

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

TUESDAY 7TH MARCH, 2023

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

TUESDAY MARCH 7TH, 2023

The House met at 2:30 p.m.

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

PRAYER

PAPERS

COMMUNICATION FROM THE CHAIR

Honourable Members welcome to our day's sitting being the 7th of March, 2023 in the 2:30 p.m. session. We will proceed as per our Order Paper. I only need to make communication on the new Liaison Officers that were appointed to work between the Assembly and the Executive and I think as they were arranging the communication in my office. As they come I will move to item number four.

PAPERS

REPORT BY THE POWERS AND PRIVILEGES COMMITTEE ON THE CONDUCT THAT CONSTITUTES BREACH OF COUNTY ASSEMBLY PRIVILEGES

Hon. Hon. Bridgit Katasi (Vice Chairperson, Committee on Powers and Privileges): Thank you. I rise to give the report of the Committee on Powers and Privileges on conduct that constitutes breach of County Assembly Privileges.

Mr. Speaker: Honourable Members, the report by the Committee on Powers and Privileges on the conduct that constitutes breach of County Assembly privilege is hereby tabled and it now forms the business of the House.

REPORT BY THE SECTORIAL COMMITTEE ON FINANCE AND ECONOMIC PLANNING ON THE BUNGOMA COUNTY FINANCE AND ECONOMIC PLANNING FINANCE BILL, 2022

Hon. Barasa Mukhongo (Chairperson, Finance and Economic Planning Committee): I wish to lay on the table of this Honourable House the report by Sectorial Committee on Finance and Economic Planning on the Bungoma County Government Finance Bill, 2022.

Mr. Speaker: Honourable Members, the report by the Sectorial Committee on Finance and Economic Planning on the Bungoma County Government Finance Bill, 2022 is hereby tabled and it will form the business of this House.

NOTICES OF MOTIONS

THAT THIS HOUSE APPROVES THE APPOINTMENT OF MEMBERS OF THE SELECTION PANEL TO FILL THE VACANCY OF THE MEMBER OF THE COUNTY PUBLIC SERVICE BOARD

Hon. Joseph Nyongesa (Leader of Majority): Thank you. I rise to give a notice that pursuant to the provisions of the Standing Order no. 58, and Section 57 and 58 of the County Governments Act, 2012, this House approves the appointment of Members of the selection panel to fill the vacancy of the Member of the County Public Service Board.

Mr. Speaker: Honourable Members, a notice having been duly issued by the Leader of Majority, I hereby direct the Table Clerks to share the said report, for it is going to form the business on the Order Paper for the week.

THAT THIS HOUSE ADOPTS THE REPORT BY THE COMMITTEE ON POWERS AND PRIVILEGES ON CONDUCT THAT
CONSTITUTES BREACH OF COUNTY ASSEMBLY PRIVILEGES

Hon. Bridgit Katasi (Vice Chairperson, Committee on Powers and Privileges): I rise to give a notice of motion that this House adopts the report by the Committee on Powers and Privileges on conduct that constitutes breach of County Assembly privileges.

Mr. Speaker: Honourable Members, a notice of motion having been given by the Committee on Powers and Privileges on conduct that constitutes breach of County Assembly privileges, I direct the Table Clerks to circulate this report, for it is going to form business in our Order Paper in the course of the week as a motion.

Hon. Barasa Mukhongo (Chairperson, Finance and Economic Planning Committee): I wish to give a notice of motion on the report by the Sectorial Committee on Finance and Economic Planning on the Bungoma County Government Finance Bill, 2022.

Mr. Speaker: Honourable Members, a notice of motion having been duly issued by the Committee on Finance and Economic Planning on the Bungoma County Government Finance Bill 2022. I direct the Table Clerks to share the same with the Honourable Members as it is going to form Business on our Order Paper in the course of the week.

(Interruption of business)

COMMUNICATION FROM THE CHAIR

Honourable Members before they take us to the next item, allow me make the following Communication. This communication is from the County Secretary and Head of Public Service, addressed to the Clerk of the County Assembly of Bungoma.

Ref: Introduction of Liaison Officers

The above subject matter refers.

The following persons listed below have been appointed by the County Public Service Board of Bungoma to serve in the capacity of Liaison Officers between the County Assembly and the Executive. Their terms of appointment are contractual, basing on the Governors tenure in office with effect from 1st of February, 2023.

The purpose of this letter is to introduce them to the County Assembly and request that they be accorded the necessary support.

