

COUNTY GOVERNMENT OF BUNGOMA



DEPARTMENT OF PUBLIC SERVICE MANAGEMENT & ADMINISTRATION
OFFICE OF THE COUNTY EXECUTIVE COMMITTEE MEMBER

Telephone: 0725393939
Email: publicadministration@bungoma.go.ke

County Headquarters
P.O. BOX 437-50200
BUNGOMA

Our Ref: CG/BGM/PSM&ADM/CECM/CA/VOL II (45)

Date: 20th March 2023

The Clerk to
County Assembly of Bungoma
P.O Box 1886 - 50200
BUNGOMA



*For circulation
the Hon. Members
Scheduled in the
Order Paper.*

RE: RESPONSE CONCERNING CONSTRUCTION OF BOKOLI WARD OFFICE

Your Letter Ref: BCA/ADM/6/VOL.III (61) dated 8th March 2023 refers.

Our response is as follows: -

*DCH/HBC
T.P.A
24/3/2023
DCH*

1. How much was allocated for the project?

- The Project was allocated Ksh. 17,921,925.76 (Read Seventeen Million Nine Hundred and Twenty-One Thousand Nine Hundred and Twenty-Five and Seventy-six cents) only being construction of two offices, namely Bokoli and Misikhu Ward Office. Bokoli ward alone was to be paid Ksh. 8,960,963.00 (Read eight million nine hundred and sixty thousand nine hundred and sixty-three shillings) only

2. Name of Contractor and money paid up to date

(a) The Contractor is Moditech Group Company Limited.
P.O BOX 476, KIMILILI

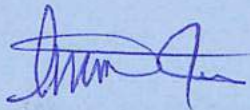
- o Tender number - BGM/CNT/175/2014 - 2015.

*PCA - C 5
Provide the response
to owner of the
Statement and the
Chairman of the
Committee*

*ce DA
Tawamba
28/3/23*

- | | |
|--------------------------|---------------|
| - Site Inspection report | - APP 5 (1-2) |
| - Extension requests | - APP 4 |
| - Request for variation | - 9 (1) |
| - Approval for variation | - 9 (2) |

Regards.

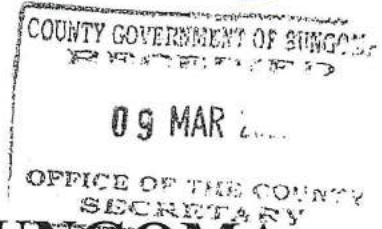


Benedict E. Emacar

CECM – Public Service Management and Administration



CC: H. E the Governor
Ag. County Secretary & Head of Public Service
Chief Officer – Public Service Management and Administration



COUNTY ASSEMBLY OF BUNGOMA

OFFICE OF THE CLERK

Telephone: 0202651905/0208000663
Email: info@bungomaassembly.go.ke/bungomacountyassembly.gq.ke
Web: www.bungomaassembly.go.ke

P.O. BOX 1886-50200,
BUNGOMA, Kenya

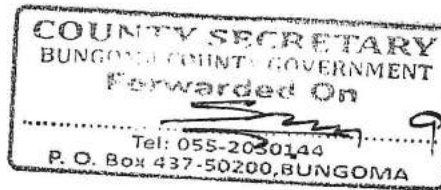
BCA/ADM/6 VOL.III (61)

8TH MARCH, 2023

The County Executive Committee Member
Public Administration and ICT
County Government of Bungoma
P.O. Box 437-50200
BUNGOMA.

Thro'

The County Secretary
County Government of Bungoma
P.O. Box 437 – 50200
BUNGOMA.



RE: INCOMPLETE CONSTRUCTION OF BOKOLI WARD OFFICE

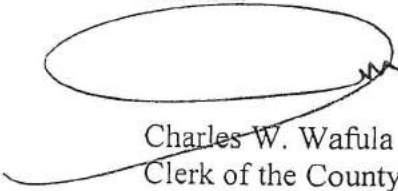
The above captioned matter refers.

Pursuant to the provisions of Standing order NO. 47 (2) (C) of the County Assembly, a statement was raised in regard to the incomplete construction of Bokoli Ward Office in financial year 2015/2016 on the following:

1. How much was allocated for the project
2. Name of the contractor and amount paid to date
3. The contract period
4. Why the project stalled
5. What the department is doing to complete and operationalize the office

The response for the statement is expected in the house by the 29th March, 2023 at 9.30.a.m session.

CLERK
BUNGOMA COUNTY ASSEMBLY
P. O. Box 1886-50200,
BUNGOMA.


Charles W. Wafula
Clerk of the County Assembly
COUNTY GOVERNMENT OF BUNGOMA

C.C: Hon. Speaker
COUNTY ASSEMBLY OF BUNGOMA



Ⓟ

**BUNGOMA COUNTY GOVERNMENT
OFFICE OF THE COUNTY EXECUTIVE MEMBER
MINISTRY OF PUBLIC ADMINISTRATION**

39

CONTRACT AGREEMENT

THIS AGREEMENT is made this ----- day of ----- 2015 between the County Government of Bungoma of P.O. Box 437, Bungoma, Kenya hereinafter called "The Employer" of the one part and M/S MODITECH GROUP COMPANY LIMITED OF P.O. BOX 476 - 50204 KIMILILI, hereinafter called "The Contractor" of the other part.

WHEREAS the Employer is desirous that certain works should be executed, viz. -ERECTION AND COMPLETION OF THE PROPOSED WARD ADMINISTRATOR OFFICES IN MISIKHU AND BOKOLI WARDS IN WEBUYE WEST, CONTRACT NO. BGM/CNTY/ 175 / 2014-2015 And has accepted a Bid by the contractor for the execution and completion of such works for the contract price of Kshs 17,921,925.76 (Seventeen Million Nine Hundred Twenty One Thousand Nine Twenty Five Cents Seventy Six) Only inclusive of all taxes for a period of ----- months

NOW THIS AGREEMENT WITNESSETH as follows:

1. In this Agreement, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract hereinafter referred to.
2. The following documents shall be deemed to form and shall read and construed as part of this Agreement viz.
 - ✓ Letter of Award & Acceptance
 - ✓ Form of Tender & Appendix to Form of Tender
 - ✓ Conditions of Contract
 - ✓ Special Specifications of Contract
 - ✓ Bills of Quantities
 - ✓ Performance Bond and Contractor's All Risk Insurance Cover
 - ✓ Schedule of Supplementary Information
3. In consideration of the payment to be made by the employer to the contractor, hereby covenants with the employer to execute, complete and maintain the works in conformity in all respects with provisions of the Contract.

The employer hereby covenants to pay the Contractor in consideration of the execution, completion and maintenance of the works the Contract Price at the times and in the manner prescribed by the Contract.

IN WITNESS WHEREOF the parties hereto have caused their respective common seals to be hereto affixed (or have hereunto set their respective hands and seals) on the day and year first above written.

SIGNED SEALED / STAMPED AND DELIVERED

By the said employer:

1. NAME: MURUGA S. CHIRI
County Secretary, Head of Public Service
Signature: [Handwritten Signature]



DATE: 1/10/15

In the presence of:

2. NAME: MR DAVID KIBITI
Chief Officer - Public Administration

Signature: [Handwritten Signature]

DATE: 29/5/15

SEALED with the common seal of the Contractor M/S MODITECH GROUP COMPANY LIMITED, BY:

3. NAME: MOSES WAPULA KHAKHA
Director

ID. No. /Passport No. 14640728

Signature: [Handwritten Signature]

DATE: 09-10-2015

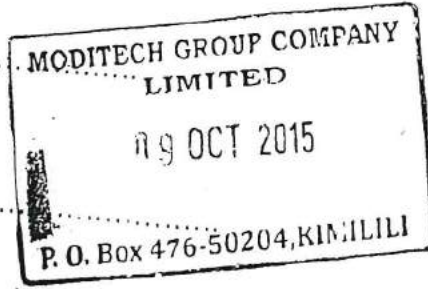


NAME: ISDIKADIR ADAM KALICHA
Secretary

ID. No. /Passport No. 27422499

Signature: [Handwritten Signature]

DATE: 09/10/2015



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I certify that I was present and saw the Director(s)/Secretary of the Contractor duly sign this agreement.

Signature of witness: [Handwritten Signature]

Name: Elijah Wessels

Address: P.O. Box 437-50204

Occupation: D/Head Supply chain

DATE: 9/10/15



COUNTY GOVERNMENT OF BUNGOMA

OFFICE OF THE COUNTY SECRETARY &
HEAD OF PUBLIC SERVICE

Telephone: 055-2030144

E-mail: bungomacountygovt@gmail.comMunicipal Building
P.O Box 437- 50200
BUNGOMA

Our Ref: CG/BGM/NOA/VOL.I/182

DATE: 24TH APRIL, 2015

M/S MODITECH GROUP LTD

P.O. BOX 476

KIMILILI

Dear Sir/Madam,

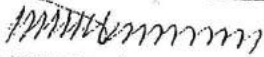
**RE: TENDER NO: BGM/CNTY/OT/175/2014-15 ERECTION AND COMPLETION
OF WARD OFFICES IN MISIKHU AND BOKOLI WARDS.****NOTIFICATION OF AWARD**

This is to notify you of the County Government's acceptance of the tender for the above captioned subject matter in the amount of KSHS. 17,921, 925.80 (Seventeen Million, nine hundred twenty one thousand, nine hundred twenty five shillings and eighty cents) only inclusive of all provisions of all taxes where applicable as per the bidding document.

You are required to give formal written unconditional acceptance of this offer within 7 days and a performance security in form of unconditional Bank guarantee in the amount and format described in the appendix to form of tender in the tender document within (7) days from the date of this letter.

This notification of award shall lead to conclusion of a contract between the parties, which shall be confirmed through signing of the contract Agreement by you and the employer within (21) days but not earlier than (7) days of this letter when your bid security will be returned to you.

For any inquiries appertaining to this communication, contact the undersigned.


MURUMBA CHIULI
COUNTY SECRETARY/HEAD OF PUBLIC SERVICE

COUNTY GOVERNMENT OF BUNGOMA
RECEIVED
29 NOV 2019
OFFICE OF THE COUNTY
SECRETARY

REPUBLIC OF KENYA

6

IN THE HIGH COURT OF KENYA AT BUNGOMA

H.C.C NO. 15 OF 2019

29 NOV 2019

MODE PROCEEDING - FAST TRACK

1. MOSES WAFULA KHAKULA)
2. DIANA CHERUTO KIRONGOT) PLAINTIFFS

VERSUS

1. GALMA MALICHA HAPPI..... DEFENDANTS
2. ABDIWELLI ADAN KALICHA
3. ABDIKADIR ADAN KALICHA
4. MODITECH GROUP COMPANY LIMITED
5. THE REGISTRAR OF COMPANIES
6. THE COUNTY GOVERNMENT OF BUNGOMA

NOTICE OF WITHDRAWAL OF SUIT
(Order 25, Rule 1 of the Civil Procedure Rules, 2010)

TAKE NOTICE that the Plaintiffs herein has hereby completely withdrawn this suit against all defendants.

Dated at BUNGOMA this 29th day of November 2019

[Signature]

J.S. KHAKULA & COMPANY
ADVOCATES FOR THE PLAINTIFFS

DRAWN & FILED BY:
J.S. Khakula & Company,
Advocates,
Maumo House,
Opposite Bungoma Telkom House,
P.O. Box 924 - 50200
BUNGOMA

TO BE SERVED UPON

- 1. Galma Malicha Happi
- 2. Abdiwelli Adan Kalicha
- 3. Abdikadir Adan Kalicha
- 4. Moditech Group Company Limited
- 5. The Registrar Of Companies
- 6. The County Government Of Bungoma

MAVY WORKS OFFICE
(Our Ref: JSK/1819)
03 NOV 2019
P.O. BOX 924 - 50200 BUNGOMA

OFFICE OF CHIEF OFFICE
PUBLIC ADMINISTRATION
03 DEC 2019
RECEIVED
P.O. Box 487-60200, BUNGOMA

COUNTY GOVERNMENT OF BUNGOMA
DEPT. OF PUBLIC ADMINISTRATION
03 DEC 2019
RECEIVED

be agreed upon by the parties or one appointed by the law society of Kenya in the event of no consensus among the parties.

13. That the agreement herein shall be binding on all parties upon execution.

IN WITNES WHEREOF: the parties have hereunto witnessed and appended their signatures unto this agreement this 22nd day of November 2019.

SIGNED BY THE SAID

DIRECTOR/REPRESENTATIVE MODITECH GROUP COMPANY LTD

1. GALMA MALICHA HAPPI
ID NO.11386639

[Signature]
.....
CONTRACTORS

2. ABDIWELI ADAN KALICHA
ID NO. 27422567

[Signature]
.....
CONTRACTORS

3. ABDIKADIR ADAN KALICHA
ID NO.27422499

[Signature]
.....
CONTRACTORS

IN THE PRESENCE OF:

WITNESS TO THE CONTRACTOR:

**MR. ALI ALIKHEIR ISSAK
ID NO. 22707935**

[Signature]
**BENJAMIN J. OTSIULA
ADVOCATE
COMMISSIONER FOR OATHS
P.O. Box 1908, BUNGOMA**

[Signature]
**MODITECH GROUP COMPANY
LIMITED
22 NOV 2019
P.O. Box 50204, KIMILILI
WITNESS**

IN THE PRESENCE OF:

**SIGNED BY THE SAID
MR. CHRISTOPHER KOSGEI KIRWA
ID NO. 27313475
IN THE PRESENCE OF:**

[Signature]
**BENJAMIN J. OTSIULA
ADVOCATE
COMMISSIONER FOR OATHS
P.O. Box 1908, BUNGOMA**

[Signature]
.....
FINANCIER

**SIGNED BY THE SAID
MR. MOSES WAFULA KHAKULA
ID NO.14640758**

[Signature]
.....
FOUNDER DIRECTOR

IN THE PRESENCE OF:

**DRAWN BY:
M/S J.B OTSIULA & ASSOCIATES
ADVOCATES,
MEGON PLAZA, 4TH FLOOR, RM.4003,
P.O BOX 1908-50200,
BUNGOMA.
TEL: 0726435603
Email jbotsiulaadvocates@gmail.com.**

[Signature]
**BENJAMIN J. OTSIULA
ADVOCATE
COMMISSIONER FOR OATHS
P.O. Box 1908, BUNGOMA**

(7)

REPUBLIC OF KENYA
CONSTRUCTION OF BUNGOMA COUNTY GOVERNMENT WARD
ADMINISTRATION OFFICES IN MISIKHU AND BOKOLI WARDS
PERFORMANCE AGREEMENT

AN AGREEMENT is made this **22ND TH DAY OF NOVEMBER, 2019**
=**BETWEEN**=

M/S MODITECH GROUP COMPANY LTD of **P.O BOX 476-50204 KIMILILI**.
(Hereinafter referred to as the Contractor which context shall be used to refer to her representatives, agents and assigns) on one part.

=**AND**=

MR. CHRISTOPHER KOSGEI KIRWA of **ID NO27313475** and of **P.O BOX 9284, ELDORET** (Hereinafter referred to as the Financier which context will include her assigns, agents and representative) on the other part.

