

DCE
7.11.18
18/4/23
House
circulate
response
Tuesday
15/4/23
act 2
15/4/23

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/VOL.II (49)

Date: 17th April, 2023

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



RE: CONSTRUCTION OF BUKEMBE WARD OFFICE

The above and your letter dated **11th April 2023** refers. Our response is as follows:

Back ground.

1. The contract for the construction of the Bukembe Ward office was signed on 29th May 2015 (Copy of the same Reference No.1)
2. The land, plot No. 8 for the construction of the office was handed over to the contractor after a **public participation exercise** that was done on 11th June 2016. From the minutes of the meeting (Copies referenced No.2), there was a Police post situated on the Plot. One of the resolutions of the meeting was that once the office Block is completed, the Police Post be moved elsewhere.
3. In the meeting of **11th June 2016**, the following were in attendance:

- 1) Residents of Ndegelwa numbering 103, who signed the attendance register indicating their villages of origin, ID numbers, and telephone contacts.
- 2) Local leaderships then, who were in attendance among others were:
 - 1) MCA then Hon. Julias Barasa W. of No. Tel.0724131569, and ID. No. 7970671
 - 2) Area Chief then Mr. Fredrick Wanyonyi Namutembi of Tel. No. 0721737334 and Id No. 8415291
 - 3) Area Assistant Chief Mr. Bernard M Manyifwa of Tel. No. 0711763235, and ID. No. 8785177
 - 4) Area Mukasa Mr. David Juma Makara of Tel. No. 072066154 and ID No. 6624477
 - 5) Ward Administrator Mrs. Rose O Mutoro of Tel. No. 0725643529
4. From the records, we can deduce that the dispute on the land ownership started way back around the month of **April 2016**. (See copy of a letter dated 5th April 2016 Ref.No. 3), in which the Kanduyi Sub-County Administrator then, the late Mr. Humphrey Mukania declined to go and record a statement with the police sighting issues of protocol.

From the records available (See letter dated **13th April 2012** -Ref. 4) the County Council of Bungoma then had allocated Plot No. 8 to the OCPD, Bungoma South for purposes of construction of a Police Post.
5. Nonetheless the Contractor proceeded with the project.
6. The Police occupied the building before its completion and have hence hindered the County Government, in occupying the building and have also denied the contractor to complete the building. There has been a lot of discussion between the County Government and the office of the DCIO over this matter.

7. From the records available this matter has been a subject of the environment Court under case no.38 of 2016. (see ref. no. 5), in which the Chief Officer Lands, Urban and Physical Planning advanced and out of court settlement. We are informed that such efforts have never borne fruits as the DCIO has always been referring the matter to his Headquarter in Nairobi.

Mr. Speaker to specifically address the issues raised by the Hon. Member of the County Assembly of Bukembe West Ward, Hon. Anthony Luseneka, our response is as below:-

Question 1, What was the contract sum for the construction of the Ward offices?

Answer:- The contract sum was **Ksh.10,361,120/=** (See Ref. No. 1)

Question 2 – what is the name of the contractor?

Answer:- The name of the contractor is:-

M/S FILTEGO GROUP LIMITED, OF P O BOX 64-5200, BUNGOMA

Question 3 – How much has been paid so far to the contractor?

Answer: - The contractor has been paid a total of **Ksh. 6,827,282/=** as follows:

Date	Payment Voucher	Amount (ksh)
14/1/2016	2450	3,360,172/=
8/06/2016	053	2,933,942/=
30/1/2016	117	533,168/=
	Total	6,827,282/=

Leaving a balance of **Ksh.3,533,828/=** as unpaid.

Question 4 – what were the recommendations of inspection and acceptance committee if the project was completed?

Answer: - The project is not completed. It is **90%** completed and has not been handed over to the County Government.

Question 5 – if the project was completed, was it handed over to the County Government of Bungoma?

Answer:- The project has not been handed over to the County Government.

Question 6 – if the said project was not handed over to the County Government, what measures has the department undertaken to take over the project?

Answer:- in the past the County Government made efforts to possess the project, but the Police have been reluctant to hand over the project. So we decided to escalate the issue to the Inter-Governmental Committee of the Council of Governors, who promised to attend to it.

In fact they will be visiting our County on **27th** and **28th April 2023** (see letter ref.6) over other matters and we shall also raise the matter of Ndegelwa Ward Office, with a view to getting an amicable settlement.

