards was provided for during the FY 2014/15; however due to various reasons, construction commenced in some wards, stalled in others or did not commence completely in other wards.

The committee therefore, on its own motion and pursuant to its mandate as per the Standing orders No, 196 (5) (a); sought to inquire into the management and administration of the ward office construction funds as appropriated by the County Assembly to the Department of Public Service Management and Administration ;with an aim to ascertain whether funds appropriated for the construction of the offices were efficiently utilized , note any challenges that may have been encountered in the process of implementation and submit its recommendations to the County Assembly to inform future funding for the ward offices.

In order to effectively undertake the activity, the committee requested for information with regard to the construction of ward offices from the department of PSMA vide a letter dated 31st August, 2021. The information was submitted on 26th October, 2021. Members analyzed the information contained in the documents in preparation for the site visit activity.

From the information submitted, the committee noted that five(5) ward offices namely: Ndivisi, Maraka, Kaptama, Bukembe East and Kimilili, had been completed, handed over and operational while Bukembe West, Tuuti Marakuru and Misikhu wards stalled at various levels due to disputes over land with the National Government. It was also noted the construction works were ongoing in Mihuu, Bokoli and Lwandanyi wards. Construction works at Maeni, Tongaren and Malakisi/South Kulisiru wards were complete but the contractors were yet to be fully paid. Construction works in the rest of the wards did not commence due to lack of land except for Kimaeti ward where there was contention with the contractor on matters of BQ variation.

Consequently, the committee resolved to invite the Chief Officers PSMA and Lands to appear on 15<sup>th</sup> November 2021 to shed more light and provide documentation on the

procurement process for the projects, information on request for extension of time for some projects, elaborate if there were any legal issues during the implementation of the projects from either the contractors or the county government, confirm if the complete projects were handed over and certificates issued to the contractors, provide an insight on why variations were requested before commencement of some projects and land related issues.

The committee further resolved to undertake a site visit to the ward offices where construction was on-going namely; Mihuu, Bokoli and Lwandanyi and where there were pending payments namely; Maeni, Tongaren and Malakisi/South Kulisiru. Subsequently the site visit activity was undertaken from 7th to 10th November 2021 and the findings outlined in this report.

Invitation letters dated 9<sup>th</sup> November 2021 were written to the Chief Officers PSMA and Lands and Physical and Urban Planning to appear before the committee and shed more light on the aforementioned issues. As at the time of production of this report, the Chief Officers had not honoured the invitations to appear before the committee, neither had the additional information requested been submitted.

### Committee Findings

The committee analysed the submitted documents and made the following findings:

#### Budgetary Allocation

The initial proposal for the construction of forty five (45) ward offices was done in the FY 2014/2015. Funds for the construction of the offices were appropriated between the financial years 2016/2017 to 2018/2019 depending on the phase of construction. Cumulatively, Kshs. 384,104,806 was appropriated for construction of ward offices across forty (40) wards with variation of Kshs. 4, 655, 477, hence the total appropriated of Kshs. 388,760,283. Contracts were not awarded for Bumula, South Bukusu, Mbakalo, Naitiri/Kabuyefwe and Milima Wards due to lack of land.

The table below summarizes the details of the contractors and amounts appropriated for the wards where construction was initiated:

NO	Project Location	Contractor	Contractor signing period	FY budgeted for	Contract amount	Contract Variation	Revised Contract Sum	Amount paid as at 30 <sup>th</sup> June 2019	Contract Balance	Project Status to date
1.	Bukembe West	M/S Filtego group LTD	2014/2015	2016/17	10,361,120		10,361,120	6,827,283	3,533,837	Stalled at 90% due to land dispute with the National Government
2	Ndivisi	M/S Ramagon Construction LTD	2014/2015	2017/18	9,859,968		9,859,968	9,859,968	0	Complete. Fully paid and handed over
3	Maraka	M/S Ramagon Construction LTD	2014/2015	2017/18	9,859,968		9,859,968	9,859,968	0	Complete Fully paid and handed over