=**AND**=

MR. MOSES WAFULA KHAKULA of **ID NO. 14640758** and of **P.O BOX 476-50204, KIMILILI** (Hereinafter referred to as the Former Director which context will include his assigns, agents and representative) on the other part.


SUBJECT MATTER: the Contractor was awarded a tender by the County Government of Bungoma for construction of ward offices in Misikhu and Bokoli wards and a contract agreement for the purpose entered in **October, 2015** vide contract no. **BGM/CNTY/175/2014-2015**.

AND WHEREAS: in **June, 2017** The former Contractor entered into a memorandum of understanding with the Financier to finance and complete the project and construction work commenced.

AND WHEREAS: upon the entry of memorandum of understanding , the Contractor unceremoniously removed the former Director forcing the latter to have recourse to the Courts of law vide Bungoma High Court Civil Cause no. **15 of 2019** for an injunction to stop further construction by and further payment to the Contractor.

NOW THEREFORE THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. That the former Director to withdraw Bungoma High Court Civil Cause no. **15 of 2019** upon execution of this agreement by both parties.
2. That work in respect of contract no. **BGM/CNTY/175/2014-2015** to resume immediately with the Financier fully undertaking, supervising and executing all works as per the tender document and bill of quantities.


BENJAMIN J. OTSILUA
ADVOCATE
& COMMISSIONER FOR OATHS
P. O. Box 1904, BUNGOMA

3. That all payments by the County Government of Bungoma with respect to the aforesaid tender shall be channelled as before through Kenya Commercial Bank Account no. **1267534354** from certificate no. **4**.
4. That all the payments with respect to the aforesaid tender and water retention OF **Kshs. 514,000/= (Five hundred and fourteen thousand shillings only)** shall be made through the afore-stated account number **1267534354** with the consent and full knowledge of the Financier without changing or adding any other account with the County Government as far as the tender herein is concerned.
5. That the Financier herein to be a mandatory signatory to the said Bank Account no. **1267534354**.
6. That the certificate number **3** which is on due with the county government of Bungoma for the said tender to be channelled to the company alternative Kenya Commercial Bank Account no. **1256677469** and other pending bill of different projects.
7. That out of the payment and/or contract sum, the Contractor shall be entitled to a share of **Kshs. 3,000,000/=** and previous retention of **Kshs. 551,000/=** totalling to **Kshs. 3,551,000/= (Three million five hundred and fifty one thousand shillings only)** and the rest of the payment shall be shared by the Financier and the Founder Director as shall be agreed between themselves.
8. That no payment in respect of the contract and/or tender shall be effected without the consent and knowledge of the Financier.
9. That the Contractor shall execute a resolution to the effect that the said tender and/or contract shall be under the supervision of the Financier until full completion of the works as specified in the bill of quantities.
10. That this agreement shall supersede and/or terminate any earlier agreement executed between the same parties over the subject matter as herein.
11. That the **IFMIS** form and all payment concerning the afore-said tender no. **BGM/CNTY/175/2014-2015** opened by **MODITECH GROUP COMPANY LTD** account no. **1267534354**.
12. That any dispute on the foregoing matters and limited to the contract and/or tender herein between the parties thereto shall be referred solved and/or determined through arbitration by an arbitrator to

J.S. Khakula & Company
Advocates & Commissioners for Oaths

Nairobi Office
Lower Hill Duplex No. 6
Upper Hill Road/Lower Hill Road
Suite No. 53
P.O. Box 23571-00100 NAIROBI
Telephone: 020 3535306
Mobile: 0713 240 057

Bungoma Office
Maumo House
Opp. Telkom Kenya
P.O. Box 924-50200
BUNGOMA
Tel: 053-2030137
Mobile: 0790 979 961
0733 859 719

Email: info@jskhakulaadvocates.com

Advocates

J.S. Khakula, LL.B (Hons) Dar, Dip(KSI), CPS (K)

A.B. Khakula, LL.B (Hons) Moi, Dip(KSI)

Consultant

Dima Dima W.I.L.B (Hons) (Moi), B.Ed (Hons)

Moi, Dip(KSI), Post grad Dip(ILD), MA (Env law) UoN

Our Ref: JSK/1819 B

Your Ref:



Date: 29/11/2019

The County Secretary
County Government of Bungoma
P.O Box 437-50200
BUNGOMA



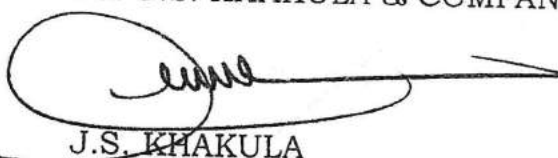
Dear Sir,

WITHDRAWAL OF BUNGOMA H.C.C CASE NO. 15 OF 2019

We are duly instructed by the plaintiffs in the above suit to inform you that upon agreement of 22.11.2019 between the parties involved the above suit has this day been wholly withdrawn. We attach hereto for your record a copy of :-

1. the Withdrawal Notice filed in Court
2. the agreement of 22.11.2019

Yours faithfully,
For J.S. KHAKULA & COMPANY ADVOCATES


J.S. KHAKULA
ADVOCATE

jskhakula@yahoo.com

- CC: 1. The Plaintiffs
2. The Defendants
3. Christopher Kosgei Kirwa



(Please Reply this correspondence to our Bungoma Office)



Moditech Group Company Ltd

Dealers in: Construction, contractors, and general suppliers
Imports and Exports

TEL: 0724 456 288 | 0722 644 308
P. O. Box 476, KIMILILI

EXTRACTS FROM THE MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF MODITECH GROUP COMPANY LTD. DULLY HELD, CONVENED AND CONSTITUTED AT THE REGISTERED OFFICE OF THE ORGANIZATION ON THE 8 NOVEMBER 2019.

PRESENT:-

THE MEETING BEING QUORATE

1. The directors open an account with Kenya Commercial Bank (KCB), BUNGOMA Branch whereby the company would open and operate an account with the bank on the terms and conditions of the mandate endorsed on the "Application to open a current account" from now produced at the meeting for inspection.
2. It was term of the arrangements that the company would complete the "Application" to open a corporate account from and execute the mandate endorsed thereon specifying the persons authorized to operate the account (s) on behalf of the company and appending their respective specimen signatures.
3. It was resolved to include Christopher Kosgei Kirwa ID No. 27313475 as financier and Mandatory signatory to this account.

All present having unanimously agreed to and confirmed the above arrangements IT WAS RESOLVED as follows:-

1. THAT The company opens and operate account or accounts with Kenya Commercial Bank on the terms and conditions of the Mandate on the "Application to open a current account" form
2. THAT the "application to open account" form be and the same is hereby approved and that the directors complete the form, execute the mandate endorsed thereon and deliver the same forthwith to the bank.
3. BOTH ABDIKADIR ADAN KALICHA and CHRISTOPHER KOSGEI KIRWA are dully authorized to open and operate the Account(s) on behalf of the company and their specimen signatures be appended to the Mandate
4. BOTH signatories should append their signatures in all of this account and both to appear in person any transaction of this Account
5. THAT the signing mandate shall remain to CHRISTOPHER KOSGEI KIRWA and ABDIKADIR ADAN KALICHA that this resolution shall remain full force and effected until written and revocation of signed by both parties delivered to KCB Bank.

APPROVED BY DIRECTORS

1. GALMA MALICHA HAPPI
2. ABDIWELI ADAN KALICHA
3. ABDIKADIR ADAN KALICHA

SIGNATURES

IT IS HEREBY CERTIFIED THAT the foregoing Resolutions do not in any way limit or affect the in the Bank contained in any document given by the company and that the above is true extract Minutes of the Meeting of the Board of Directors of the Company and the Resolutions set forth were dully passed in accordance and comply with the memorandum and articles of association company.

CHAIRMAN

ABDIKADIR ADAN KALICHA

DATE

8/11/2019

Date: 02/05/2019

THE C.E.C

MINISTER OF PUBLIC ADMINISTRATION BUNGOMA COUNTY

P.O BOX 437-50200

BUNGOMA



Dears Sir,

REF: SIDE HANDING OVER MISIKHU AND BOKOLI WARDS TENDER NO. BGM/CNTY/175/2014-2015.

We kindly bring your attention the above mention tender No. BGM/CNTY/175/2014-2015 of Misikhu ward was side handed over on 11th April 2019. In the presence of work officer Jerald Barasa, Ward administrator-Mr. Wafula, MCA- Milih Masungo and the Area Chief, we began the work almost immediately by clearing by cutting trees, demolishing sem-permanent structures, digging the foundation and mobilizing materials on the site.

We wish to inform your office that the work is on-going but we stopped by work office Mr. Jerald Barasa by directing us to go and see C.O Mr. Silungi, only to be told that the site was handed over to the wrong people because Moses Wafula was no longer the director.

We were given a copy of a letter and CR12 of changing of directors and we shocked to learn that the director of the company has been changed.

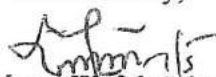
As we resolve the grievances of the company, we look forward for advice and instruction from your office.

Attached are the copies of the a letter and CR12 for your perusal and consideration.

Any assistance from your office will be highly appreciated.

Thank in advance.

Yours faithfully,


Moses Wafula Khakula

DIRECTOR.

CC.

1. Director Of Public Administration
Mr. Silungi

MODITECH GROUP COMPANY LTD:
P. O. BOX 476-50204
KIMILILI
DATE... 02/05/2019...





Moditech Group Company Ltd

DEALERS IN: CONSTRUCTION, CONTRACTORS, AND GENERAL SUPPLIERS
IMPORTS AND EXPORTS

TEL: 0724 456 288 | 0722 644 308
P. O. Box 476, KIMILILI

3RD DECEMBER, 2019

THE PROJECT MANAGER,
COUNTY WORKS OFFICER,
BUNGOMA COUNTY,
P.O BOX 437-50200,
BUNGOMA, KENYA.

Dear Sir/Madam

REF: RESUMPTION OF WORK CONTRACT -BGM/CNTY/OT/175/2014-2015- ERECTION AND COMPLETION OF WARD OFFICES IN MISIKHU AND BOKOLI WARDS.

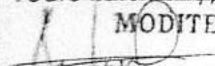
This is to kindly notify your office that we have decided to resume work in the course of 14 days from today, as we mobilize to deliver materials on sites and waiting your response on Misikhu project official site handover from your office and client.

Kindly we request for our pending payment certificates which is on due with the client to be honoured as soon as possible so that we deliver the project.

We promise to continue to work and complete the project soon.

Thank you.

Yours Faithfully,


MODITECH GROUP COMPANY
LIMITED

Abdikadir Adan Kalicha, 2019

Managing Director.

P. O. Box 476-50204, KIMILILI

CC. Moditech Group Company Ltd.

Chief Officer Public Administration

Minister Public Administration

Procurement office, Bungoma County

County Secretary Bungoma County





Moditech Group Company Ltd

Dealers in: Construction, contractors, and general suppliers
Imports and Exports

TEL: 0724 456 288 | 0722 644 308
P. O. Box 476, KIMILILI



date: 25th June 2019

THE DIRECTOR PUBLIC WORKS,
OFFICE OF THE COUNTY CHIEF OFFICER
FOR ROADS, INFRASTRUCTURE AND PUBLIC WORKS,
P.O.BOX 437-50200,
BUNGOMA COUNTY.

RE: PROPOSED ERECTION AND COMPLETION OF WARD ADMINISTRATOR OFFICES IN MISIKHU AND BOKOLI TENDER NO. BGN/CNTY/175/2014-015

Your letter dated 3rd June on the above subject refers.

I wish to categorically make clear that I'm willing as I always been to complete the project in question on time. I do agree the project has stalled for some time. There were obstacles and huddles, some beyond my control that caused the delay.

As you recall, when the tender was awarded a month of April year 2015, the work could not immediately take off because the client did not have the land. Infact I patiently waited renewing the performance bond on several occasions.

When the contract was eventually signed only the Bokoli site was ready and the Misikhu one remained a float to date. The construction work at Bokoli commenced and went on well at the beginning. I thus raised the first certificate when foundation work was done and first payment amounting to 2 million affected by the client was stolen by my co-directors in conjunction with someone in the finance office on mysterious circumstances.

This fact brought disharmony and disoriented my activity onsite. The said former director eventually stole payments from another projects a tune of Ksh 12 million. This fact actually left me in financial difficulties but I however moved on and raised the construction to the lento level. At this stage my co director has been replaced and process of recovering stolen money initiated. I thus raised the second interim certificate of amounting to 1.6 million which has not been paid to date. The third interim certificate with payment amount of eight hundred and seventy seven thousand (877,000) was raised for the work done and still no payment.

I wish to say that while I pull myself up despite my financial difficulty to complete the project the co-director who was earlier removed and replaced for the theft went to court and obtained court injection for all company activity and finance including that pending payment at county.

I wish to say that the ordeal I have stated above is what caused the project to stall. However the court case is now over and the injection departed. I can now go back to the site and complete the project. Even though I have financial difficulties and plead that I get paid my claim which has been pending some close to a year. The sooner I get the payment I promise to go back on site and complete the timely completion of the project. Please gain the said attached documents.

Looking forward for assistance.

Yours sincerely,

The Director,

MODITECH GROUP COMPANY LTD.

CC -CECM PUBLIC ADMINISTRATION

CO PUBLIC ADMINISTRATION



12

COUNTY GOVERNMENT OF BUNGOMA



DIRECTORATE OF LEGAL AND CABINET AFFAIRS

Telephone: 055-30343
E-mail: countyattorneybgm@gmail.com

County Headquarters
P.O BOX 437 - 50200
BUNGOMA

INTERNAL MEMO

TO: Chief Officer, Finance

FROM: County Legal Officer, Bungoma

DATE: 28th June, 2019.

SUBJECT: KIMELILI PMCCNO 50 OF 2019
MOSES WAFULA KHAKULA & ANOTHER =VS= KALMA
MALICHA HAPPI & 5 OTHERS.

Forwarded herewith please find the attached copy of a Court Order issued on 21st June 2019 in the above matter. By the said Order the Court struck out this suit and consequently any injunction Order earlier issued have been vacated.

This is to therefore advise you that there are no Orders in respect of ^{any} pending payments to Moditech Group Company. You may therefore process and pay them pending dues.

Thank you

CYRIL S. WAYONG'O



MODITECH GROUP COMPANY LIMITED

13

Dealers in construction, contractors and general suppliers
Imports and Exports

Tel: 0721116831/0722644308

Date: 23rd June 2022

TO,
CHIEF OFFICER, PUBLIC ADMINISTRATION
P.O BOX 437-50200
BUNGOMA



Dear Sir/Madam,

RE: REQUEST FOR PAYMENT FOR ERECTION AND COMPLETION OF WARD ADMINISTRATION OFFICES IN BOKOLI AND MISIKHU WARDS AND VARIATION - BUNGOMA COUNTY- TENDER BGM/CNTY/175/2015.