End of statement, Mr. Speaker



Hon. B Emacar

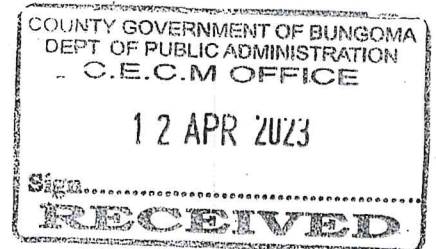


CECM – Public Service Management & Administration

Copy: H E Governor

Ag. County Secretary

Chief officer – PSM&A



COUNTY ASSEMBLY OF BUNGOMA

OFFICE OF THE CLERK

Telephone: 0208000663/0202651905

Email: info@bungomaassembly.go.ke

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

OUR REF: BCA/CC/SECT/7 Vol. II (25)

11th April, 2023

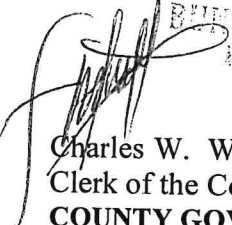
The County Executive Committee Member
Department of Public Administration and ICT
County Government of Bungoma
P O Box 437-50200
BUNGOMA

RE: INVITATION TO APPEAR BEFORE THE HOUSE TO DELIVER RESPONSE TO STATEMENT

Reference is made to the Statement issued to the House on the construction of Ward Offices in Bukembe West Ward. Pursuant to the provisions of the Standing Orders, No. 55 and Section 39 (2) the County Government Act, 2012, you are hereby invited to appear before the House personally to respond to the issues as raised in floor of the House on **Tuesday 18th April, 2023 at 2:30 pm** pertaining the statement.

You are further asked to avail the response on or before 17th April, 2023 at 2:00 pm and any other relevant material to the Statement in questions. The Statement is as attached for your reference.

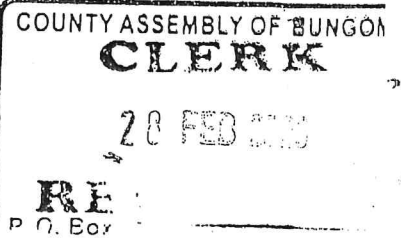
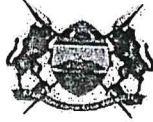
CLERK
BUNGOMA COUNTY ASSEMBLY
P. O. Box 1886-50200,
BUNGOMA.


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

c.c.

Hon. Speaker
County Assembly of Bungoma

COUNTY ASSEMBLY OF BUNGOMA



HON. ANTHONY LUSENAKA

DATED: 28/02/2023

SUBJECT: STATEMENT

SUBJECT: CONSTRUCTION OF WARD OFFICES IN BUKEMBE WEST WARD

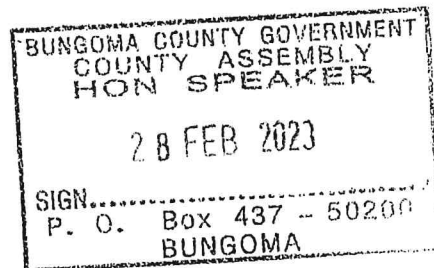
Hon. Speaker sir

Pursuant to the provisions of Standing Order no.47 (2), (c) of Bungoma County Assembly Standing Orders, I hereby seek for a statement from the Chairperson, Sectoral Committee on Public Administration and ICT.

In the response, let the Chair inquire into and report on the following;

1. What was the contract sum for construction of ward offices in Bukembe West ward.
2. What is the name of the contractor; attach the signed contract.
3. How much has been paid so far to the contractor of the above mentioned project.
4. What were the recommendations of Inspection and Acceptance Committee if the project was completed.
5. If the project was completed, was it handed over to the County Government of Bungoma.
6. If the said project was not handed over to the county government, what measures has the department undertaken to take over the project.

**HON. ANTHONY LUSENAKA,
(MCA- BUKEMBE WEST WARD.)**





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

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 FILTEGO GROUP LIMITED OF P.O. BOX 64 - 50200 BUNGOMA, 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 KHALABA AND BUKEMBE WEST WARDS IN KANDUYI, CONTRACT NO. BGM/CNTY/ 170 / 2014-2015. And has accepted a Bid by the contractor for the execution and completion of such works for the contract price of Kshs 20,722,240.00 (Twenty Million Seven Hundred twenty Two Thousand two Hundred Fourty Cents Nil) 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.

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 here affixed (or have hereunto set their respective hands and seals) on the day and year first above written

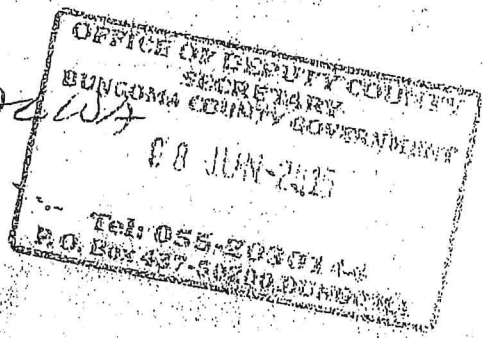
SIGNED SEALED / STAMPED AND DELIVERED

By the said employer:

1. NAME: CHARLENTUS WAMALWA
County Secretary/ Head of Public Service

Signature

DATE: 8/6/2015



In the presence of:

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

Signature

DATE: 29/5/15



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

3. NAME: MORAN F.B. TANDA
Director

ID. No. /Passport No: BLOONWUA
Signature

DATE: 8/6/2015

FILTEGO GROUP LIMITED
P. O. Box 64 - 50200,
BUNGOMA
Date..... Sign:.....