1. Japheth Maritani Kangale of ID no. 20095054; he is here in the gallery.

(Applause)

Then we have;

2. Peter Cherui Ndiema of ID no: 20023605

(Applause)

3. Ben Namaswa Wafula ID. No: 9360620

Any time you see them around this place; know that they are our Liaison Officers linking the County Executive and the County Assembly in taking care of the interests of the MCAs and to communicate to the Executive; and to equally convey the Governor's message to this House in case we have one. So give them the necessary support to execute their mandate as Liaison Officers.

(Applause)

(Resumption of business)

STATEMENT

A STATEMENT SOUGHT BY HON. ALFRED MUKHANYA FROM THE CHAIRPERSON SECTORAL COMMITTEE ON AGRICULTURE, LIVESTOCK, FISHERIES, IRRIGATION AND COOPERATIVE DEVELOPMENT ON THE ENVIRONMENTAL AND HEALTH MENACE BEING EXPERIENCED BY RESIDENTS OF NDIVISI WARD LIVING CLOSE TO MAKEMO DAM

Hon. Alfred Mukhanya: This is my Statement Mr. Speaker Sir under the provisions of Standing Order No. 47(2) (c); I hereby seek for a response from the Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative development. This is in respect to the environmental and health menace being experienced by the residents of Ndivisi Ward living closer to Makemo Dam. In the response, let the Chairperson inquire into and report on the following:

1. Why the department has neglected the said dam, posing a risk to human life and other environmental and health risks to the residents of Ndivisi Ward.
2. Why there has been little effort to rehabilitate the dam.
3. The steps taken by the Executive to implement the regulations of the Public Investment and Accounts Committee report in respect to rehabilitation of said dam for the financial year 2014/2015.
4. What is the department doing to have the dam rehabilitated?

Mr. Speaker: Where is Hon. Idd? It appears he is not having his card. You could have said so.

Hon. Idd Chamawi: Thank you Mr. Speaker. I have heard what the Honourable Member of Ndivisi said. I seek for 14 days so that we prepare the response.

(Applause)

Mr. Speaker: Honourable Members, we are all still learning. Learning does not have limitations. He has sought for 14 days but I think as you are all aware next week on Thursday the House will proceed for the short recess of 14 days and we shall resume on the 28th of March. I will therefore give him three Weeks because our 14 days will lapse on 21st and it that is within the recess period. I will give you 21 days so that when we come back; let us

have a response from the said department. So Hon. Idd and your Committee, you are hereby accorded 21 days to give us a feedback; on 28th March at 2:30 p.m. It will be a Tuesday.

MOTIONS

REPORT BY THE SECTORAL COMMITTEE ON YOUTH AFFAIRS AND SPORTS ON THE STATUS OF STADIA IN BUNGOMA COUNTY

Hon. Violet Makhanu (Chairperson, Committee on Youth Affairs and Sports): I rise to move a motion by the Committee on Youth Affairs and Sports on the status of stadia in Bungoma County.

I request that there are areas that I will skip because of the interest of time. I will skip the mandate of the Committee, and then I will go to the Membership. The Committee Comprises of the following Honourable Members;

1. Hon. Violet Makhanu - Chairperson
2. Hon. Grace Sundukwa- Vice Chair
3. Hon. Job Mukoyandali- Member
4. Hon. Metrine Nangalama- Member
5. Hon. Cornelius Makhanu- Member
6. Hon. Charles Nangulu- Member
7. Hon. Allan Nyongesa- Member
8. Hon. Caleb Wanjala- Member
9. Hon. Idd Owongo- Member
10. Hon. Catherine Kituyi- Member
11. Hon. Dorcus Ndasaba- Member
12. Hon. Everlyne Anyango- Member
13. Hon. Abraham Obama- Member
14. Hon. Martin Chemorion- Member
15. Hon. Aggrey Bosire- Member

Acknowledgement

The Committee owes a lot of gratitude to the steadfast stewardship of the County Assembly Leadership, specifically to the offices of the Speaker of the County Assembly.

Mr. Speaker I'm not safe now. I need your protection.

Mr. Speaker: Hon. Violet you are much protected. If it is water, I hope you will be brought for.

Hon. Violet Makhanu: The bottle is open and I don't know whether Hon Zeddy...

Mr. Speaker: I know the people who are distracting you and they are always like that way. So just proceed.

Hon. Violet Makhanu: The Committee is grateful for the logistical support given from the beginning of this exercise to the last step in lieu of the executing its mandate.