This is to notify your office that the work in Bokoli ward is ongoing and almost complete we kindly request for payment to enable us complete the work as soon as possible. We wish to bring to your knowledge that this was a contracted project with a cluster of (2) two offices Bokoli and Misikhu.

However we managed to execute both: Bokoli offices is 85% complete and Misikhu we commenced after more than Five years waiting to access site due to land challenges: In 2019 work offices showed us site after area MCA intervened and look for land at DDC offices. But after start demolish of structures, clearing bushes, excavation, delivery of some materials the officer stop us from the site to concentrate of Bokoli offices due to official site handing over in Misikhu interference.

So we kindly request for your interventions to save us from further economic distress and escalating project as a result of the pending bill and interest due to delayed payment. Attached find the variation request for your perusal due to the:

- The land challenges and change of rates
- Delay of site handing over due to high prices of materials as per client rates
- Delay of mode of payment

We kindly requesting your able offices for variation due to work done as it is 85% in Bokoli. Work done in Misikhu is 20%.

We promise to work and complete this project as soon as possible.

Any assistances from your offices will be highly appreciated.

Yours faithfully,

Christopher Kirwa
Financier In charge of the Project



Scanned Accounts Dept
29/7/2022

CC:

1. MINISTER OF PUBLIC ADMINISTRATION
2. OS. H.K. SILUNGI FOR CHIEF OFFICER ROADS, INFRASTRUCTURE AND



Moditech Group Company Ltd

Dealers in Construction, contractors, and general suppliers
Imports and Exports

TEL: 0724 456 288 | 0722 644
P. O. Box 476, KIMILILI

23/04/2019

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**THE DIRECTOR,
COUNTY WORK OFFICER,
BUNGOMA COUNTY,
P.O BOX 502—50200, BUNGOMA.**

Dear Sir/Madam,

RE: MOSES WAFULA KHAKULA ID NO 14640758

The above quoted person refers;

The board of directors unanimously resolved to remove Moses Wafula Khakula from the position of Director of Moditech Group of Company wide board meeting held on 14th March 2019:

The board of directors and shareholders resolved to remove him following dishonest conduct, theft of money and abuse of position of trust by the said person while holding position of directorship.

This implies that the said Mr. Moses Wafula has no authority and has never been authorized to Act or transact any business on behalf of the company.

Attached herewith please find the certified copy of the CR 12. As held at the registrar of companies office for your reference.

Also note that the board has appointed only Abdi Kadir Adan as the sole pointman and to conduct business on behalf of the company.

Signed by;

Galm M. Happi—Director

Abdi Well Adan—Director

Abdi Kadir Adan—Director

Cc.

Chief officer Finance and Economic Planning

Chief Officer Ministry of public administration

Minister, ministry of public administration





BUSINESS REGISTRATION SERVICE
P. O. BOX 30031
NAIROBI
4 APR 2019

To
MODITECH GROUP COMPANY LIMITED
P.O. Box 476
50204 - KIMILILI

36

THE COMPANIES ACT, 2015

According to the records reading to the below company held by the Companies Registry as at 4 Apr 2019

COMPANY	MODITECH GROUP COMPANY LIMITED
COMPANY NUMBER	CPR/2015/173778
NOMINAL SHARE CAPITAL	100,000.00
NUMBER AND TYPE OF SHARES (VALUE PER SHARE)	ORDINARY: 1000 (KES 100.00 EACH)
DATE OF REGISTRATION	2015-01-13
REGISTERED OFFICE	P.O BOX 476, KIMILILI TELEPHONE: +254721938575, EMAIL: ABDIWELIADAN@YAHOO.COM COUNTY: , DISTRICT: , LOCALITY: STREET: ALONG KIMILILI - KITALE HIGHWAY, BUILDING LR NO. 395
POSTAL ADDRESS	P.O BOX 476 KIMILILI
ENCUMBRANCES	

Name of Directors and Shareholders of the above company with their particulars are as follows

NAME	DESCRIPTION	ADDRESS	COUNTRY	SHARES
GALMA MALICHA HAPPI	DIRECTOR/SHAREHOLDER	P.O BOX 476 KIMILILI	KENYA	ORDINARY: 30
ABDIWELI ADAN KALICHA	DIRECTOR/SHAREHOLDER	P.O BOX 476 KIMILILI	KENYA	ORDINARY: 35
ABDIKADIR ADAN KALICHA	DIRECTOR/SHAREHOLDER	P.O BOX 476 KIMILILI	KENYA	ORDINARY: 35

Yours Faithfully,
REGISTRAR OF COMPANIES



DISCLAIMER: THIS IS A SYSTEM GENERATED CERTIFICATE AND DOES NOT REQUIRE A SIGNATURE

C100
ANWAR AHMED
ADVOCATE
P.O. Box 304-50204 NAIROBI

23/4/19



No. CPR/2015/173778

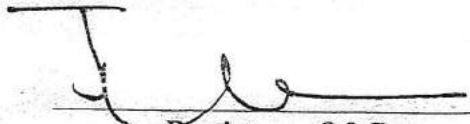
CERTIFICATE OF INCORPORATION

I hereby CERTIFY, that -

MODITECH GROUP COMPANY LIMITED

is this day Incorporated under the Companies Act (Cap. 486) and that the Company is **LIMITED**.

GIVEN under my hand at Nairobi this **13 th** day of **January**
Two Thousand and Fifteen


Registrar Of Companies



THE REPUBLIC OF KENYA

BUSINESS REGISTRATION
SERVICE
P. O. BOX 30031
NAIROBI
15 MAR 2018

THE DIRECTORS,
MODITECH GROUP COMPANY LIMITED,
P. O. BOX 476,
50204 KIMILILI

Dear Sir/Madam,

THE COMPANIES ACT, 2015

RE: MODITECH GROUP COMPANY LIMITED

According to the records relating to the above company held by this Registry as at 15 Mar 2018 the names of Directors and Shareholders of the above company with their particulars are as follows

COMPANY	MODITECH GROUP COMPANY LIMITED
COMPANY NUMBER	CPR/2015/173778
NOMINAL SHARE CAPITAL	100,000.00
NUMBER AND TYPE OF SHARES (VALUE PER SHARE)	1,000 ORDINARY SHARES OF KES 100.00 EACH.
DATE OF REGISTRATION	15 MAR 2018
REGISTERED OFFICE	LR NO. 395 ALONG KIMILILI - KITALE HIGHWAY
POSTAL ADDRESS	P.O BOX 476 - 50204 - KIMILILI
ENCUMBRANCES	SUBJECT TO OFFICIAL SEARCH OF THE PHYSICAL REGISTER

NAME	DESCRIPTION	ADDRESS	COUNTRY	SHARES
ABDIWELI ADAN KHALICHA	DIRECTOR SHAREHOLDER	P.O. BOX 476	KENYA	ORDINARY: 20
ABDIKADIR ADAN KHALICHA	DIRECTOR SHAREHOLDER	P.O. BOX 476	KENYA	ORDINARY: 20
MOSES WAFULA KHAKULA	DIRECTOR SHAREHOLDER	P.O. BOX 476	KENYA	ORDINARY: 30
DIANA CHERUTO KIRONGET	DIRECTOR SHAREHOLDER	P.O. BOX 476	KENYA	ORDINARY: 30

Yours Faithfully,
REGISTRAR OF COMPANIES



DISCLAIMER: THIS IS A SYSTEM GENERATED CERTIFICATE AND DOES NOT REQUIRE A SIGNATURE AND THE INFORMATION HAS NOT BEEN VERIFIED BY THE OWNER

TO VALIDATE THIS DOCUMENT SEND THE WORD BRS TO 21546

IFMIS DEFINITION APPROVAL FORM

STANDARD SUPPLIERS/MERCHANTS

PAYEE :

VAT NO. :

PIN NO. :

REG. NO. :

e-mail :

CONTACT PERSON :

POSTAL ADDRESS :

BANK DETAILS	A/C Name :	HODITECH GROUP COMPANY LIMITED
	Bank Name :	ICCB
	Bank Branch :	BUNGOMA BRANCH
	Bank A/C :	1267534354

SIGNED BY SUPPLIER :

DEFINED BY :

APPROVED FOR DEFINATION BY (HEAD OF IFMIS) :

NOTE: THIS FORM SHOULD BE ATTACHED TO AN LPO/LSO



JAMHURIYA KENYA

REPUBLIC OF KENYA

SERIAL NUMBER: 701394414

ID NUMBER: 27422499

FULL NAMES

ABDIKADIR ADAN KALICHA

DATE OF BIRTH
12.07.1988

SEX
MALE

DISTRICT OF BIRTH
MOYALE

PLACE OF ISSUE
HDM BUNGOMA

DATE OF ISSUE
17.10.2018



HOLDER'S SIGN

A handwritten signature in black ink, appearing to be 'AK', located below the 'HOLDER'S SIGN' label.

REPUBLIKI YA KENYA

REPUBLIC OF KENYA

SERIAL NUMBER: 220747334

ID NUMBER: 22707905

FULL NAME

ALI ALIKHEIR ISSAK



DATE OF BIRTH

06.06.1980

SEX

MALE

DISTRICT OF BIRTH

HANDERA

PLACE OF ISSUE

DAGORETTI

DATE OF ISSUE

11.09.2006

HOLDER'S SIGN.

REPUBLICA YA KENYA  **REPUBLIC OF KENYA**

SERIAL NUMBER: 701394479

ID NUMBER: 14640758

FULL NAMES
MOSES WAFULA KHAKULA



DATE OF BIRTH:
01. 01. 1977
SEX:
MALE
DISTRICT OF BIRTH:
BUNGOMA
PLACE OF ISSUE:
HDM BUNGOMA
DATE OF ISSUE:
17. 10. 2018

HOLDER'S SIGN:



DISTRICT
KIMILILI / BUNGOMA
DIVISION
KIMILILI
LOCATION
KIMILILI
SUB-LOCATION
KIMILILI



PRINCIPAL REGISTRAR'S SIGN:

T028503

IDKYA7013944790<<3921<<<<<3
7701018M1810172<B014640758E
MOSES<WAFULA<KHAKULA<<<<<<<

4. The employer hereby covenants to pay the Contractor in consideration of the execution, completion and maintenance of the works the Contract Price at the times and in the manner prescribed by the Contract.

IN WITNESS WHEREOF the parties hereto have caused their respective common seals to be hereto affixed (or have hereunto set their respective hands and seals) on the day and year first above written.

SIGNED SEALED / STAMPED AND DELIVERED

By the said employer:

1. NAME: MURUMBA S. CHIRI
County Secretary, Head of Public Service
[Signature]
Signature



DATE: 1/10/15

In the presence of:

2. NAME: MR DAVID KIBITI
Chief Officer - Public Administration

[Signature]
Signature

DATE: 29/5/15

SEALED with the common seal of the Contractor M/S MODITECH GROUP COMPANY LIMITED, BY:

3. NAME: MOSES WAFULA KHAKULA
Director

ID. No. /Passport No. 14640788

Signature: [Signature]

DATE: 09-10-2015



NAME: ABDIKADIR ADAM KALICHA
Secretary

ID. No. /Passport No. 27422499

Signature: *Abdikadir*

DATE: 09/10/2015

MODITECH GROUP COMPANY
LIMITED
09 OCT 2015
P. O. Box 476-50204, KIMILILI

I certify that I was present and saw the Director(s)/Secretary of the Contractor duly sign this agreement.

Signature of witness: *[Signature]*

Name: *Klijah Wakesa*

Address: *P.O. Box 437-502*

Occupation: *D/Head supply chain*

DATE: *9/10/15*



KENYA REPUBLIC OF KENYA
 223479437 ID Number: 27313475
CHRISTOPHER KOSGEI KIRWA
 DATE OF BIRTH: 06 00 1988
 SEX: MALE
 DISTRICT OF BIRTH: UASIN GISHU
 PLACE OF ISSUE: ELDAMA RAVINE
 DATE OF ISSUE: 18 01 2008
 HOLDER'S SIGN: 

DISTRICT: UASIN GISHU
 DIVISION: AIHABKOI
 LOCATION: PLATEAU
 SUB-LOCATION: CHEPKONGONY
 N. B0273134
 NATIONAL IDENTIFICATION NUMBER: *Christo* 00312474
 IDKYA2234794375<<7H4<<<<<<<71
 88<<<<OM0801182<B027313475C<<
 CHRISTOPHER<KOSGEI<KIRWA<<<<

33 (RP)

CR12 CPR/2015/173778
The Directors
Moditech Group Company Limited
P.O.Box 476-50204
KIMILILI



DEPARTMENT OF THE
REGISTRAR GENERAL,
P.O. BOX 30031,
NAIROBI.

Feb 12, 2015

Dear Sir/Madam,

THE COMPANIES ACT (CAP. 486)

RE: MODITECH GROUP COMPANY LIMITED

According to the records relating to the above company held by this Registry as at Feb 12, 2015, the names of Directors and Shareholders of the above company with their particulars are as follows:

<u>Names</u>	<u>Description</u>	<u>Address</u>	<u>Nationality</u>	<u>Shares</u>
MOSES WAFULA KHAKULA	Director	P.O BOX 476-50204 KIMILILI	KENYAN	700
DIANA CHERUTO KIRONGET	Director	P.O BOX 476-50204 KIMILILI	KENYAN	300

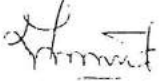

Total Shares Issued: 1000

The nominal share capital of the company is **Ksh. 100000.00** divided into **1000 SHARES OF KSHS. 100** each. Company was registered on **Jan 13 2015 9:17AM**. The registered office of the company is situated at **LR NO. 395 ALONG KIMILILI - KITALE HIGHWAY, P.O BOX 476-50204, KIMILILI.**

Yours faithfully,


ASSISTANT REGISTRAR OF COMPANIES

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Names, Address and Descriptions of Subscribers	Signature of Subscribers	Photo of subscribers
MOSES WAFULA KHALULA P.O BOX 476-50204 <u>KIMILILI</u> (BUSINESSMAN)		
DIANA CHERUTO KIRONGET P.O BOX 476-50204 <u>KIMILILI</u> (BUSINESSLADY)		

DATED this _____ day of _____ 2014

WITNESS to the above signature: -

S. W. NDEGWA
 ADVOCATE AND COMMISSIONER
 FOR OATHS
 P. O. Box 61995, NAIROBI

CERTIFICATE UNDER THE COMPANIES REGULATIONS.

It is hereby certified that the above Articles of Association has been produced by the process of XEROGRAPHY.