4	Mihuu	M/S Ramagon Construction LTD	2014/2015	2018/19	9,859,968	2,505,808	12,365,776	10,982,844	1,382,932	On going
5	Kaptama	M/S M'Big LTD	2014/2015	2017/18	9,403,690		9,403,690	9,403,690	0	Complete and handed over
6	Maeni	M/S Calm Enterprises Kenya LTD	2014/2015	2016/17, 2017/18	9,905,518		9,905,518	8,634,989	1,270,,529	Complete and handed over
7	Tuuti/Marakaru	M/S Diamond Hill LTD	2014/2015	2017/18	9,985,443		9,985,443	928,777	9,056,666	Project stalled due to land dispute with National Government
8	Bokoli	M/S Moditec Group LTD	2014/2015	2017/18	8,960,963		8,960,963	3,398,241	5,562,722	On going
9	Misihku	M/S Moditec Group LTD	2014/2015		8,960,963		8,960,963	0	8,960,963	Stalled at 15%
10	Bukembe East	M/S Jowk Enterprises LTD	2014/2015	2016/17 2017/18	9,698,168		9,698,168	7,673,643	2,024,525	Complete and handed over
11	Kimilili	M/S Mamofa Construction Co. LTD	2014/2015	2016/17 2017/18	10,069,694		10,069,168	8,205,,271	1,864,423	Complete and handed over
12	Kimaeti	M/S Interregional Enterprises	2014/2015	2017/18 2018/19 2019/20	8,811,287		8,811,287			Project not initiated due to disputed site and issues with contractor
13	Tongaren	M/S Wilkori Building and Engineering Contractors	2014/2015	2018/19	9,674,539		9,674,539	9,038,831	635,708	Complete
14	Malakisi/South Kulisiru	M/S Welldan Construction LTD	2014/2015	2018/19	9,039,376	2,149,670	11,189,045	8,015,139	3,173,906	Complete
15	Lwandanyi	M/S Welldan Construction LTD	2014/2015		9,039,376		9,039,376	0	9,039,376	Stalled due to non-payment of issued certificate

## Payments

Interim payment certificates for the projects were not submitted to the committee for scrutiny. However from the documents provided, the total amount paid to the contractors as at 30th June 2019 was Kshs.92,828,645 and a contract sum balance of Kshs.46, 505,587. This amount relates to the fifteen (15) ward offices where there was a contractual agreement with the county Government and actual works commenced. Construction works did not commence in thirty (30) wards due to lack of land.

The pending bills in relation to the construction of ward offices were Kshs. 21,065,174 as per the information provided to the committee by the end of the financial year 2020/2021.

## **Status of the Ward Offices Visited**

### **a) Lwandanyi Ward**

The committee observed as follows:

- 1) Structure works that is sub-structure, walling, roofing and roof covering was complete.
- 2) All fittings on the structure both internal and external doors, windows, curtain boxes had not been done.
- 3) All mechanical works including but not limited to toilet systems, sinks, pipe work, septic tanks, soak away pits, manholes and external toilets had not been done.
- 4) All electrical works including and not limited to; pipe works, cabling, sockets and switches, lighting fittings, power application and connection had not been done
- 5) The area inclusive of the entrance gate was fenced using iron sheets.
- 6) No plaster work both internal and external had been done
- 7) No screeding
- 8) No paving slabs had been laid externally
- 9) Ceiling board had not been fixed
- 10) Blundering had been done
- 11) No paint work and any other finishes had been done

The committee noted that the work done was below the reported value of 80%. It is recommended to be approximately 50% by observation.

### **b) Malakisi/South Kulisiru Ward**

**The committee observed as follows:**

- 1) The structure inclusive of; sub-structure, walling up to and including the lintel and wall plate, roofing and roof covering were complete.
- 2) Finishes including skimming, painting, external key finishes, window glazing and window seal, screeding, tile works were complete
- 3) Ceiling and ceiling finishes were done
- 4) Electrical works and fittings were done
- 5) Mechanical works concluding septic tank, rain water goods, soak away pit and all the connections were done.

- 6) All fittings including both external and internal doors, and windows were fitted.
- 7) External paving slabs were done.
- 8) Neither perimeter walling nor chain-link fencing to safeguard the premise had been done
- 9) No entrance gate had been installed
- 10) So signage on the building to show the ownership by the county government or for identity was done
- 11) There was no proper demarcation to show the boundaries of the land property.