NAME: Secretary

ID. No. /Passport No.

Signature

DATE: 2/6/2015

GROUP LIMITED
PO BOX 04
BUNGOMA
Sign

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

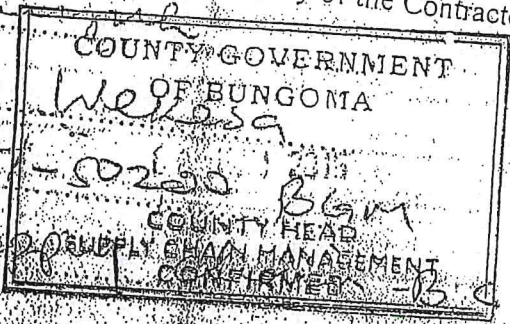
Signature of witness:

Name: Fungah W. Weresha

Address: P.O. Box 427 - 50250

Occupation: District Head Supply Chain Management

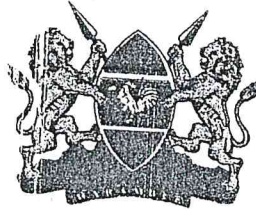
DATE: 8/6/15



COUNTY GOVERNMENT OF BUNGOMA

2

P.O. BOX 437
50200
BUNGOMA



Phone: 055 30343
Email: info@bungoma.go.ke
Website: www.bungoma.go.ke

Moi Avenue

Town Hall Building

OFFICE OF THE GOVERNOR

DEPARTMENT OF PUBLIC ADMINISTRATION

Our Ref:.....

09/06/2016

Date:

The Chief Officer,
Lands, Urban & Physical Planning
County Government of Bungoma,
P.O Box 437,
BUNGOMA.

Attn: Mr. S. S. Chune

Dear Sir,

REF: PLOT NO. 8 NDENGELWA MARKET (NDENGELWA POLICE POST)

I make reference to your letter dated 23rd May 2016 of reference number CG/BGM/LUP/NDENGELWA/VOL.1/7 and here do respond to it as follows:-

1. This plot was handed back to the County Government for the purpose of building an office for Bukembe West Hon. MCA and Ward Administrator. This was done through public participation Forum of stakeholders, a copy of the list of the participants, resolutions and way forward hereby attached.
2. The same matter was raise by the Bungoma South DCC to which this office authoritatively responded to and gave an answer to the matter.
The DCIO similarly requested this office to record a statement on the same but after consultations particularly the provided information to the DCC, the matter was put on halt.
3. The way forward was the County Government to purchase a more specious plot within Ndengelwa market area for the purpose of putting up a complete police station of which this office has initiated a land procurement process.

10 JUN 2016

2

The Bureau of persons for
the attached attendance list
at 05.

RESOLUTION OF SIMILAR RE (3)
BUKEMBE WEST WARD ADMINISTRATION
MCA'S OFFICE

Today 11/6/2015, residence of
Bukembe West in a public
participation forum have
agreed that the office keep
put up on the plot No 8
located at Ndanyelwa Market.
The current Police post shall be
relocated after completion of the
office

- Proposer Simon Sunguti Simiyu
ID: 12580212

Tel: 0720859799 - ~~Sta~~

Secorder Josephine Makokha

ID 608981

Tel: 0715508780

LOCAL LEADERSHIP

1. MCA Hon. Julius Barosa W.
0724613169 ~~Simon~~ 7970671

2. Area Chief Fredrick Wanyonyi Namutenja
0721737334 ID No 8415291 ~~Wanyonyi~~

3. Area Assist Chief Bernard M. Manyifu
0711763235 ~~John~~ 8785177

4. Area Mukasa David Juma Makara
0720861514 ~~John~~ 6624477

Country Government Officers

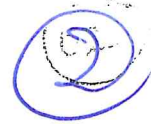
5. Ward Administrator: Ross Mulora Wafubi
0725543520 ~~John~~ 8785177