S. W. NDEGWA
 ADVOCATE AND COMMISSIONER
 FOR OATHS
 P. O. Box 61995, NAIROBI

Certificate Date : 12/01/20

Personal Identification Number

A006035820



This is to certify that taxpayer shown herein has been registered with Kenya Revenue Authority

Taxpayer Information

Taxpayer Name	Moses Wafula Khakula
Email Address	wambalemoses@yahoo.com

Registered Address

L.R. Number :	Building : KIMILILI
Street/Road : KIMILILI	City/Town : KIMILILI
County : BUNGOMA	District : Bungoma North District
Tax Area : Maliki	Station : BUNGOMA
P. O. Box : 476	Postal Code : 50204

Tax Obligation(s) Registration Details

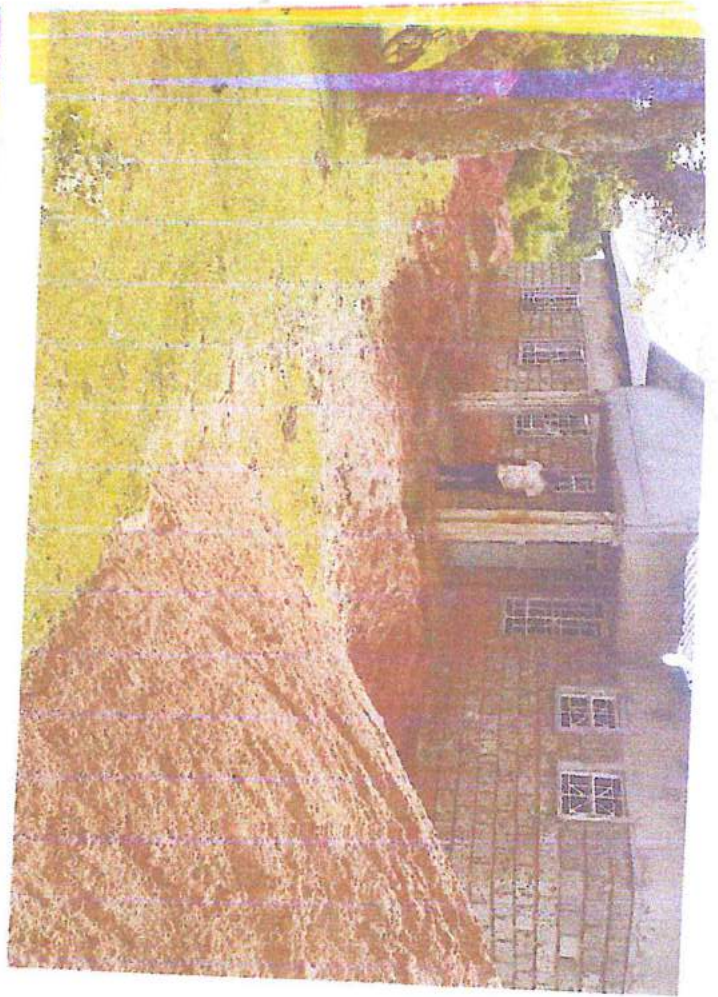
Sr. No.	Tax Obligation(s)	Effective Date
1	Value Added Tax (VAT)	28/02/2011
2	Income Tax - Resident Individual	28/02/2011

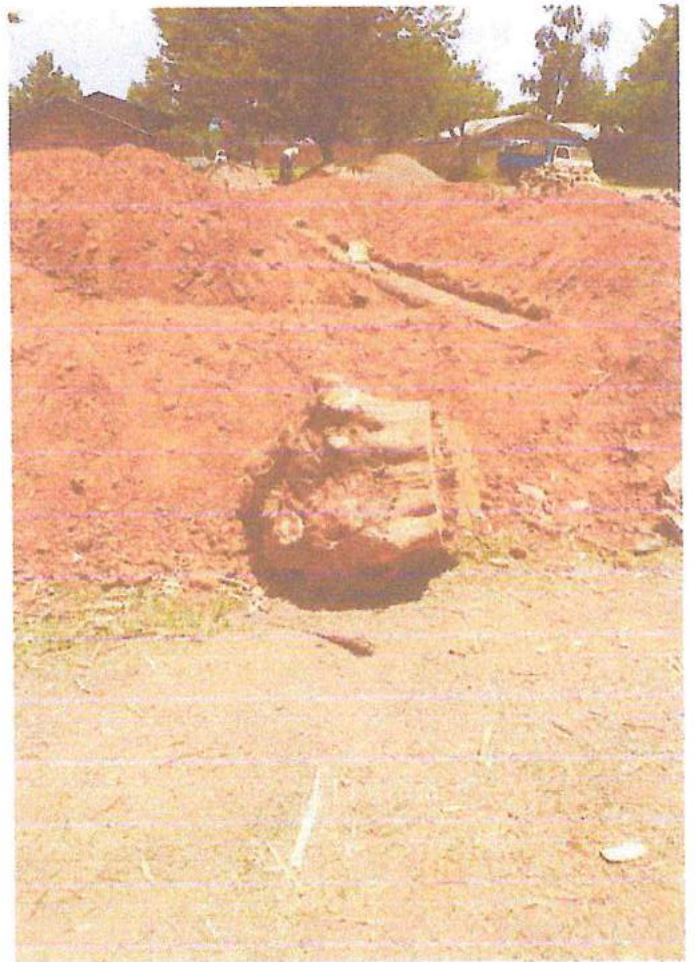
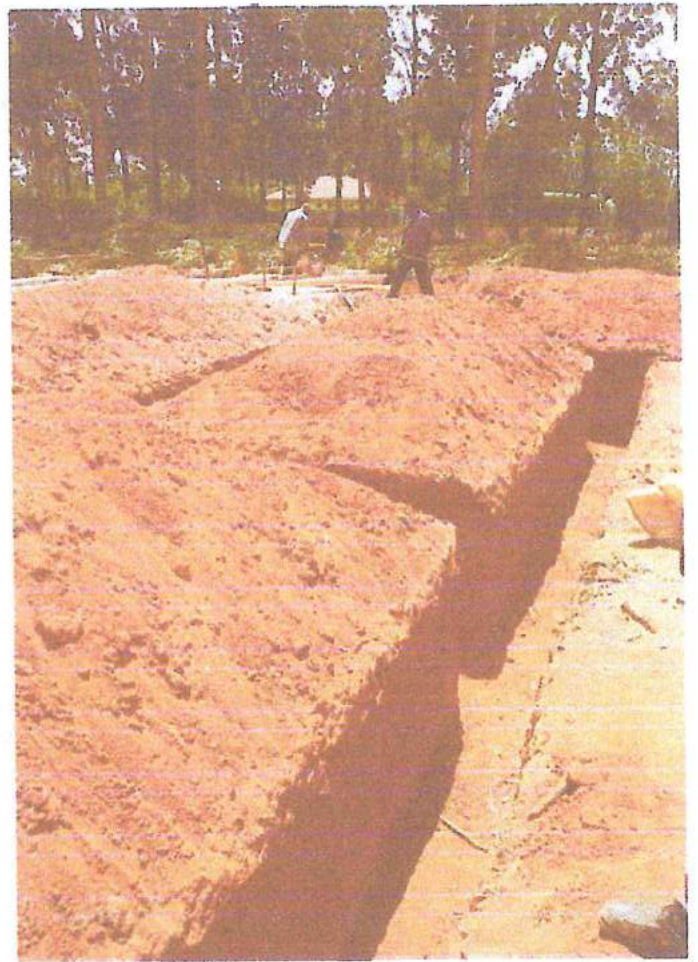
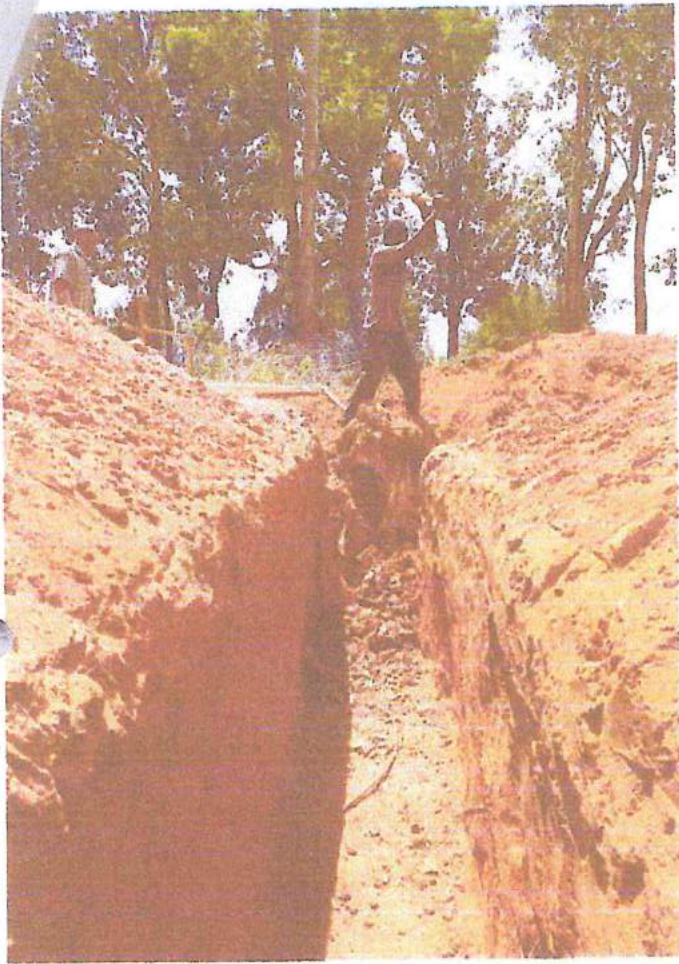
Economic Activity Details

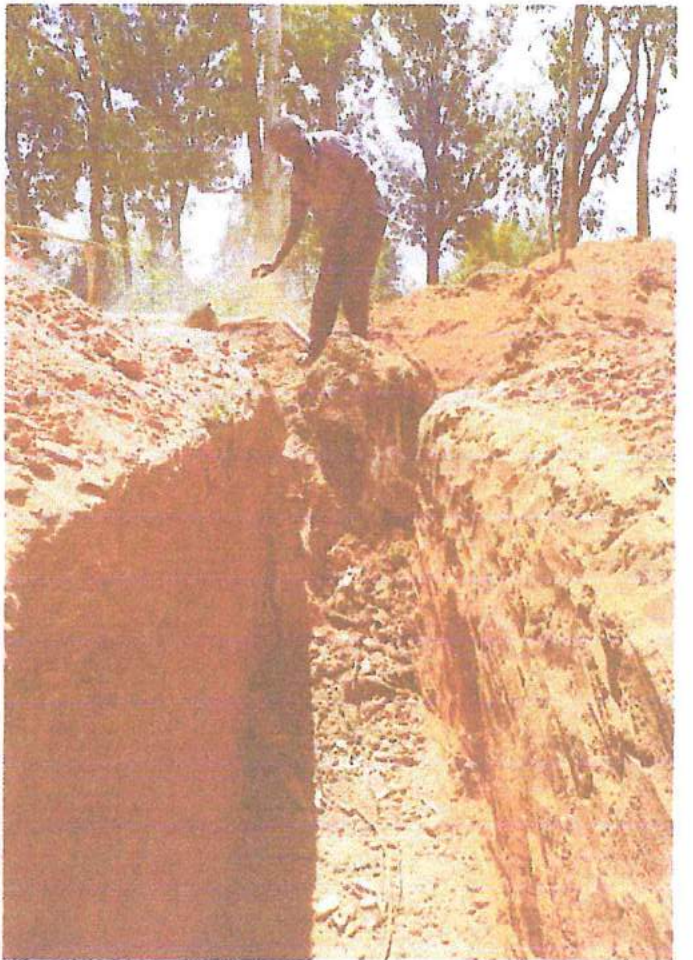
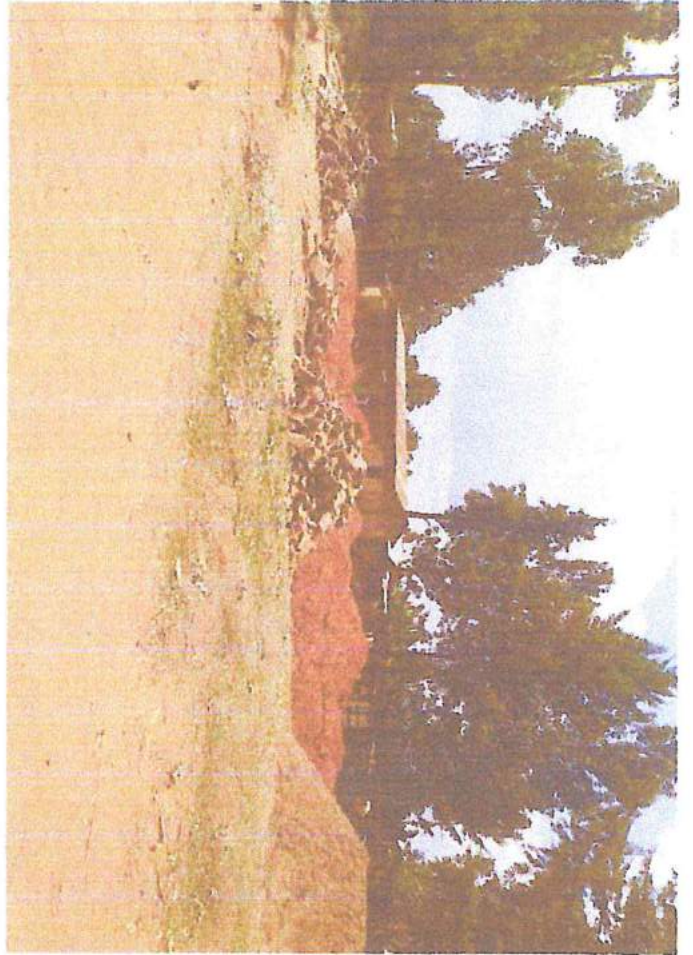
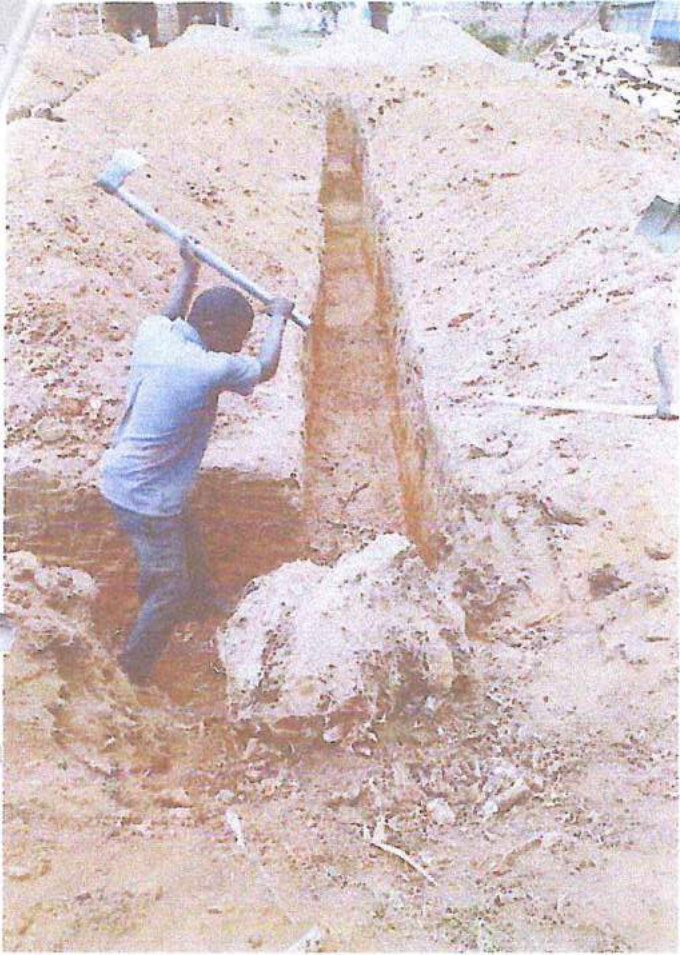
Sr. No.	Economic Activities	Type
1	S - Other Service Activities	Primary