The committee noted that the structure was ready for occupation. It was also noted that further delays before occupation may lead to faster deterioration of the building especially on finishes which may cost the government additional expenses to repair before occupation.

c) **Maeni Ward**

The committee noted as follows:

- 1) The structure inclusive of; sub-structure, walling up to and including the lintel and wall plate, roofing and roof covering were complete, although the material used was of poor quality.
- 2) Finishes including external key finishes, window glazing and window seal were incomplete
- 3) Septic tank constructed on private land, but all the connections inclusive of piping and sewerage systems were not yet to be installed. Toilets not in use due to lack of water.
- 4) There was no proper demarcation to show the boundaries of the land property. The compound houses the Administrative Police families hence not conducive for office space.

As at the time of the visit, the offices were operational though incomplete.

d) **Bokoli Ward**

The committee noted the following:

- 1) The structure inclusive of; sub-structure, walling up to and including the lintel and wall plate, roofing and roof covering , windows and doors were complete.
- 2) No finishing has been done to the structure i.e. Plastering, painting and the interior.
- 3) There is no electricity and water connection

The committee was informed that suppliers of various materials; roofing timber, steel doors and windows that were used during the construction are yet to be paid. The masons and other

personnel who provided labour were yet to be paid. As at the time the committee visited the site, the contractor had abandoned the site and no works were ongoing.

The committee further noted that the department of Housing and Sanitation had constructed a pit latrine at the site. The latrine was however incomplete and not in use.

e) **Mihuu Ward**

The committee visited Mihuu Ward and noted the following:

- 1) The structure inclusive of; sub-structure, walling up to and including the lintel and wall plate, roofing and roof covering , windows and doors were complete.
- 2) Finishes including window panes, ceiling boards and tile works were yet to be fitted.
- 3) Plumbing and water connection had not been done
- 4) Wiring and electricity connection is yet to be done.

The works done are approximated to be 80% by observation.

f) **Tongaren Ward**

The committee noted the following;

- 1) The structure inclusive of; sub-structure, walling up to and including the lintel and wall plate, roofing and roof covering were complete.
- 2) Finishes including skimming, painting, and external key finishes, window glazing and window seal, screeding, tile works were complete
- 3) There was no water connection
- 4) There are also no toilets within the compound

The building is currently in use and houses the ward offices for Ward Administrator, MCA and other officials.

**Project Term**

As per the site inspection and acceptance reports submitted, the commencement date for all the projects was the financial year 2014/2015 the projects were expected to take a duration of 24 months, thus expected to be complete by the end of the financial year 2017/2018. As at the time the committee visited the sites, the project term had elapsed yet some offices remained incomplete while others had stalled completely.

The following reasons were cited:

- a) Land disputes with the National Government in Bukembe West and Tuuti Marakuru Wards ;

- b) Variations done in the course of implementation of the projects in Mihuu and Malakisi/South Kulisiru Wards.
- c) Contractor incapacities and internal wrangles in Bokoli Ward
- d) Demands by the contractor for variation of BQs before commencing works in Kimaeti Ward.
- e) Slowed progress due to non-payment of issued interim payment certificate in Lwandanyi Ward.

## **COMMITTEE OBSERVATIONS AND RECOMMENDATIONS**

### **Committee Observations**

The committee made the following observations:

1. That construction of most of the ward offices did not adhere to the project term as indicated in the contract. The construction works commenced in the FY2014/2015 for a contract period of 24 months, hence they were expected to be completed by the end of the FY 2017/2018. As at the time of production of this report only eight ward offices were complete.
2. That budget allocations were provided for the construction of ward offices during the FY 2014/2015; however construction commenced in only fifteen (15) wards. Construction works were not initiated in thirty (30) wards due to lack of land. Out of the 15 wards where the construction of the offices was initiated. Five offices had been completed, fully paid and handed over and operational. Three had been completed but the contractors were yet to be fully paid and four of the offices; construction works stalled due to land disputes with the National Government and issues with the contractors were incomplete with indications of the on-going works.
3. That as at the time of production of this report, the department of Lands, Urban and Physical planning had not submitted information on the land disputes with the National Government all strategies on how the remaining 30 wards will access land for the construction of the ward offices.
4. That the committee noted variations of Kshs.4, 655,477 in the budget allocations for Mihuu and Malakisi/South Kulisiru wards. However, the committee was not seized of any document as proof of variation of the projects. In the absence of the documentary proof the accuracy of the procurement process during the variation could not be ascertained.
5. That Malakisi/South Kulisiru ward office was complete but yet to be occupied. The committee noted that delay in occupation of the buildings may lead to deterioration especially on the finishes which may cost the county government additional expenses to repair before occupation.
6. That the slow progress of works was attributed to variations made in the course of implementation of some of the projects, land disputes with the National Government,

technical and financial incapacities of some contractors and delay or non-payment of issued interim payment certificates by the county government.