(2)
01

AL HONORABLE MARRIAGE

DISTRICT OFFICIAL

NO	NAME	VILLAGE	ID NO	CONTACT	SIGN
1	Charles Chiny	Tobolia	0861839	Bungen	[Signature]
2	Amuel Wajula	Tobolia	0121512	0711243207	[Signature]
3	JAMES B. SHADRAC	MUYAYI	01836868	07206489	[Signature]
4	Wilfred Wanyama	MUYAYI	0237319	0715641574	[Signature]
5	LUCAS SORE	NAENGELWA	0130472	0733416283	[Signature]
6	TIMOTHY K. WATSON	SIMOKO	0496501	071839692	[Signature]
7	SIMON N. MASIKANA	NAENGELWA	0130277	07065776	[Signature]
8	Mickel Chiny	Malindi	0126651	07107000	[Signature]
9	Derrick N. Wajula	Malindi	0215512	0701154688	[Signature]
10	Suma Wajula	MUYAYI	9560016	071840677	[Signature]
11	Joseph Mwangi	MUYAYI	1683358	072611974	[Signature]
12	MAURICE W. MASIKA	NALUTIARI	0128789	070451238	[Signature]
13	EMILY Nanyu	NAENGELWA	29605965		[Signature]
14	WANTONJI JELWA	NALUTIARI	12309935	0729045611	[Signature]
15	CHARLES OMBAYI	TOBOLIA	24373596	0701355575	[Signature]
16	CALEB SIMIRU	SIMOKO	21814139	0724047288	[Signature]
17	JOEL WANTONJI	LOTASA	24379632	0710946358	[Signature]
18	ROBERT Wajula	KIMOI	29683123	0718879520	[Signature]
19	FRANCIS Wajula	NAENGELWA	8017413	070113471	[Signature]
20	PAULIC WASWA	NAENGELWA	79163204		[Signature]
21	CRAIG BARASA	KAROA	05873325	0724142108	[Signature]
22	Evelyn Wanyama	KUMONO	26236528	0704989455	[Signature]
23	Dudith Nanyu	KUMONO	27377334		[Signature]
24	Phaska Pepela	KUMONO	4732192		[Signature]
25	Glady's Wanyama	Tobolia	12580753	0732081930	[Signature]
26	JULIEN BARASA	CHEMANGE	5731089	0706823219	[Signature]
27	HOSSEIN TUNSI	KIMOI	21712679	071777598	[Signature]
28	ISMAEL MUKHAWWA	KIMOI	5705635	0719237741	[Signature]
29	HARRISON WABWILE	CHENWALI	24646506	0731596694	[Signature]
30	JOHN MULIALO	NALUTIARI	0128327		[Signature]



LIST OF ...

AT ...

...

NO	NAME	VILLAGE	ID NO	CONTACT	SIGN
1	Maurice Nalibungu	Kimoo	6086892	0701736191	Maurice
2	Alfred Kati	Khaoya	0129182	0711824981	Alfred
3	General Weyda	Nalubabo	6624855	071850555	General
4	JACKSON Nanyata	Lutasi	4383483	0727991439	Jackson
5	Stanley Mwacham	Kisumu	1102170	0713902307	Stanley
6	JOHN UTHMANIA	Kimoi	28394009	0319800069	John
7	Geoffrey Khasa	KHAOYA	9994869	0721333604	Geoffrey
8	MOSES Nanyamba	CHENGEJA	9999982	0729994835	Moses
9	STANLEY W. SIOALI	KHALABA	7619314	070393090	Stanley
10	Kobert Wanyama	Nanyamba	24146540	0729166702	Kobert
11	Gella Wakesi Noah	Lutasi	22553980	0737770824	Gella
12	MELIKI MURUGO	Nalutini A	26903728	0728954020	Meliki
13	SIMIYA POLICES	NAMUNYERI		0728778393	Simiya
14	ROBERTS WANJAU	CHEMCHA	7992050	0700439978	Roberts
15	Jacobs Jambani	Lutasi	1287907	070771580	Jacobs
16	Daniel W. Chebet	Kimoi	0720342925	13/0129409	Daniel
17	Julius Masinde	Lumono			Masinde
18	Patrick Kunukubi	Nalutini B		0502281889	Patrick
19	James Wataka	Murayi			Wataka
20	Pelle Ababu	Pobolia	1685527	070101381	Pelle
21	JOSEPH W. CHELOT	Khababa	071672	1908	Joseph
22	John W. Toriko	Khaoya	66826203	071315113	John
23	Flakiano Mwacham	Nanyamba	4077970	0715838979	Flakiano
24	Abraham W. Busuni	Lutasi	18246857	070072485	Abraham
25	Wycliffe W. Bwera	Lutasi	12848591	072538040	Wycliffe
26	HUMPHREY M. NULONDA	CHENICAL	29602380	0700721317	Humphrey
27	CLAYTON JUMA WAO	KHALABAT	6625257	0728801713	Clayton
28	ANDREW	WEKES	1615906	071697003	Andrew
29	John W. ...	...			John
30		...	013341		



AT ...

...