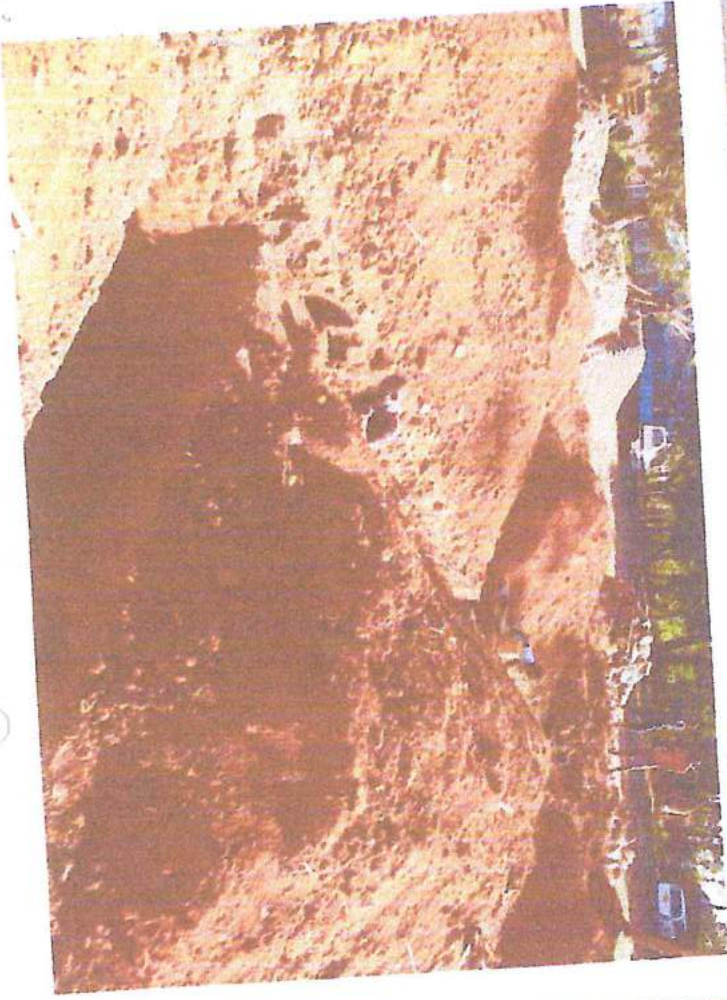
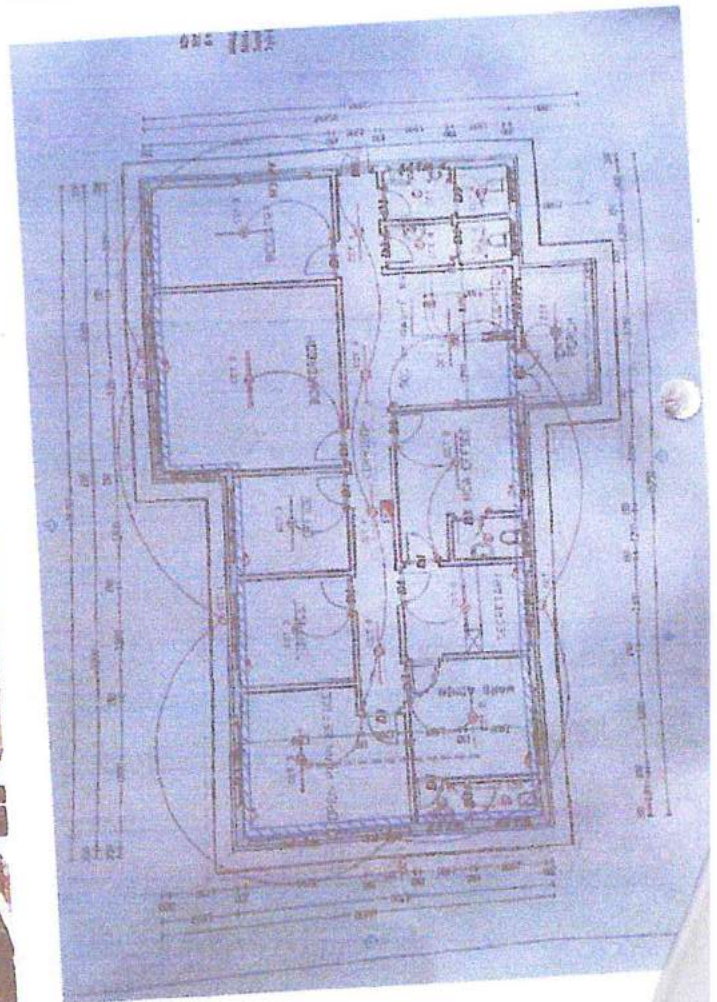
The above PIN must appear on all your tax invoices and correspondences with Kenya Revenue Authority. Your accounting end date is 31st December as per the provisions stated in the Income Tax Act unless a change has been approved by the Commissioner-Domestic Taxes Department. The status of Tax Obligation(s) with 'Dormant' status will automatically change to 'Active' on date mentioned in "Effective Till Date" or any transaction done during the period. This certificate shall remain in force till further updated.

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MINISTRY OF HOUSING LANDS AND URBAN DEVELOPMENT
DIRECTORATE OF PUBLIC WORKS

SITE INSPECTION AND ACCEPTANCE REPORT. 1 HELD ON THURSDAY, 30TH JUNE, 2022.

Project: PROPOSED ERECTION AND COMPLETION OF WARD ADMINISTRATORS' OFFICE IN BOKOLI WARD-BUNGOMA COUNTY.
Client: COUNTY GOVERNMENT OF BUNGOMA-PUBLIC ADMINISTRATION.

Project Ref: No.
Tender No.

Main Contractor: M/S MODITEC GROUP LIMITED.
P.O. Box

(E) Contract details:

Commencement date FY 2014/2015
Completion date FY2017/2018.
Contract period 24 Months.

(F) Contract sum details:

Tender Sum Kshs. 8,960,963.00
Revised Sum Nil
Amount certified Kshs.
% Of funds expended.

(G) Progress:

Period elapsed
100% of time elapsed
85% of Work done

OBSERVATIONS:

1) SUBSTRUCTURES.

- a) Excavation Foundation trenches done 1.5m deep as per the specs Certified and approved by the project manager then.
- b) Foundation strip done to specification certified and approved.
- c) Column bases done to specs.
- d) Foundation walling done by natural stones.
- e) Hardcore filling well compacted and rammed 300mm thick.
- f) Murram blinding 50mm to hardcore done.
- g) Ground treatment done by approved insecticide.
- h) 500 G Polythene sheet laid as DPM.
- i) BRC A142 Mesh laid as per the specs.
- j) 150mm thick Slab casted and vibrator as per the specs.

- k) Excavation of Septic substructures work done.
- l) Screeding of the floor done as per the scope.

SUPERSTRUCTURES

- a) 200mm superstructure walling done with machine cut stones.
- b) Ring beam casted as per the specs.
- c) Wall plate done.
- d) Roof members cypress timber casted.
- e) Roof iron sheets coverings done as per the specifications.
- f) Windows and Doors fitted.
- g) Brandering done.
- h) Ceiling fitted as per the scope.
- i) Mechanical fitted but not yet connected to the septic line.
- j) Key points done but not painted as per the specs.

RECOMMENDATIONS:

On inspection of the works I recommend the works done is at 85% to completion, Therefore, the contractor is due to payment upon percentage of works done.

REMAINING WORKS.

- k) Ceiling not painted.
- l) Mechanical not connected to septic line.
- m) Septic tank construction at 25%.
- n) External key points not painted.
- o) Floor tiling not done.
- p) Skirting not done.
- q) Paving slab not done.
- r) Fascial board not done.
- s) Water gutters not done.
- t) Painting and branding not done.

Prepared by:

Barasa Jared Leonard

Sign.....

Assistant Engineer

Checked by:

QS H K Silungi.

Sign.....

County Works Officer



VALUATION OF WORK DONE
 Contract No. BGM/CNTY/OT/175/2014-2015

Certificate No.5

Contract Name: PROPOSED ERECTION AND COMPLETION OF WARD ADMINISTRATOR OFFICES AT MISIKHU AND BOKOLI WARDS - BUNGOMA COUNTY

NAME OF CONTRACTOR: M/S MODITECH GROUP LTD OF P.O BOX 476-50204 KIMILILI

ORIGINAL CONTRACT SUM: KSHS. 18,020,899.28

REVISED CONTRACT SUM: KSHS. 21,362,240.00

	This Certificate(Kshs)
A PRELIMINARIES	700,000.00
WORK DONE	5,534,116.49
C PROJECT MANAGEMENT	0.00
D SUB-TOTAL	6,234,116.49
E. ADD VAT @ 14%	872,776.31
F. SUB - TOTAL 1	7,106,892.80
G. LESS 10% RETENTION (SUB TOTAL 1)	710,689.28
H. SUB - TOTAL 2	6,396,203.52
I. LESS 3% WITHHOLDING TAX(3% SUB - TOTAL 2)	213,206.78
J. LESS 2% WITHHOLDING VAT (2% SUB-TOTAL)	124,682.33
L TOTAL CUMMULATIVE GROSS	1,109,086.74
M. NET PAYABLE	6,058,314.40
L. INTEREST ON LATE PAYMENTS	0.00
M. LESS ADVANCE	0.00
N. TOTAL PAYMENT	6,058,314.40
O. LESS PREVIOUS PAYMENTS	5,118,107.03
P. NOW DUE TO CONTRACTOR (INCLUSIVE OF 10% VAT)	940,207.37

Total retention	710,689.28
Previous retention	599,781.00
This retention	110,908.28

Total Withholding tax	213,206.78
Previous Withholding tax	174,693.37
This certificate	38,513.41

Total Withholding VAT	124,682.33
Previous withholding VAT	105,224.66
This Certificate	19,457.67

I hereby confirm the above rates & quantities are correct:
MODITECH GROUP COMPANY LTD
 P. O. BOX 476-50204
 KIMILILI
 DATE.....CONTRACTOR..

Submitted by:

 J. Munira
 Director Public Works - Bungoma County

Authorised by:

 08/07/22
 Q.S. H.K Silungi
 For: Chief Officer Roads, Infrastructure & Public Works - Bungoma County

Original amount of ...
less than 20%.

- d) with each reimbursement the counterpart of the directly liable guarantee may be reduced accordingly.

24. Compensation Events

24.1 The following issues shall constitute Compensation Events:

- (a) The Employer does not give access to a part of the Site by the Site Possession Date stated in the Appendix to Conditions of Contract.
- (b) The Employer modifies the List of Other Contractors, etc., in a way that affects the Work of the Contractor under the Contract.
- (c) The Project Manager orders a delay or does not issue drawings, specifications or instructions required for execution of the Works on time.
- (d) The Project Manager instructs the Contractor to uncover or to carry out additional tests upon the Work, which is then found to have no defects.
- (e) The Project Manager unreasonably does not approve a subcontract to be let.
- (f) Ground conditions are substantially more adverse than could reasonably have been assumed before issuance of the Letter of Acceptance from the information issued to tenderers (including the Site investigation reports), from information available publicly and from a visual inspection of the Site.
- (g) The Project Manager gives an instruction for dealing with an unforeseen condition, caused by the Employer or additional work required for safety or other reasons.
- (h) Other contractors, public authorities, utilities, or the Employer does not work within the dates and other constraints stated in the Contract, and they cause delay or extra cost to the Contractor.
- (i) The effects on the Contractor of any of the Employer's risks.
- (j) The Project Manager unreasonably delays issuing a Certificate of Completion.
- (k) Other compensation events described in the Contract or determined by the Project Manager shall apply.

24.2 If a compensation event would cause additional cost or would prevent the Work being completed before the Intended Completion Date, the Contract Price shall be increased and/or the Intended Completion Date shall be extended. The Project Manager shall decide whether and by how much the Contract Price shall be increased and whether and by how much the Intended Completion Date shall be extended.

forecast is the Project Manager's own forecast. The Project Manager will react competently and promptly to the event.

24.4 The Contractor shall not be entitled to compensation to the extent that the Employer's interests are adversely affected by the Contractor not having given early warning or not having co-operated with the Project Manager.

24.5 Prices shall be adjusted for fluctuations in the cost of inputs only if provided for in the Appendix to Conditions of Contract.

24.6 The Contractor shall give written notice to the Project Manager of his intention to make a claim within thirty days after the event giving rise to the claim has first arisen. The claim shall be submitted within thirty days thereafter.

Provided always that should the event giving rise to the claim of continuing effect, the Contractor shall submit an interim claim within the said thirty days and a final claim within thirty days of the end of the event giving rise to the claim.

25. Price Adjustment

25.1 The Project Manager shall adjust the Contract Price if taxes, duties and other levies are changed between the date 30 days before the submission of tenders for the Contract and the date of Completion. The adjustment shall be the change in the amount of tax payable by the Contractor.

25.2 The Contract Price shall be deemed to be based on exchange rates current at the date of tender submission in calculating the cost to the Contractor of materials to be specifically imported (by express provisions in the Contract Bills of Quantities or Specifications) for permanent incorporation in the Works. Unless otherwise stated in the Contract, if at any time during the period of the Contract exchange rates shall be varied and this shall affect the cost to the Contractor of such materials, then the Project Manager shall assess the net difference in the cost of such materials. Any amount from time to time so assessed shall be added to or deducted from the Contract Price, as the case may be.

25.3 Unless otherwise stated in the Contract, the Contract Price shall be deemed to have been calculated in the manner set out below and in sub-clauses 25.4 and 25.5 and shall be subject to adjustment in the events specified thereunder;

(i) The prices contained in the Contract Bills of Quantities shall be deemed to be based upon the rates of wages and other emoluments and expenses as determined by the Joint Building Council of Kenya (J.B.C.) and set out in the schedule of basic rates issued 30 days before the date for submission of tenders. A copy of the schedule used by the Contractor in his pricing shall be attached in the Appendix to Conditions of Contract.

(ii) Upon J.B.C. determining that any of the said rates of wages or other emoluments and expenses are increased or decreased, then the Contract Price shall be increased or

increase or decrease.

- (iii) No adjustment shall be made in respect of changes in the rates of wages and other emoluments and expenses which occur after the date of Completion except during such other period as may be granted as an extension of time under clause 17.0 of these Conditions.

25.4 The prices contained in the Contract Bills of Quantities shall be deemed to be based upon the basic prices of materials to be permanently incorporated in the Works as determined by the J.B.C. and set out in the schedule of basic rates issued 30 days before the date for submission of tenders. A copy of the schedule used by the Contractor in his pricing shall be attached in the Appendix to Conditions of Contract.