7. That as at 30<sup>th</sup> June, 2021, the pending bills with regard to the construction of the ward offices was Kshs. 21,065,174.

### **Committee Recommendations**

The committee therefore recommends that:

1. Twenty one (21) days upon adoption of this report, the Chief Officer in the department of Public Service Management and Administration should provide to the County Assembly information on the procurement process for the construction of the ward offices and the interim payment certificates for the various projects.
2. That henceforth, the contractor and the supervising department should endeavour to stick to project timelines as bound by the project contract; otherwise the County Government will not achieve the socio-economic objectives of the projects.
3. The variations made during project implementation should abide by the set out procurement processes and the Chief Officer –PSMA should submit requests and approvals for variations within twenty one (21) days of adoption of this report.
4. That the Department of Public Service Management and Administration should ensure immediate occupation of Malakisi/South Kulisiru ward office.
5. That the pending bills of Kshs. 21,065,174 should be considered as first charge during the supplementary budget in line with the Presidential directive to Ministries and County Governments on pending bills.
6. That the Chief Officer in the department of Lands, Physical and Urban Planning to submit to the County Assembly the Task force report on land owned by Bungoma County Government to enable the committee ascertain the availability of land for the thirty offices that had no land. The report should be submitted to the County Assembly within twenty one (21) days upon adoption of this report to enable the committee to make an informed decision when allocating funds for the remaining ward offices.

Therefore, we have annexures there and the adoption schedule that has been signed. The site visit photos, site inspection and acceptance reports and the correspondence on invitations and requests of the information. We start from page 22 all the way to the end.

At this juncture, I want to invite my friend who is resting his eyes Hon. Hillary Kiptalam to second the motion.

*(Applause)*

**Mr. Deputy Speaker:** Thank you, Hon. Opwora. Your eyes are so sharp like an eagle. You can have your seat Hon. Opwora! You have a lot of energy. Thank you so much for that wonderful presentation.



**Hon. Hillary Kiptalam:** Thank you, Honourable Speaker. I was not resting my eyes, I was praying for the candidates who are seated in the gallery.

I want to second the report and laud the committee for the elaborate information about our ward offices.

*(Applause)*

**Mr. Deputy Speaker:** Thank you so much Hon. Kiptalam for praying. It's very unique, you know when someone prays before making a secondment then that is very special, and we appreciate your prayers. Honourable members, I now propose that this House adopts the report by the sector Committee on Public Administration and ICT on the status of construction of Ward offices by Bungoma County Department of Public Service Management and Administration. I propose!

*(Question proposed)*

**Hon. Jack Kawa:** Thank you, Mr. Speaker. Allow me first appreciate the committee for the good job done. I have gone through the document, it has reminded me something. There is a time I brought around two statements in this Honourable House about the Bokoli ward office and wish to laud the committee headed by our senior member here Hon. Majimbo Okumu. I do not know because we always give them the budget but sometimes I reach a place and regret why I supported this type of Government.

How can a four roomed House take more than 10 years? That is the question I always ask myself but without any answer. I have gone through the document, all the sentiments for Bokoli. Yes, it's true the office is not complete; the suppliers are on my neck as if I was the contractor. Last year one of the suppliers who supplied timber got a road accident and died. The wife and the children have always been calling me demanding their dues but have no reply.

I want to ask the committee if we can invite the department to appear before us, shed light on how an office can take more than ten years without completion? That office is not for Hon. Kawa, Majimbo or any other Honourable MCA. It is for the public! As we are talking now like Agriculture, there is an Agricultural Ward Officer. When you look where she sits, you will sympathise and we have dumped the money there without completion.

As we pass this report, let the relevant office act on it. Otherwise it is a document that we were waiting. I want to support the report as it is.

*(Applause)*

**Mr. Deputy Speaker:** Thank you, Hon. Zakayo Jack Kawa.

**Hon. Francis Chemion:** Mr. Speaker, I want to take this opportunity to thank you for giving me this time. I did not have time to thank the school that is before us, thank you students and teachers for finding time to visit this Honourable House.