NO	NAMA	VILLAGE	PHONE	CONTACT	SIGN
1	N. W. ...	...	...	...	...
2	KILIAN ...	...	22612531	071241212	...
3	Niangaha ...	...	24132451	0724204511	...
4	...	...	25460796	0715401645	...
5	...	...	...	070011772	...
6	John ...	...	...	0703163793	...
7	Benedict ...	...	24026756	070557018	...
8	FREDRICK ...	...	9609007	071031034	...
9	...	...	23665806	071980734	...
10	...	...	5618660	0717647546	...
11	Amos ...	...	12580212	0720859119	...
12	...	...	25425253	0720719906	...
13	...	...	11018387	071339150	...
14	Elizabeth ...	...	26648838	070253471	...
15	PHILEMON ...	...	23665806	071980734	...
16	Josephine ...	...	13088973	072038625	...
17	Samson ...	...	6084873	0115508780	...
18	DAVID ...	...	2724212	0719118583	...
19	TITO ...	...	5102816	0727431165	...
20	PETER ...	...	11784995	0735581830	...
21	JAMES ...	...	...	...	...
22	SILVESTER ...	...	1036368	072064009	...
23	JANIPHER ...	...	10127487	0730617802	...
24	ROSIE ...	...	6036775	0718384870	...
25	Eveline ...	...	4372774	0723125425	...
26	BARASH ...	...	...	...	...
27	JOSIPHAT ...	...	768894	...	...
28	John ...	...	29512045	070068311	...
29	JOSEPH ...	...	7602213	07- - -	...
30	ALLAN ...	...	24239557	071657888	...

04

AG... ..

DIS... ..

NO	NAME	VILLAGE	ID NO	CONTACT	SIGN
1	JOSEPH S. WASIKE	KIMOI	1178855	07885157	
2	VINCENT WANJALA	TOROLIA	7963537	6225257959	
3	AMOS W. WAMALWA	LUTASO	16105789	071015740	
4	JOB S. MUCHANLA	KIMOI	8110948	071373082	
5	ISAAC S. MACHUKA	KHALABA	20635779	071220708	
6	DAVID J. MUA	KENGELEWA	6624477	757206648	
7	PETER WANJALA	KIMOI	4734298		
8	PIUS				
9	JAMES W. WANJALA	KENGELEWA	6622103		
10	ELIENAS WANJALA	LUTASO	6086878		
11	GLADYS M. WANJALA	LUTASO	0129537		
12	CHRISTOPHER MASLO	NALINI B.	2071280	0710176510	
13	HENRY N. MUGESSI	TORBOLIA	9239929	071296659	
14			6887532	078857051	
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					

05 (2)

AT WONGIWA KANET.

LIST OF PARTICIPANTS

NO	NAME	VILLAGE	PHONE	CONTACT	SIGN
1	LENA EDITA	TOBOLIA	07291133	070033216	LE
2	RENALD MENDIKHULU	MUYATI	1330413	071954558	Renald
3	KARINA TENJA	HAMBEMBE	2074111	07443578	KT
4	Karizkita FELIX	Ndenjawa	0519319	0725940248	FB
5	NANCY WAMALWA	HAMBEMBE	23277741	0729204948	NW
6	METRINE N. MAKOKHA	LUMORO	26173391	0119192121	Mkorkha
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					

2



ANNEX C

CERTIFICATE OF PARTIAL COMPLETION

Details of Work

Tender No. BGM/CNTY/76/2014-2015	Description of Work PROPOSED ERECTION AND COMPLETION OF WARD ADMINISTRATOR OFFICES IN EAST BUKEMBE AND WEST SANG'ALO WARDS IN KANDUYI-BUNGOMA COUNTY	Ministry/Agency DEPARTMENT OF PUBLIC ADMINISTRATION-BUNGOMA COUNTY
Name/Address of Contractor: M/S JOWK ENTERPRISES LTD P.O BOX 7-50200 BUNGOMA.		

COMPLETION OF BUILDING WORKS

Delete (A) or (B)

(A) The Contract Works

Are now completed to my satisfaction, subject to the ITEMS noted overleaf and are ready to be handed to the Client Ministry

23rd February, 2017

Date

[Signature]
Sign

Mr. P.M. OMOLO

County Electrical-mechanical engineer

23rd February, 2017

Date

County Architect
MCEW BUNGOMA
P.O. Box 7-50-50200
Bungoma.
Sign

Mr. KHAEMBA GEOFFREY

County Architect/Team Leader

Release of Retention and Surety Bond

Attn: Job QS and Contracts Register office
The first Moiety of the retention and surety bond may now be released

23rd February, 2017

Date

[Signature]

County Works Officer
Ministry of Public Works
P.O. Box 7-50-50200
Bungoma

QS. H.K.SILUNGI

COUNTY WORKS OFFICER

23rd February, 2017

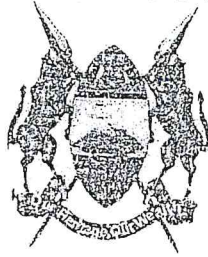
Date

HERBERT KIBUNGUCHY

Project Manager/CHIEF OFFICER

2

COUNTY GOVERNMENT OF BUNGOMA



OFFICE OF THE COUNTY SECRETARY &
HEAD OF PUBLIC SERVICE

Telephone: 055-2030144

E-mail: bungomacountygovt@gmail.com

Municipal Building
P.O Box 437- 50200
BUNGOMA

Our Ref: CG/BGM/NOA/VOL.1/183

DATE: 24TH APRIL, 2015

M/S JOWK ENTERPRISES LTD
P.O. BOX 07-50200
BUNGOMA.