25.5 Upon the J.B.C. determining that any of the said basic prices are increased or decreased then the Contract Price shall be increased or decreased by the amount to be assessed by the Project Manager based upon the difference between the price set out in the schedule of basic rates issued 30 days before the date for submission of tenders and the rate published by the J.B.C. and applied to the quantum of the relevant materials which have not been taken into account in arriving at the amount of any interim certificate under clause 23 of these Conditions issued before the date of publication of such increase or decrease.

25.6 No adjustment shall be made in respect of changes in basic prices of materials which occur after the date for Completion except during such other period as may be granted as an extension of time under clause 17.0 of these Conditions.

25.7 The provisions of sub-clause 25.1 to 25.2 herein shall not apply in respect of any materials included in the schedule of basic rates.

26. Retention

26.1 The Employer shall retain from each payment due to the Contractor the proportion stated in the Appendix to Conditions of Contract until Completion of the whole of the Works. On Completion of the whole of the Works, half the total amount retained shall be repaid to the Contractor and the remaining half when the Defects Liability Period has passed and the Project Manager has certified that all defects notified to the Contractor before the end of this period have been corrected.

27. Liquidated Damages

27.1 The Contractor shall pay liquidated damages to the Employer at the rate stated in the Appendix to Conditions of Contract for each day that the actual Completion Date is later than the Intended Completion Date. The Employer may deduct liquidated damages from payments due to the Contractor. Payment of liquidated damages shall not alter the Contractor's liabilities.

27.2 If the Intended Completion Date is extended after liquidated damages have been paid, the Project Manager shall correct any overpayment of liquidated damages by the Contractor by adjusting the next payment certificate. The Contractor shall be paid interest on the

COUNTY GOVERNMENT OF BUNGOMA



DEPARTMENT OF PUBLIC SERVICE MANAGEMENT AND ADMINISTRATIO OFFICE OF THE CHIEF OFFICER

Telephone: 0725393939

Email: publicadministration@bungoma.ke.co

County Headquarters

P.O. Box 437 – 50200

BUNGOMA, Kenya

Our Ref: Our Ref: CG/BGM/CCO/TERM.CONTRT/VOL.1(21)

TO: Chief Officer-Public Service Management & Administration

From: Procurement officer

Date: 25th January, 2023

**RE: COUNTY GOVERNMENT OF BUNGOMA MINIST OF PUBLIC SERVICE
MANAGEMENT AND ADMINISTRATION SITE INSPECTION REPORT FOR THE
PROPOSED ERECTION /COMPLETION OF WARD ADMINISTRATORS OFFICE
IN BOKOLI -BUNGOMA COUNTY.**

Client;

Project Ref: No

Tender No. BGM/CNTY/OT/175//2014-2015

Main Contractor: M/S MODITECH GROUP LTD.

P.O. BOX 476

KIMILILI.

Members Present

1. Mr Fredrick Wakhungu
2. Mrs Jane Simiyu
3. Mr Julius Wafula
4. Mr Job Kisaka

STATUS

Project is at 85% of completion

OBSERVATIONS

- a) Foundation excavation done.
- b) Strip foundation done.
- c) Foundation walling done by natural stones
- d) Hardcore filling well compacted
- e) Murram blinding hardcore done
- f) Ground treatment done.
- g) Slab foundation done.
- h) Walling done with machine cut stones.
- i) Ceiling fitted.

ROOFING.

Roofing done.

Covered with iron sheets.

Ceiling fixed

GENERAL FITTINGS

Doors have been fixed in all rooms

Windows fixed

Mechanical fittings not complete

OTHER WORKS

Septic tank not complete.

Soak pit not done

RECOMMENDATION.

On inspection of the work done we estimated it to 85% complete we therefore recommend for payment of the work done.

Confirmed by

- | | |
|----------------------|-------------|
| 1. Fredrick Wakhungu | Chairperson |
| 2 Job kisaka | Member |
| 3 Julius Wafula | Member |
| 4 Jane Simiyu | Secretary |

sign

.....
.....
.....
.....

Date

25/1/2023
25/1/2023
25/1/2023
25/1/2023

OFFICE OF CHIEF OFFICER
FOR PUBLIC SERVICE MANAGEMENT
& ADMINISTRATION
12 OCT 2022
RECEIVED
BUNGOMA COUNTY

Mohammed Group Company Ltd (25)
Dealers in Construction, contractors, and general suppliers
Imports and Exports

TEL: 0721 116 831/ 0722 644 308
P.O Box 476, KIMILILI

12th OCTOBER 2022

THE DIRECTOR,
DEPARTMENT OF PUBLIC WORKS,
COUNTY GOVERNMENT OF BUNGOMA,
P.O BOX 437-50200,
BUNGOMA

Dear Sir/ Madam,

RE: REQUEST FOR EXTENSION OF TIME FOR TENDER NO: BGM/CNTY/OT/175/2014-15 ERECTION AND COMPLETION OF WARD OFFICES IN MISIKHU AND BOKOLI WARDS

We humbly write to your office requesting for the extension of 6 months period for the above captioned project.

De delay was occasioned by:

- Land challenges where the project had not been allocated land for construction.
- Due to delay on site Handing Over.
- Delay of made of payment.

The project is 90% complete and therefore once pending certificate is paid, the project will be executed and completed

Your consideration is highly appreciated.

Yours sincerely,



Abdi Kadir Adan - Director



Christopher K. Kilwa - Financer In-charge Project

CC
CHIEF OFFICER PUBLIC ADMINISTRATION

COUNTY WORKS OFFICER
12 OCT 2022
RECEIVED
P.O. Box 476, KIMILILI BUNGOMA



Moditech Group Company Ltd

DEALERS IN CONSTRUCTION CONTRACTORS AND GENERAL SUPPLIERS

IMPORTS AND

OFFICE OF CHIEF OFFICER
FOR PUBLIC SERVICE MANAGEMENT
& ADMINISTRATION

288 | 0722 644 308
P O Box 476, KIMILIJ

03 DEC 2019

3RD, DECEMBER 2019

RECEIVED
BUNGOMA COUNTY

THE DIRECTOR,
DEPARTMENT OF PUBLIC WORKS,
COUNTY GOVERNMENT OF BUNGOMA,
P.O BOX 437-50200,
BUNGOMA

Dear Sir/ Madam,

RE: REQUEST FOR EXTENSION OF TIME FOR TENDER NO: BGM/CNTY/OT/175/2014-
15 ERECTION AND COMPLETION OF WARD OFFICES IN MISIKHU AND
BOKOLI WARDS

We humbly write to your office requesting for the extension of 6 months period for the above captioned project

The delay was occasioned by

- Land challenges where the project had not been allocated land for construction
- Due to delay on site Handing Over
- Delay of made of payment

The project is 90% complete and therefore once pending certificate is paid, the project will be executed and completed

Your consideration is highly appreciated

Yours sincerely,

Abdi Kadir Adan - Director

Christopher K. Kilwa - Financeer In-charge Project

CC
MINISTER PUBLIC ADMINISTRATION
CHIEF OFFICER PUBLIC ADMINISTRATION
COUNTY SECRETARY BUNGOMA COUNTY



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COUNTY GOVERNMENT OF BUNGOMA



DEPARTMENT OF PUBLIC SERVICE MANAGEMENT & ADMINISTRATION

County Headquarters
P.O. BOX 437-50200
BUNGOMA

Telephone: 0725393939

Email: publicadministration@bungoma.go.ke

BCG/BGM/PSM&ADMN/CCO/VOLIII/136

DATE: 6TH JULY, 2022

DIRECTOR PUBLIC WORKS
BUNGOMA COUNTY

**RE: CONTRACT VARIATION FOR PROPOSED ERECTION AND COMPLETION
WORKD FOR WARD ADMINISTRATORS OFFICES IN MISIKHU AND BOKOLI
WARD IN WEBUYE WEST-BUNGOMA COUNTY-TENDER NO
BGM/CNTY/175/2014-2015.**

Reference is made to your letter 'Ref: CWO/BGM/BKL/WRD/002/25' dated 10 June 2021 on the above subject matter.

This is to notify your office that the contract variation has been approved and that you can proceed to prepare the completion certificate.

Kind Regards,

COUNTY CHIEF OFFICER
FOR PUBLIC SERVICE MANAGEMENT
& ADMINISTRATION
06 JUL 2022
BUNGOMA COUNTY
P. O. Box 437-50200, BUNGOMA

COUNTY WORKS OFFICER
06 JUL 2022
RECEIVED
BUNGOMA

Abidan Kapchanga

County Chief Officer, Public Service Management & Administration

27

COUNTY GOVERNMENT OF BUNGOMA



OFFICE OF THE COUNTY CHIEF OFFICER FOR
ROADS, INFRASTRUCTURE & PUBLIC WORKS

Telephone No. 055-30343
E-mail: roadspublicworks@bungoma.go.ke

Former KeRA Offices, Kandiyi
P.O. Box 437-50200, Bungoma

Date: 10th June, 2021

Your Ref:
Our Ref: CWO/BGM/BKI/WRD/002/25

The Chief Officer
Public Administration
P.O. Box 437
BUNGOMA

RE: PROPOSED ERECTION AND COMPLETION WORKS FOR WARD ADMINISTRATORS OFFICES IN MISIKHU AND BOKOLI WARD IN WEBUYE WEST IN BUNGOMA COUNTY, TENDER NO. BGM/CNTY/175/2014-2015

COMPENSATION FOR DELAY IN SITE ACCESS

The above subject refers.

The contractor commenced work after more than one year waiting to access site. He requested for compensation for the time lost. In line with the conditions of contract clause 24, the contractor is entitled for compensation arising out of delay in site access, land challenges and delayed payment.

We have calculated the amounts due for compensation basing on our estimates for the works at tender date and site handing over dates. The resultant compensation per ward is as tabulated here below:

WARDS/OFFICES	ORIGINAL CONTRACTED SUM	PROPOSED REVISED CONTRACTED SUM
Bokoli	8,960,962.00	10,681,120.00
	Official Estimate 2015	10,212,246.00
	Revised Estimate 2021	12,500,960.00

You are required to process the relevant approval to enable us issue a certificate for execution.

VISION: A Hub of Diversity and Socio-Economic Development

COUNTY GOVERNMENT OF BUNGOMA
CHIEF OFFICER
 29 JUN 2022
APPROVED
 PUBLIC SERVICES MGMT. & ADMINISTRATION

11 Silunge
 Variation approved
 The proceed to approved
 Certificate to approve
 Certificate
 29/6/2022

1 Schmon
 Variation approved
 29/6/2022

COUNTY GOVERNMENT OF BUNGOMA



OFFICE OF THE COUNTY CHIEF OFFICER FOR
ROADS, INFRASTRUCTURE & PUBLIC WORKS

Telephone No. 055-30343
E-mail: roadspublicworks@bungoma.go.ke

Former KeRRA Offices, Kanduyi
P.O. Box 437-50200, Bungoma

Your Ref:
Our Ref: COW/BGM/WRD/002/VOL.I/23

Date: 8th July, 2022

The Chief Officer
Public Administration
P.O. Box 437
BUNGOMA

RE: PROPOSED ERECTION AND COMPLETION OF WARD ADMINISTRATOR OFFICES IN MISIKHU AND BOKOLI WARD - BUNGOMA COUNTY.

Your letter ref BCG/BGM/MPS&ADM/CCO/VOL.II/136 dated 6th July, 2022. Also refer to the main contractors unreferenced letter dated 23rd June, 2022.

Forwarded for your further action, please find Interim Certificate No. 5 amounting to Kshs.1,109,086.74 only in favour of M/S Moditech Group Company Ltd of P.O. Box 476-50204 Kimilili, for work done to date.

A handwritten signature in black ink, appearing to be 'QS. H.K. SILUNGI', written over a horizontal line.

QS. H.K. SILUNGI
For: CHIEF OFFICER
ROADS, INFRASTRUCTURE AND PUBLIC WORKS

- CECM - ROADS, INFRASTRUCTURE AND PUBLIC WORKS
- C.O - ROADS, INFRASTRUCTURE AND PUBLIC WORK

VISION: A Hub of Diversity and Socio-Economic Development

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PROPOSED ERECTION AND COMPLETION OF WARD ADMINISTRATOR OFFICES AT MISIKHU AND BOKOLI WARDS -
BUNGOMA COUNTY

	DESCRIPTION	QTY	UNIT	BQ RATE	NEW RATES	BQ AMT	NEW AMT
A	SUBSTRUCTURE (ALL PROVISIONAL)						
	EXCAVATION AND EARTHWORKS						
	SITE PREPARATION						
	Clearing site vegetation; grubbing up roots and filling up voids left with selected excavated material						
	Bushes, shrubs, undergrowth or the like and cart away from site	262	SM	50	61.2	13,100	16,034.40
	EXCAVATION						
	Excavating vegetable soil for preservation, average 150 mm thick	262	SM	50	61.2	13,100	16,034.40
	Excavating Surface to reduce level.						
	Over 300mm deep	79	CM	200	244.8	15,800	19,339.20
	Excavating Trenches; to receive foundations starting from reduced level						
	Not exceeding 1.50m deep	126	CM	171	209.304	21,546	26,372.30
	Breaking out existing material; extra over all kinds of excavations irrespective of depth						
	Rock irrespective of class	6	CM	1,027	1257.048	6,162	7,542.29
	Disposal						
	Excavated material; Backfilling depositing and compacting in layers maximum 150mm thick	148	CM	77	94.248	11,396	13,948.70
	Surplus excavated material; removing from site	63	CM	520	636.48	32,760	40,098.24
	DISPOSAL OF WATER						
	Labour and materials, keeping excavations free from general water	1	ITEM	20,000	24480	20,000	24,480.00
						133864	163,849.54
	Carried to collection						

ITEM	DESCRIPTION	QTY	UNIT	BQ RATES	NEW RATES	BQ AMT	NEW AMT
A	PLANKING AND STRUTING Labour and materials, to uphold sides of excavation generally	1	ITEM	50,000	61,200	50,000	61,200.00
	FILLING Hardcore						
B	300mm thick depositing and compacting layers maximum 150mm thick in making up levels Murram	192	SM	400	490	76,800	94,003.20
C	Blinding surfaces of fill 50 mm thick ANTI-TERMITE AND HERBICIDE TREATMENT <u>Applying "Termidor 25 EC" solution or other equal and approved sprayed evenly</u>	192	SM	96	118	18,432	22,560.77
D	To surface of fill and tops of foundation walls CONCRETE WORK	192	SM	130	159	24,960	30,551.04
E	Plain mix 1:4:8 in foundation strip blinding 50mm thick Normal: Class 20/20mm); vibrated (1:2:4)	84	SM	350	428	29,400	35,985.60
F	Foundation strips irrespective of thickness	17	CM	10,152	12,426	172,584	211,242.82
G	Floor Beds 150 mm thick REINFORCEMENT <u>Bars : high tensile steel; cold worked; B. S. 4461 including bends, hooks, tying wire, distance blocks and spacers</u>	192	SM	1,523	1,864	292,416	357,917.18
	8mm Diameter bars in any location	120	KG	118	144	14,160	17,331.84
I	12 mm diameter; in any location	368	KG	108	132	39,744	48,646.66
	Carried to collection					718,496	879,439.10