On the report first of all, I want to make a small correction that I think there was an anomaly that may have been committed by the mover of the motion because he said the one who had signed was yours truly Hon. Majimbo. That was an anomaly. If you look at the Oxford English dictionary yours truly refers to one so he was not supposed to use the word yours truly. He should have said it is signed by the Chair of the committee Hon. Majimbo.

On the recommendations, the committee found it very difficult to make some conclusions and that is why it gave the department 21 days to furnish the committee with some documents, which they could not provide before this report was complete. So we brought the report because of the timelines that we were given by the County Assembly, but by the time of the production of this report, some of the very key documents that we required as a committee had not been submitted and that is why we are urging the House as they adopt this report that we are expecting that the department will avail those documents as requested.

On the issue of variation, you can see the amount of variation that is there. The variation given is of more than 4,000,000, there are no documents that were there for us to see that process. Without the documents, as a committee, we are not convinced on the reasons given on that variation. We still require the documents.

We want also to look at the department of Public Works. It may be doing some shoddy work to this County because you look at all the offices even those ones that they are saying are complete, there are some of the components that are very key for an office to operate like security fence, a gate. All those are not there meaning the people who prepared the drawings, the BQs may have left out very important components that are required for these offices to operate smoothly.

I can give an example of Kaptama ward where I come from. The office is complete and handed over but we do not have a fence neither a gate. We have a very big problem because people just trespass the compound because of lack of those very important segments.

The Chief Officer, Lands, we expected him to appear before us accompanied with the Chief Officer, Public Administration but they did not turn up and the issue of 30 Ward offices that have never been touched, we could not do much because we needed information from the Chief Officer - Lands to tell us what was the problem of Kimaeti and give us documents.

We also expected maybe to touch on the Public utility land that is there in our wards. We have had two task force reports. I do not know if those reports have reached this Honourable House. You know there is one of the things that we have observed and we have said that maybe there was a problem with land but we have heard two task forces going round our County ascertaining the locations and the acreage of public land.

So far and I am very happy today my able Chair Arap Mashamba...The Chair Lands committee may even shed some light because he is with us here. He will say something over that issue of the two task forces. We have not had a report formally in this House that can guide us maybe in telling whether we have Public Land in those other wards that construction has not started. Otherwise, I do not want to take much of the time of this House. I want to ask

our members that we support this report and allow the recommendations to take shape so that we can help those other wards that do not have ward offices have these offices so that they can have smooth operations.

**Hon. Aggrey Mulongo:** Thank you, Mr. Speaker Sir for catching my eye. First of all, I must say this is the best report for this year. I applaud under the leadership of our senior Mheshimiwa Majimbo here. This report has at least done something that I was looking for. I am an elected leader and do not have an office in my ward. Since 2017 up to now I just sit in a rental House and there is government land. We provided land long time ago and this Government is just sitting on that money since 2014 up to now, that is around 7 years. I support this report with all its recommendations, so that at least we can implement so that we have offices in our wards.

**Mr. Deputy Speaker:** Thank you, Hon. Waliaula. May I call upon the mover of the motion to respond.

**Hon. Luke Opwora:** Thank you Honourable Speaker and Honourable members who have contributed to this wonderful motion. Too bad Hon. Jack Kawa is not in the House but we appreciate him for supporting the motion for the day and what is key that I have taken from him is that the implementation of this recommendations are key. Let not this report just end in peoples shelves but we want to see thorough implementation just the way Hon. Kawa has put it so that the people of Bungoma can get their good service from the area MCA'S in respective wards.

He raised a very good question; how is it possible for an office to be constructed for 10 years. I think that clearly shows how our executive department in terms of the department of Public Service Management and Administration has failed the people of Bungoma. Their priorities are totally wrong. If it's a matter of service delivery, these are institution projects that the County executive should prioritise to ensure good and free service delivery to the residents of Bungoma.

Further, I want to take this opportunity to thank our Leader of Minority for his contribution and I want to thank him for the grammatical error that he has just enlightened. I think at this juncture, you will allow me to withdraw the word yours truly and submit that this report was signed by the Chair, Public Service Management and Administration committee, Hon. Henry Okumu Majimbo.

Further, the variation documents were not provided by the executive. This is a very key point and if there is one thing that has maybe let down this second Assembly in terms of doing its oversight and legislation mandate; it's the executive does not respond to letters that come from the Assembly requesting them for some information. When we ask for information, it does not mean we are witch-hunting anybody; we are only exercising our mandate as an oversight body and it is very unfortunate that the Chief Officer for Public Service and Lands never appeared before the Committee on Public Administration.