Dear Sir/Madam.

RE: TENDER NO: BGM/CNTY/OT/176/2014-15 ERECTION AND COMPLETION
OF WARD OFFICES IN BUKEMBE EAST AND WEST SANGALO WARDS.

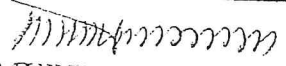
NOTIFICATION OF AWARD

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. 19,396,336.80 (Nineteen Million, three hundred ninety six thousand, three hundred thirty six 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

2

OFFICE OF THE H.E THE GOVERNOR
BUKEMBE WEST WARD

CHIEF OFFICER
MINISTRY OF PUBLIC ADMINISTRATION
AND SERVICE MANAGEMENT
COUNTY GOVERNMENT OF BUNGOMA
KANDUYI SUB-COUNTY.

OFFICE OF CHIEF OFFICER
PUBLIC ADMINISTRATION
P.O. BOX 407-BUNGOMA

THROUGH
THE SUB-COUNTY
ADMINISTRATOR
KANDUYI SUB-COUNTY

BUNGOMA COUNTY GOVERNMENT
SUB-COUNTY ADMINISTRATOR
KANDUYI
13 JUN 2019
Sign.....
P.O. BOX 407-BUNGOMA

REF: SUBMITTING MINUTES FOR HONOURABLE MCA/WARD ADMINISTRATOR
OFFICE SITE

Kindly receive the above mentioned minutes. Along with these find the attendance list of the public participation held on 11th June 2015.

These is the information the ward administrator's office can avail from the records.

Yours faithfully,

Constant M. Muyoma
WARD ADMINISTRATOR

WARD ADMINISTRATOR
BUKEMBE WEST WARD
BUNGOMA COUNTY
13 JUN 2019
KANDUYI SUB-COUNTY
P.O. Box 407-BUNGOMA

REPUBLIC OF KENYA



3
[Stamp]

COUNTY GOVERNMENT OF BUNGOMA

Telephone: 055-30343

E-mail: bungomacountygovt@gmail.com

Your Ref:

Our Ref: CG/BGM/SCA/2016

Kanduyi Sub County
P.O BOX 437

DATE: 05/04/ 2016.

The Deputy County Commissioner,
Bungoma South Sub-County,
P.O Box 550,
BUNGOMA.

Dear sir,

REF: NDENGELWA POLICE POST VIS-À-VIS BUKEMBE WEST WARD MCA AND WARD ADMINISTRATOR'S OFFICE LOCATION ON PLOT NO. 8 DISPUTE

This is to inform you that yesterday I reported to your security team (DCIO) as requested by him without being aware of why I had been summoned.

While there it is when the above reference subject matter was introduced to me. I was requested to record a statement on the matter but declined due to

- (1) If I was recording the statement in my private capacity or by virtue of my work (employment) which turned out to be that it was as an Employee of County Government of Bungoma.
- (2) I did not have facts with me at hand to use to record the statement.

I wish to inform you that basing on the above stated reasons particularly No. 1, I declined to record a statement on this matter because it was against the laid down protocol of handling this kind of matter.

Established protocol and structure empowers my Senior, the Chief Officer Public Administration to respond to such matters and where need be that I do so I have to be permitted in written.

Humphrey Mukania
SUB-COUNTY ADMINISTRATOR - KANDUYI.

cc.

- County Secretary
- Chief Officer – Public Administration.(NOO) Enclosed find a copy of public participation report
- DCIO – Bungoma South Sub-County
- County Legal Director

file copy

Telegrams: "BUNGOCOC"
Telephone: 303345/6
Fax: 30773
Email: countycouncil.bungoma



COUNTY COUNCIL OF BUNGOMA
P.O. PRIVATE BAG.
BUNGOMA, KENYA.



When replying please quote
BCC/T& C.14/3/2/28 VOL.I (98)
Ref: No.....

13th APRIL, 2012
Date:.....

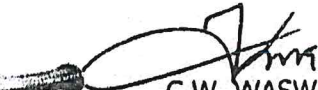
The OCPD,
Bungoma South
P.O. Box 81,
BUNGOMA.