ITEM	DESCRIPTION	QTY	UNIT	BQ RATE	NEW RATES	BQ AMT	NEW AMT
	Fabric; B.S 4483						
A	Reference A142; mesh 200 x 200 mm weight 2.22 kgs per square meter (Measured net - no allowance made for laps); including bends, tying wire and distance blocks in any location	192	SM	358	438	68,736	84,132.86
	SAWN FORMWORK TO INSITU CONCRETE						
B	Edges of floor bed 75 to 150 mm wide	67	LM	116	142	7,772	9,512.93
	WALLING						
C	225mm thick approved local stone, roughly squared; bedding and jointing in cement mortar (1:4); reinforced with hoop iron gauge 500 in every alternate course	421	SM	1325	1,622	557,825	682,777.80
	DAMP PROOF MEMBRANES						
	Polythene, 500 gauge, 150mm laps, No allowance made for laps						
D	Horizontal, 1 No. of layer(s) over 300 mm wide	192	SM	70	86	13,440	16,450.56
	PLINTH FINISHES						
	Render, cement and sand (1:4) wood floated						
E	12mm thick 2 No. coat work, to stone work base (m/s) generally external	0	SM	254	311	0	-
	Painting; 3 coats black bituminous paint to						
F	Rendered surfaces external	0	SM	226	277	0	-
	PAVING SLABS						
G	600 x 600 x50 mm thick slabs laid on and including 50 mm (consolidated) bed of sand; jointed and pointed in cement sand 1:3 mortar V-joints	0	SM	1027	1,257	0	-
	Carried to collection					647,773	792,874.15
	COLLECTION						
H	Brought forward from page 1					133864	163,849.54
I	Brought forward from page 2					718,496	879,439.10
J	Brought forward from page 3					647,773	792,874.15
	Total Substructures carried to Summary					1,500,133	1,836,162.79

ITEM	DESCRIPTION	QTY	UNIT	BQ RATE	NEW RATES	BQ AMT	NEW AMT
A	REINFORCED CONCRETE FRAME CONCRETE WORK Normal: ClasS 20/20mm) Vibrated Beams	8	CM	10,152	12,426	81216	99,408.38
	REINFORCEMENT Bars high yield steel; cold worked B.S 4461 including bends, hooks, tying wire distance blocks and spacers						
B	8mm diameter in any location	317	KG	118	144	37406	45,784.94
C	12mm ditto	499	KG	108	132	53892	65,963.81
E	FORWORK TO INSITU CONCRETE Sides and soffites of beams	112	SM	404	494	45248	55,383.55
	WALLING DAMP PROOF COURSES B.S 743, type A, bitumen hessian base 150mm laps, No allowances made for laps						
F	200mm wide, bedded in cement mortar (1:3)	121	LM	120	147	14520	17,772.48
G	Ditto 150mm wide	31	LM	90	110	2790	3,414.96
	Approved solid local stone; squared, fine chisel dressed one side bedding jointing and recessed pointing one side in cement sand mortar (1:4) as work proceeds						
H	Walls 200mm thick reinforced with hoop iron gauge 500 in every alternate course	290	SM	1,647	2,016	477630	584,619.12
I	Ditto 150mm thick	75	SM	1,264	1,547	94800	116,035.20
J	Form or leave 250mm x 250mm opening in 200 mm walling	35	NO	250	306	8750	10,710.00
K	225mm x 225mm precast concrete permanent vent mosquito gauzed laid in cement sand 1:3 mortar	70	NO	350	428	24500	29,988.00
	Total Walling and Reinforced concrete carried to Summary					840,752	1,029,080.45

ITEM	DESCRIPTION	QTY	UNIT	BQ RATE	NEW RATES	BQ AMT	NEW AMT
<u>ROOFING</u>							
ROOF COVERING							
A	Gauge 28 pre-painted galvanised corrugated iron sheets fixed to purlins (m/s)	288	SM	1,375	1,683	396000	484,704.00
B	Gauge 28 pre-painted ridge cap	27	LM	250	306	6750	8,262.00
C	600mm wide flat sheet gauge 28 for valley	10	LM	514	629	5140	6,291.36
D	Hip cover in matching materials	25	LM	350	428	8750	10,710.00
<u>CARPENTRY</u>							
<u>STRUCTURAL TIMBERS</u>							
<u>Cypress, prime grade, pressure impregnated</u>							
	100 x 50mm Wall plate bedded in cement : sand (1:3) mortar bolted to concrete with and including 16mm diameter bolts cast in concrete at 1000mm 1000 mm centres	86	LM	213	261	18318	22,421.23
F	100 x 50mm Tie or strut	494	LM	213	261	105222	128,791.73
G	150 x 50mm Rafters	247	LM	276	338	68172	83,442.53
H	Ditto tie beam	209	LM	275	337	57475	70,349.40
I	150mm x 50mm king post/ collar plates	43	LM	276	338	11868	14,526.43
J	75mm x 50mm purlin	173	LM	144	176	24912	30,492.29
<u>BOARDING</u>							
<u>Wrought cypress, prime grade, pressure impregnated</u>							
K	225 x 25mm thick Fascia or barge boards	67	LM	323	395	21641	26,488.58
L	50 x 50mm bearers to in sawn cypress	0	LM	96	118	0	-
M	Ditto plugged	0	LM	96	118	0	-
Total Carried to collection						724248	886,479.55

ITEM	DESCRIPTION	QTY	UNIT	BQ RATE	NEW RATES	BQ AMT	NEW AMT
	RAINWATER INSTALLATIONS						
	Gutterwork , PVC gutter and fittings						
A	150 mm PVC Gutters half round in running lengths, fixing with brackets at 1000mm centres (M.S) and with appropriate jointing (M.S)	0	LM	650	796	0	-
B	Extra over gutters for 100mm diameter pipe outlet	0	NO	543	665	0	-
C	Ditto stopped end	0	NO	159	195	0	-
D	Ditto brackets	0	NO	159	195	0	-
E	Ditto Corners	0	NO	159	195	0	-
F	Ditto joints	0	NO	159	195	0	-
	Rainwater pipework						
G	100mm diameter pipes complete with connections in the running lengths, fixing with PVC holders/bats at 1000mm centers to backgrounds requiring plugging on walls	0	LM	500	612	0	-
H	Extra over pipework for shoes	0	NO	300	367	0	-
I	Ditto swanneck	0	NO	300	367	0	-
	PAINTING AND DECORATING						
	ONE UNDERCOAT TWO COATS OIL PAINT						
	FULL GLOSS FINISH TO CROWN PAINTS OR EQUAL AND APPROVED						
J	Ditto 200 to 300mm girth external	0	LM	200	245	0	-
	Total Carried to collection					0	-
	COLLECTION						
K	Brought forward from page 5					724248	886,479.55
	Brought down from above					0	-
	Total Roofing Carried to Bill No. 2 Summary					724248	886,479.55

LM	DESCRIPTION	QTY	UNIT	BQ RATE	NEW RATES	BQ AMT	NEW AMT
	WINDOWS						
	<u>Precast concrete, Normal, Class 20/ 20mm vibrated</u>						
A	Sills 250 x 75mm thick, once sunk weathered, once throated, reinforced as necessary for handling, bedding jointing and pointing in cement mortar (1:4)	28	LM	560	685	15680	19,192.32
	<u>JOINERY</u>						
B	WROT CAMPHOR 120X20mm window boards, moulded	0	LM	344	421	0	-
C	WROT CYPRESS Built up pelmet box made of 125x25mm front, 100 x 25 mm top and ends, 25 x 50 mm bearers	0	LM	420	514	0	-
	<u>METAL WORK</u>						
	<u>PURPOSE MADE UNITS</u>						
	Casement mid hang window with horizontal pivots; standard metal casement sections, permanent ventilators comprising T-bar gauze and metal hood to fill width of window, one coat primer by manufacturer; complete with all necessary ironmongery, steel for glazing with putty, lugs to two jams, cutting and pinning to concrete or blockwork, fixing to head and sill with screws and plugging; horizontal pivot windows						
D	Overall size 1500 x 1200 mm high	1	NO	6,397	7,830	6397	7,829.93
E	Overall size 1200 x 1200 mm high	14	NO	5,331	6,525	74634	91,352.02
F	Overall size 600 x 600 mm high	6	NO	1,534	1,878	9204	11,265.70
	Carried to collection					105915	129,639.96

ITEM	DESCRIPTION	QTY	UNIT	BQ RATE	NEW RATES	BQ AMT	NEW AMT
	Welded metal grill burglar proofing in 20mm SHS bars with openable lower half, one coat primer including cutting & pinning to concrete or masonry fixing to head & sill with screws & plugging.						
A	Overall size 1500 x 1200 mm high	1	NO	3,000	3,672	3000	3,672.00
B	Overall size 1200 x 1200 mm high	14	NO	2,500	3,060	35000	42,840.00
C	Overall size 600 x 600 mm high	6	NO	800	979	4800	5,875.20
	<u>GLAZING</u>						
D	5mm thick clear sheet glass to metal with putty in panes n.e 0.1-0.15m	0	SM	1,058	1,295	0	-
	<u>PAINTING AND DECORATING</u> <u>ONE UNDERCOAT TWO COATS OIL PAINT</u> <u>FULL GLOSS FINISH TO CROWN PAINTS OR</u> <u>EQUAL AND APPROVED</u>						
A	Metal window surfaces measured overall	25	SM	220	269	5500	6,732.00
B	Metal burglar proofing measured overall	0	SM	220	269	0	-
C	Concrete surfaces 200 - 300mm girth external	0	LM	150	184	0	-
D	Ditto but timber surfaces	0	LM	150	184	0	-
E	Ditto but 100-200mm girth	0	LM	150	184	0	-
	Carried to Collection					48300	59,119.20
	<u>COLLECTION</u>						
F	Brought Forward from page 7					105915	129,639.96
G	Brought Forward from Above					48300	59,119.20
	TOTAL FOR WINDOWS CARRIED TO SUMMARY					154215	188,759.16

ITEM	DESCRIPTION	QTY	UNIT	BQ RATE	NEW RATES	BQ AMT	NEW AMT
	<u>DOORS</u>						
	<u>STEEL DOORS</u>						
	<u>Standard door complete with all necessary ironmongery, permanent vent with mosquito gauze & sheet hood assembled and fixed to opening including cutting and pinning lugs to concrete or sand mortar (1:4) all primed with red oxide before fixing</u>						
A	1200 x 2400mm steel casement double door comprising 50 x 50 x 3mm fixed frame; 14G mild steel plate on both sides bottom half welded and 40 x 25 mm RHS grills at 100 mm centres vertically upper half welded complete with 5 - lever mortice lock and 3 No. tower bolts	1	NO	14,500	17,748	14500	17,748.00
	<u>GLAZING</u>						
B	4mm thick clear sheet glass to casement with putty in panes n.e 0.1-0.15m	6	SM	907	1,110	5442	6,661.01
	<u>JOINERY</u>						
	<u>Frames: Wrot Mahogany</u>						
C	150 x 50mm rebated frame once laboured	74	LM	650	796	48100	58,874.40
D	45 x 25mm quadrant	74	LM	60	73	4440	5,434.56
E	25mm Architraves	74	LM	30	37	2220	2,717.28
	<u>Flush doors, B.S 459, part 2</u>						
F	Solid core flush door 45mm thick, 900 x 2400mm high, 6mm mahogany veneer facing both sides, hardwood lipping on all exposed edges with fanlight	3	NO	6,832	8,362	20496	25,087.10
G	Ditto but Semi solid core finish doors size 900x2400mm high.	3	NO	7,925	9,700	23775	29,100.60
	<u>Panel doors wrot hardwood</u>						
H	900 x2400mm high Panel door comprising 150 x 50mm top rails and stiles, 200 x 50mm bottom rail, 150 x 50mm intermediate rails and 4 no. equal level raised panels.	7	NO	10,500	12,852	73500	89,964.00
J	Dwarf door size 900x900mm at reception.	0	NO	3,500	4,284	0	-
	Carried to Collection					192473	235,586.95

ITEM	DESCRIPTION	QTY	UNIT	BQ RATE	NEW RATES	BQ AMT	NEW AMT
	<u>IRONMONGERY</u> <u>Supply and fix the following</u>						
A	Steel butt hinges 100mm	24	PRS	84	103	2016	2,467.58
B	225 x 25 x 3mm thick door fixing cramps one end bent and twice screwed to frame and the other end fanged and built in to stone wall	96	NO	42	51	4032	4,935.17
C	Door stops	0	NO	56	69	0	-
	<u>PAINTING AND DECORATING</u>						
	<u>ONE COAT ALUMINIUM HARDWOOD PRIMER TO CROWN PAINTS OR EQUAL AND</u>						
D	Metal surfaces both internal and external	0	SM	415	508	0	-
	<u>ONE UNDERCOAT, TWO COATS POLYURETHANE CLEAR VARNISH TO CROWN PAINTS OR EQUAL AND APPROVED</u>						
E	Wood surfaces both internal and external	0	SM	254	311	0	-
F	Metal surfaces internal and external	0	SM	415	508	0	-
	Carried to Collection					6048	7,402.75
	<u>COLLECTION</u>						
G	Brought forward from Page 9					192473	235,586.95
H	Brought forward from Page 10					6048	7,402.75
	Total Doors carried to Summary					198521	242,989.70

ITEM	DESCRIPTION	QTY	UNIT	BQ RATE	NEW RATES	BQ AMT	NEW AMT
FINISHES							
FLOOR, WALL AND CEILING FINISHES							
FLOORS							
A	32mm thick cement sand screed (1:4) to receive ceramic tiles	192	SM	415	508	79680	97,528.32
B	300 x300 x 8mm thick ceramic floor tiles fixed with cement grouting	0	SM	1,550	1,897	0	-
C	20mm x 100mm high Ceramic skirting with rounded junction with wall finish and flush junction with floor internal	0	LM	80	98	0	-
WALLS							
D	12mm thick, 2 No. coat work Plaster 1:2:6 to stone work base (m/s) generally to walls internal with smooth to finish.	600	SM	226	277	135600	165,974.40
E	15mm thick, 2 NO. coat work cement sand (1:4) render to stone work base externally steel trowelled.	177	SM	254	311	44958	55,028.59
F	12mm thick cement sand screed (1:3) to receive ceramic walls tiles	41	SM	234	286	9594	11,743.06
G	300x200x8mm thick ceramic wall tiles with rounded edges.	41	SM	1,550	1,897	63550	77,785.20
CEILINGS							
H	12mm thick celotex ceiling	192	Sm.	953	1,166	182976	223,962.62
I	Wrot cypress 100 x 25mm nailed onto brandering(m.s) at 150mm centers and with mosquito gauze eaves filling	0	Sm	953	1,166	0	-
J	50 x50mm thick brandering	687	Lm	96	118	65952	80,725.25
K	75 x 50mm ditto	474	Lm	144	176	68256	83,545.34
L	100x20mm thick coved cornice	200	Lm.	144	176	28800	35,251.20
M	Extra over ceiling for trap door complete with framing size 600 x 450mm	3	No	775	949	2325	2,845.80
PAINTING AND DECORATING							
<u>THREE COATS PVA BASED EMULSION PAINT TO CROWN PAINTS OR EQUAL AND APPROVED</u>							
A	Suspended celotex ceiling	0	Sm.	211	258	0	-
<u>ONE UNDERCOAT TWO COATS OIL PAINT FULL GLOSS FINISH TO CROWN PAINTS OR EQUAL AND APPROVED</u>							
B	Plastered wall surfaces internally	300	SM	211	258	63300	77,479.20
C	Rendered wall surfaces externally	0	SM	211	258	0	-
Total Finishes carried to Summary						744991	911,868.98