We pray and hope that the recommendations that we have issued as a Committee on Public Administration will be taken to the latter to ensure these people have been put to account on what they do in those County offices that they sit and drink tea and juice instead of doing their work.

I want to thank the leader for also noting out that the department of Public Works is failing because it's very unfortunate for them to say a project is complete and handed over yet some few aspects of that project have not been done. Sincerely we need the public works department to step up and I think all these needs us to encourage more of our young people to go for these technical training colleges so that they can get skills when we will be handing over such like projects we can have our own youths in the County Government who will be taking us through the issue of inspecting and perusing County Government projects to ascertain the completion of these projects for betterment of service delivery to our people.

Further, the minority leader also stated the way I have put that his office in Kaptama is complete but he lacks the gate and the fence maybe I do not know if Mr. Speaker you will advise me if it's possible for the Honourable member to allocate some money on CEF over the issue of the fence and the gate or it has to come from the department. That's where I will stand well guided but I will encourage him to look for money in CEF so that he can put a fence and a gate so that we can have a proper Kaptama office to serve his people.

Further, another key issue that our minority leader mentioned is the non-appearance of the Chief Officer for Public Service and Lands. With the support of this House, with the adoption of this report, we will still go further to ensure that this Chief Officer of Public Administration and Lands must be put into account on the status report of this ward offices.

Further and lastly from Hon. Chemion that I was really impressed about was the task force report. County resources were used, public coffers money were used and it's very unfortunate that coffers were used and the report was never submitted. It is long overdue ever since the taskforce report did the report on Lands. I remember that time I was serving as a member of Lands committee. We allocated them enough money and names were gazetted on the people to carry on this task force report but this report is lying somewhere in someone's office and I think their priority is right by hiding this report from the people of Bungoma.

We need to know the Public land for Bungoma, we need to know the County Government Lands especially here in town where my Chairman and my senior Honourable Joseph Magudah we need to know so that also them they can have an opportunity of being built a ward office for free and accessible service delivery to our people.

Honourable Speaker we ask you to rule over this matter, we need that task force report before the end of our term because public coffers were used and that report will enable us to identify those 30 wards that have not been able to build the ward offices due to land. That report will inform us where we can get land to enable them put up the ward offices for service delivery of the people of Bungoma.

Finally, I want to appreciate my senior Hon. Mulongo, he says this is the best report of the year even yesterday as you remember when we were here. You also heard another best report of the year but he appreciates that this one is much better than the one for yesterday, which we appreciate Mheshimiwa Mulongo because he is always consistent on attending sessions in the House.

Further, he is really aggrieved and needs your protection because now we are going towards an electioneering period. He has been an elected member for these years but he has never had an office. These are some of the privileges that these Honourable members who were elected are suffering but as they are also suffering on that, we request even us the nominated members you look unto us on the issue of the offices because we are all here to represent the people of Bungoma and its key we do this in accordance to the law.

Further, he has also stated that there is Land but the construction has not started for seven years so it's very unfortunate if the area MCA for Kibingei has already provided land but the Government that he supports so much has not been able to build for him a ward office. That is very unfortunate.

It means someone is sleeping on his job and we need to ensure that we do something as an Assembly to ensure that justice is done for the people of Kibingei and more specifically for Hon. Aggrey Mulongo.

Finally, I want to thank all the Honourable members who have supported this motion, contributed to this motion and at this juncture. I want to urge this House to adopt the Public Administration and ICT on the status of the construction the ward offices by the Bungoma County Department of Public Service Management and Administration. I rest my case.

*(Applause)*

**Mr. Deputy Speaker:** Thank you, Honourable Luke Opwora representing the youths in this County. Honourable members, a motion having been moved and duly seconded and debate having ensued and reply made thereon, I now put a question that this House adopts the report by sectoral Committee on Public Administration and ICT on the status of construction of ward offices by Bungoma County department of Public Service Management and Administration

*(Question put and agreed to)*

The ayes have it!

*(Applause)*

Honourable members, having listened to this, the table clerks will have to forward the proceedings of this so that the issues raised especially when the member was replying should be taken into account.

Honourable members, this being the last item on today's Order Paper, this House stands adjourned to next week Tuesday 2.30 p.m.

*(House adjourns)*