RE: NDENGELWA POLICE PATROL BASE

Please refer to your letter SEC.POL.1/1/7/VOL.II/52 of 7th March, 2011 on the above subject.

I am pleased to inform you that the Council has entered an agreement with the owner of Plot No. 8 to allow you to continue with the construction works for the Police Patrol Base. The Council will in the meantime allocate Mr. Julius Zakaria an alternative Plot on another market.

I hope and trust that this should now settle the issue of land for security at the market.

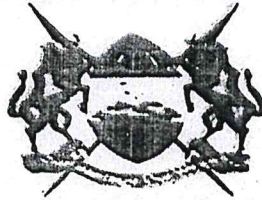

C.W. WASWA
FOR: CLERK TO COUNCIL

- cc. 1. Mr. Julius Zakaria
C/O CHIEF BUKEMBE LOCATION.
2. The District Commissioner
P.O. Box 550,
BUNGOMA SOUTH
- ✓ 3. The Chairman
Project Management Committee
BUKEMBE WEST.
4. Area Councillor
BUKEMBE WEST

*Mr. Waswa
has been informed of the
decision of the Council
dated 13/4/12.*

COUNTY GOVERNMENT OF BUNGOMA

35



OFFICE OF THE COUNTY EXECUTIVE MEMBER
MINISTRY OF TRADE, LANDS, URBAN/ PHYSICAL PLANNING,
ENERGY & INDUSTRIALIZATION

Telephone: 055-30343
Cell: +254-722898317
E-mail: chiefofficerlands@gmail.com

Trade Offices
Adjacent to County Assembly
P.O. Box 437
Bungoma.

BGM/BGM/LUP/COURT/VOL.11/9

24th May 2016

INTERNAL MEMO

To: Legal Advisor

From: Chief Officer Lands

SUBJECT: BUNGOMA ENVIRONMENT AND LAND CASE 38 OF 2016
DCIO BUNGOMA SOUTH VS COUNTY GOVERNMENT OF
BUNGOMA

Refer to your memo of 26th May 2016 on the above matter.

Records within my office indicate that plot No.8 – Ndengelwa market was allocated to Ndengelwa Police Base on 13th April 2012. They went ahead and developed the plot to operationalise their activities on the ground.

It is my considered opinion that we engage the DCIO for an out of court settlement on this matter to avoid any embarrassments.


R. J. Simiyu
Chief Officer
Lands, Urban and Physical Planning

Copy to: CECM – Trade, Lands, Urban & Physical Planning Energy & Industrialization.

- Chief Officer – Public Administration
- Sub-County - Kanduyi

COUNTY GOVERNMENT OF BUNGOMA

3 5



OFFICE OF THE COUNTY EXECUTIVE MEMBER
MINISTRY OF TRADE, LANDS, URBAN/ PHYSICAL PLANNING,
ENERGY & INDUSTRIALIZATION

Telephone: 055-30343
Cell: +254-722898317
E-mail: chiefofficerlands@gmail.com

Trade Offices
Adjacent to County Assembly
P.O. Box 437

CG/BGM/LUP/NDENGELWA(03)

Date: 4th April 2016

TO: The Chief Officer LUP

FROM: Survey Assistant

Dear Sir,

RE: REPORT ON THE PLOT NO. 8 NDENGELWA MARKET

A site visit on the above mentioned plot revealed that the plot is developed accommodating ~~Office and~~ Ward Office at finishing state and Police line. Towards the main road there is a small space (48x50 ft) with a building shared by the Assistant Chiefs office and the Police patrol Base office. See the attached sketch. All the buildings are in permanent materials. None among the present occupants is the bonavide allottee of the plot because it is still registered under the names Julius W. Zachariah with the rates arrears of 11,013 by April 4th 2016.

The activities all the institutions do not conflict! However due to the sensitive nature of the police operations it is recommended that the Patrol Base be given the whole portion and the Ward office and the assistant chief's office be relocated to a new site subject to the compensation agreement for the newly built offices which have higher value compared to the Police houses. Alternatively the Police patrol base may be relocated to a new site. There is no vacant land on the market that may give room for the expansion of the police patrol base. The only option is to purchase the free hold land adjacent to the site.

Report Compiled By

Daniel W. Muyundo
Survey Assistant

Benson Wangila
Physical Planner

I Mr was wa

was this plot
to the police?

AA
7/4/16

allotted

III C. Obando

The letter as filed
showing the plot
give to
12/4/16

II Co lands

Pls let's facilitate Mr.
Muyundo to get the old
file from Kakamega to
check for any formal
allocation to 11/4/2016

3

Sir, we are a one team of administrators (National and County) providing services to a one person the citizen of this Nation and therefore disputes of this nature can be resolved through dialogue and any other acceptable channels.

Thank you.