ITEM	DESCRIPTION					BQ AMT	NEW AMT
	<u>SUMMARY</u>						
A	SUBSTRUCTURES						1,836,162.79
B	WALLING AND REINFORCED CONCRETE FRAME						1,029,080.45
C	ROOFING						886,479.55
D	WINDOWS						188,759.16
E	DOORS						242,989.70
F	FINISHES						911,868.98
G	MECHANICAL WORKS						214,906.25
H	ELECTRICAL WORKS						161,445.60
I	SEPTIC TANK						62,424.00
	TOTAL BUILDING WORKS FOR 1NO. OFFICE CARRIED						5,534,116.49

12

OFFICE OF THE COUNTY CHIEF OFFICER FOR PUBLIC SERVICE, MANAGEMENT & ADMINISTRATION
16 JAN 2023
RECEIVED
BUNGOMA COUNTY

COUNTY GOVERNMENT OF BUNGOMA



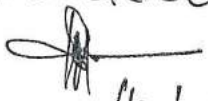
**OFFICE OF THE COUNTY CHIEF OFFICER FOR
ROADS, INFRASTRUCTURE & PUBLIC WORKS**

Telephone No. 055-30343
E-mail: roadspublicworks@bungoma.go.ke

Former KeRRA Offices, Kanduyi
P.O. Box 437-50200, Bungoma

Your Ref:
Our Ref: COW/BGM/WRD/002/VOL.I/23

Date: 8th July, 2022

Accountant
Do deal

16.1.2023

The Chief Officer
Public Administration
P.O. Box 437
BUNGOMA

**RE: PROPOSED ERECTION AND COMPLETION OF WARD ADMINISTRATOR OFFICES IN
MISIKHU AND BOKOLI WARD - BUNGOMA COUNTY.**

Your letter ref BCG/BGM/MPS&ADM/CCO/VOLII/136 dated 6th July, 2022. Also refer to the main contractors unreferenced letter dated 23rd June, 2022.

Forwarded for your further action, please find Interim Certificate No. 5 amounting to Kshs.1,109,086.74 only in favour of M/S Moditech Group Company Ltd of P.O. Box 476-50204 Kimilili, for work done to date.

CS. H.K. SILUNGI
CHIEF OFFICER
ROADS, INFRASTRUCTURE AND PUBLIC WORKS

- > CECM - ROADS, INFRASTRUCTURE AND PUBLIC WORKS
- > C.O - ROADS, INFRASTRUCTURE AND PUBLIC WORK

VISION: A Hub of Diversity and Socio-Economic Development

REPUBLIC OF KENYA

PAYMENT VOUCHER

(VOTED PROVISION)

MS MODITECH GROUP LTD

PN
2367

Particulars	LPO/LSO No.	Invoice No.	AMOUNT		
			Sh.	Cts.	
Keny payment for No.5 Certificate, erection of Misikhu &		Net pay	1,109,084	35	
			W/P	33,272	50
			2/WT	19,22	15
			109 Reten		

Amount payable (in words) **four** One million, one hundred and nine thousand and eighty Sh. 1,109,084 00 cts.

EXAMINATION <i>[Signature]</i> 10/2/2023	Internal Audit
--	----------------

VBC CERTIFICATE

I certify that the expenditure has been entered in the Vote Book and the monies to cover it are available against the chargeable item as follows:

Allocation - 3110501	KSh. 8,000,000
3110504	KSh. 1,286,502
plus commitments	KSh. 6,713,498
PA33	KSh. 1,109,084
26/1/2023	KSh. 6,602,814

Signature *[Signature]*
Accountant in VBC

AIE HOLDER CERTIFICATE

I certify that the expenditure detailed above has been incurred for the authorized purpose and should be charged to the item shown here below.

Signature *[Signature]* Designation of AIE Holder
Date 6/02/2023

AUTHORIZATION

I certify that the rate/price charged is/are according to regulation/contract, fair and reasonable, that the expenditure has been incurred on proper authority and should be charged as under. Where appropriate a certificate overcut has been completed. I hereby AUTHORIZE payment of the amount shown above without any alteration.

Signature *[Signature]* Accounting Officer District
Date 26.1.2023

Head D-4923	Sub-Head 001	Item 01
Dept. Vch. No.	Station	CASH BOOK
		Vch. No. Date Sh.

VALUATION OF WORK DONE
Contract No. BGM/CNTY/OT/175/2014-2015

Certificate No.5

Contract Name: PROPOSED ERECTION AND COMPLETION OF WARD ADMINISTRATOR OFFICES AT MISIKHU AND BOKOLI WARDS - BUNGOMA COUNTY

NAME OF CONTRACTOR: M/S MODITECH GROUP LTD OF P.O BOX 476-50204 KIMILILI

ORIGINAL CONTRACT SUM: KSHS. 18,020,899.28

REVISED CONTRACT SUM: KSHS. 21,362,240.00 *


	This Certificate(Kshs)
PRELIMINARIES	700,000.00
WORK DONE	5,534,116.49
PROJECT MANAGEMENT	0.00
SUB-TOTAL	6,234,116.49
E. ADD VAT @ 14%	872,776.31
F. SUB - TOTAL 1	7,106,892.80
G. LESS 10% RETENTION (SUB TOTAL 1)	710,689.28
H. SUB - TOTAL 2	6,396,203.52
I. LESS 3% WITHHOLDING TAX(3% SUB - TOTAL 2)	213,206.78
J. LESS 2% WITHHOLDING VAT (2% SUB-TOTAL)	124,682.33
L TOTAL CUMMULATIVE GROSS	1,109,086.74
M. NET PAYABLE	6,058,314.40
L. INTEREST ON LATE PAYMENTS	0.00
M. LESS ADVANCE	0.00
N. TOTAL PAYMENT	6,058,314.40
O. LESS PREVIOUS PAYMENTS	5,118,107.03
P. NOW DUE TO CONTRACTOR (INCLUSIVE OF 10% VAT)	940,207.37


Total retention	710,689.28
Previous retention	599,781.00
This certificate	110,908.28

Total Withholding tax	213,206.78
Previous Withholding tax	174,693.37
This certificate	38,513.41

Total Withholding VAT	124,682.33
Previous withholding VAT	105,224.66
This Certificate	19,457.67

I hereby confirm the above rates & quantities are correct:
MODITECH GROUP COMPANY LTD.
 P. O. BOX 476-50204
 KIMILILI
 DATE.....**CONTRACTOR..**

Submitted by:

J. Munialo
 Director Public Works - Bungoma County

Authorised by:

Q.S. H.K Silungi
 For: Chief Officer Roads, Infrastructure & Public Works - Bungoma County

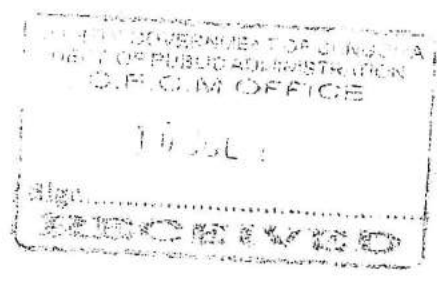
15

Moditech Group of Companies Ltd
DEALERS IN: CONSTRUCTION, CONTRACTORS, AND GENERAL SUPPLIERS
IMPORTS AND EXPORTS
TEL: 0724 456 289 | 0722 456 289
P.O. Box 476, Bungoma



10/7/20

TO,
THE CHIEF OFFICER
PUBLIC ADMINISTRATION
BUNGOMA COUNTY GOVERNMENT
P.O BOX 437-50200
BUNGOMA



Dear Sir,

REF: REQUEST FOR VARIATION OF MODITECH GROUP CO. LTD.

In the matter of contract No. BGM/CNTY/175/2014-2015.
We kindly bring to your attention the above mentioned tender BGM/CNTY/175/2014-2015 of Misikhu ward which has not been officially awarded since notification of award letter of 2014/2015 and signing of the agreement by Employer due to the land challenges.

Land acquisition in Misikhu ward offices are ongoing and it's almost over. We are kindly requesting your office for variation due to:

- The land challenges and change of rates.
 - Delay of site handing over
 - High prices of materials as per the current rates
 - Delay in mode of payment.
- Your assistance from your office will be highly appreciated.
We promise to work and complete the project as soon as possible.

Yours faithfully,



CHRISTOPHER K. KIRWA
OFFICER - INCHARGE OF THE PROJECT



MINISTER PUBLIC ADMINISTRATION
PROCUREMENT OFFICE - PUBLIC ADMINISTRATION



DEALERS IN : CONSTRUCTION, CONTRACTRS, AND GENERAL SUPPLIERS
IMPORTS AND EXPORTS
TEL: 0721 116 831 / 0722 644 308
P.O BOX 476, KIMILILI

14/12/2019

TO
THE CHIEF OFFICER
PUBLIC ADMINISTRATION
BUNGOMA COUNTY GOVERNMENT
P.O BOX 437-50200
BUNGOMA

Sir,

REF: REQUEST FOR VARIATION OF BOKOLI WARD OFFICES SITE AND SITE HANDING OVER AND MISIKHU WARD TENDER NO. BGM/CNTY/175/2014-2015

In this matter of contract No.BGM/175/2014-2015 we kindly bring to your attention of the above mentioned tender of Bokoli ward was officially handed over after expired 6 months of award letter 2014/2015 signing of contract agreement by Contractor and Employer due to the land challenges after award and signing of the contract agreement attached. Bokoli ward offices are ongoing and its almost over, we kindly requesting your able office for variation due to the :-

- Delay of site handing over
- Land challenges
- Changes of materials prices as per the current rates
- Delay in mode of payment

Accordingly request as by contract agreement by both parties between financier and contractor will remain in full force has by board resolutions and agreement. Certificate no.4 and all other payments concerning this contract will be made to account number 1267534354 held at Kenya commercial bank. Commitment to work and complete the project as soon as possible assistance from your able offices will be highly appreciated

Sincerely,

CHRISTOPHER K. KIRWA
MANAGER - INCHARGE OF THE PROJECT



MANAGER PUBLIC ADMINISTRATION
DIRECTOR PUBLIC WORKS

27 JAN 2020



Meditech Group Company Ltd

DEALERS IN : CONSTRUCTION, CONTRACTRS, AND GENERAL SUPPLIERS
IMPORTS AND EXPORTS

TEL: 0721 116 831 / 0722 644 308
P.O BOX 476. KIMILILI

TO THE CHIEF OFFICER,
MINISTRY OF FINANCE,
P.O BOX 437-50200,
BUNGOMA.
DATE: 23/12/2021

THROUGH
DIRECTOR OF FINANCE.

Dear Sir/Madam,

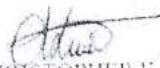
REF:REQUEST FOR PAYMENT CERTIFICATE NO 4 TENDER NO
BGM/CNTY/OT/175/2014-15 ERECTION AND COMPLETION OF WARD OFFICES IN
MISIKHU AND BOKOLI WARDS

Am kindly requesting for payment of certificate number 4 of the above tender number to be paid to account no 1267534354 KCB, BUNGOMA BRANCH, according to the agreement where the contractor entered into memorandum of understanding with the financier and all payment concerning a foresaid tender number to be paid through this account no 1267534354 KCB, BUNGOMA BRANCH, where both parties are signatories

IFMIS form and Agreement copies attached for your perusal

Your assistance will be highly appreciated

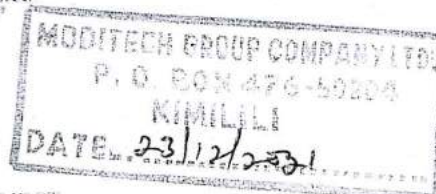
Yours faithfully


CHRISTOPHER K KIRWA

FINANCE-INCHARGE OF THE PROJECT.


ABDIKADIR ADAN KALICHA

DIRECTOR MOTICHECH GROUP COMPANY LIMITED





Moditech Group Company Ltd

DEALERS IN: CONSTRUCTION, CONTRACTORS, AND GENERAL SUPPLIERS
IMPORTS AND EXPORTS

TEL: 0724 456 288 | 0722 644 30

P. O. Box 476, KIMILIL

TO,
THE CHIEF OFFICER
PUBLIC ADMINISTRATION
BUNGOMA COUNTY GOVERNMENT
P.O BOX 437-50200
BUNGOMA

OFFICE OF CHIEF
PUBLIC ADMINISTRATION
BUNGOMA
15 JUL 2020
RECEIVED
P.O. Box 437-50200, BUNGOMA

14/7/2020

COUNTY GOVERNMENT OF BUNGOMA
DEPT OF PUBLIC ADMINISTRATION
- C.E.C.M OFFICE
15 JUL 2020
RECEIVED

Dear Sir,

REF: REQUEST FOR PAYMENT FOR CERTIFICATE NO. 4 - BGM/CNTY/175
/2014-2015- FOR COMPLETION OF BOKOLI OFFICE IN BOKOLI WARD.

This is to notify your office that the work on Bokoli ward is ongoing and it's almost complete.

I'm kindly requesting for payment of certificate No.4 to enable me complete the work as soon as possible.

I'm also requesting agreement between Moditech Group Company Ltd and Christopher Kirwa as a Financier of the Project to be honoured. Furthermore, the payment that was made Moditech Group Company of kshs.877,192/= (Eight hundred and seventy seven thousand, one hundred and ninety two shillings only) concerning this project and water retention of kshs.514,000/= (Five hundred and fourteen thousand shillings only) the Director did not use on the contract instead he rather transferred the project money to his other personal use so he didn't honour the agreement and thus breach of the contract agreement which constrained me to look for funds from other sources which enabled me continue with the project. ABDIKADIR KALICHA as the Director has no any authority to dictate to which account the money should be channeled without my consent and full knowledge from me as the financier i.e as per the contract agreement signed by both of us.

The 4th Certificate and all other payments concerning this contract agreement should be made to account no: 1267534354 held at Kenya Commercial Bank which both parties are mandatory signatories as far as the contract agreement is concerned.

Attached are copies of both resolution and Ifmis approval form with was signed by both parties .The board resolution and agreement shall remain in full force signed by both parties.

Any assistance from your office will be highly appreciated.

Yours faithfully,

CHRISTOPHER K. KIRWA
FINANCER - IN-CHARGE OF THE PROJECT

COUNTY WORKS OFFICER
15 JUL 2020
RECEIVED
BUNGOMA

MODITECH GROUP COMPANY LTD
P. O. BOX 476-50204
KIMILIBI
DATE: 14/7/20

CC:

- MINISTER PUBLIC ADMINISTRATION