Yours faithfully,



Humphrey Mukania
SUB-COUNTY ADMINISTRATOR - KANDUYI

Copy of PP minutes enclosed

CC.

- H. E. The Governor
- County Secretary
- Chief Officer – Public Administration
- DCC Bungoma South
- MCA – Bukembe West
- Ward Administrator Bukembe West

(5) (4)

COUNTY GOVERNMENT OF BUNGOMA



OFFICE OF THE COUNTY EXECUTIVE COMMITTEE MEMBER MINISTRY OF TRADE, LANDS, URBAN AND PHYSICAL PLANNING, ENERGY AND INDUSTRIALIZATION

Telephone: 055-30343
Cell: +254-701964698
E-mail: chiefofficerlands@gmail.com

County Executive Office
Former Trade Building
P.O. Box 437
BUNGOMA

CG/BGM/LUP/NDENGELWA/VOL.1/7

17th May 2016


Sub-County Administrator
Kanduyi Sub-County
BUNGOMA COUNTY

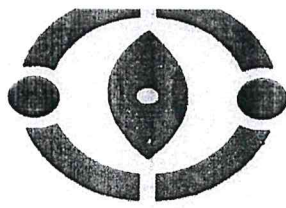
PLOT NO.8 – NDENGELWA MARKET (NDENGELWA POLICE POST)

The Deputy County Commissioner, Bungoma South Sub-County needs to know the status and ownership of the above plot. A copy of a letter held in our office indicates that the land initially owned by Mr. Julius Zakaria was for the purpose of constructing of a police patrol base while it was also accommodating the area Chiefs office.

The purpose of this letter is to seek for an explanation from you as to under what circumstances did we construct a ward office within the same compound? Your response shall help us do a comprehensive report to the Deputy County Commissioner over the issues he has raised.

Kindly expedite.


S. S. Chune
For: Chief Officer
Lands, Urban & Physical Planning



IGRTC
INTERGOVERNMENTAL
RELATIONS TECHNICAL
COMMITTEE

Consultation, Cooperation & Coordination in Devolution

Email: info@igrtc.go.ke,
igrtc2015@gmail.com
Website: www.igrtc.go.ke
When replying please quote:

Parklands Plaza
P.O. Box 44880-00100
NAIROBI
Tel: 020 2101489

Ref: IGR/LGL/10/13/VOL.III

3rd April, 2023

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

The Chief Executive Officer
Lake Victoria North Water Works
Development Agency
P.O. Box 673 – 50100
KAKAMEGA

**RE: INTERGOVERNMENTAL DISPUTE BETWEEN COUNTY GOVERNMENT
OF BUNGOMA AND LAKE VICTORIA NORTH WATER WORK
DEVELOPMENT AGENCY**

The Intergovernmental Relations Technical Committee (IGRTC) is established under Section 11 of the Intergovernmental Relations Act, 2012, as an intergovernmental structure whose objectives include *inter alia*, to facilitate cooperation and consultation between the National and County Governments and amongst County Governments as provided under Articles 6 and 189 of the Constitution. The functions of the Technical Committee are provided for in Section 12 of the Act, section and section 33.

IGRTC convened a consultative meeting on 27th January, 2022, concerning the compensation of alternative land to Lake Victoria North Water Works Development Agency. The meeting recommended that:

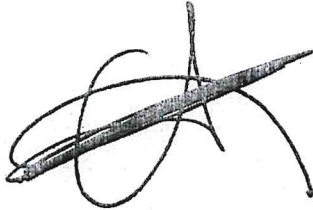
1. The Parties to seek necessary approvals on alternative parcels of land for compensation and subsequent signing of the MOU as follows;
 - a) County Government of Bungoma seek approval of the County Assembly
 - b) LVNWWDA seek approval from the Board of Directors and Concurrence from the Ministry of Water, Sanitation and Irrigation.

2. Parties to submit comprehensive briefs and relevant documentation regarding the dispute to IGRTC and NLC within 14 days from the date of this report.
3. County Government of Bungoma to write a letter requesting NLC to negotiate with Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works regarding the alternative land.
4. The County Government to propose other alternative parcels of land belonging to the County that could be offered to the LVNWWDA for discussion and consideration or plan to compensate LVNWWDA in monetary terms in the event the proposed parcel of land won't be available after negotiation.

In consideration of the time taken to finalize the dispute, IGRTC shall convene a meeting to deliberate on the above recommendations and establish the status of the approvals and provision by the County Government of Bungoma of the alternative land.

The purpose of this letter is therefore to invite you to the joint meeting from **27th - 28th April 2023** in Bungoma County to deliberate and finalize any pending issues and thereafter sign a Memorandum of Understanding for implementation. The exact venue to be communicated in due course.

We thank you for your continued cooperation.



Agnes M. Ndwiga
CHIEF EXECUTIVE OFFICER