I also wish to extend my gratitude to Honourable Members and the secretariat of this Committee for their commitment and dedication during the fact-finding exercise from Kanduyi- Masinde Muliro Stadium, Nalondo Stadium- Kabuchai, Mayuba Stadium- Sirisia, Kimilili- Amutala Stadium, Tongaren- Mbakalo Stadium and Tongaren Stadium; and also their commitment in scrutiny of the submissions received on these stadia.

It is therefore my pleasant duty and privilege, on behalf of the Committee on Youth Affairs and Sports to table this report to this House for adoption.

The report is signed by the Chairperson Hon. Violet Makhanu.

BACKGROUND INFORMATION

The Bungoma CIDP-2018-2022 recognizes and champions for sports facilities in the County. It is planned to initiate the expansion and modernization of Masinde Muliro Stadium into a world class sports complex while other sports facilities shall be upgraded in phases. Equally, the County stadia are categorized in two levels from a project point of view:

1. The flagship projects
2. The Ward-based projects

In the Youth Affairs and Sports sector, the CIDP identifies Masinde Muliro Stadium in Kanduyi and High-Altitude Centre in Mt. Elgon as flagship projects. The remaining sports facilities are termed as Ward-based projects which include, Amutala in Kimilili, Mayuba in Sirisia, Nalondo in Kabuchai, and Mbakalo and Tongaren Stadium in Tongaren.

Subsequently, the County Government has invested in these sports facilities by channelling its resources to establish the development and the growth of the County.

Objectives of the Report

The objectives of this report were to:

- a) Identify the name and location of the stadia
- b) Establish the completion status level of the stadia
- c) Seek the operationalization of the stadia

JUSTIFICATION FOR THE SITE VISITS AND FACT-FINDING

The Committee in line with exercising its oversight role, studying, assessing and analysing the relative success of the department as measured by the results obtained; compared with their stated objectives, needed to visit the County Stadia to ascertain their status. Further, the Committee checked on the on-going projects in these stadia and also recommended on what ought to be done in the subsequent budgetary allocations. The Committee also needed to analyse and compare whether the submissions received were in tandem with what was actually happening on the sites; and if it was the true status of these stadia.

METHODOLOGY

The Committee on Youth Affairs and Sports requested for written submissions and all relevant documents vide a letter to the Chief Officer Youth and Sports dated 28th November, 2022 REF N.O *BCA /CC/SECT/3 VOL. II (112)*.

After scrutiny of the submissions, it proceeded on a fact-finding exercise on Friday 9th December, 2022 to ascertain the current status of these stadia.

The CECM Gender, Culture, Youth and Sports, the Chief Officer Youth and Sports, the Director Youth and Sports, the Director Public Works, and the Procurement Officer were invited on 9th January, 2023 to shed light on the gaps identified during the fact-finding exercise.

STATUS OF THE MASINDE MULIRO STADIUM, KANDUYI

Masinde Muliro Stadium is located in Bungoma County, Kanduyi Sub-County, Township Ward. The facility was earmarked for an upgrade from the traditional Masinde Muliro Stadium to a state-of-the-art modern stadium. In line with the speech delivered in his Inaugural Address during opening of 3rd County Assembly, His Excellency Governor, Kenneth Makelo Lusaka recognized Youths as the greatest human capital and harnessing their creative talent will go a long way in expanding opportunities for them to earn a livelihood. He identified completion of the Masinde Muliro Stadium as one of his priorities.

Committee's Findings

Specification and Bills of Quantities for the proposed erection and completion of Masinde Muliro Stadium Phase one at Kanduyi in Bungoma County.

The County Government of Bungoma through its Department of Gender, Culture, Youth and Sports in 2019 floated a tender and invited eligible and interested bidders for the proposed erection and Completion of Masinde Muliro Stadium phase one. The tender document was availed under the IFMIS tender portal www.supplier.treasury.go.ke /portal:www.tender and on the County Government of Bungoma website www.bungoma.go.ke.

Award of Contract

The following bidders were prequalified for the tender

1. Epc Builders Ltd
2. Horizon Business Solutions Ltd.
3. Interlect Contractors Ltd
4. Lunao Enterprises
5. Wilkori Buildings and Civil Engineering Contractors Company Limited.

On 26th April 2019, Lunao Enterprises was awarded the contract under BGM/CNTY/G&C/OT/295/2018-19 under IFMIS Negotiation No. 75214-2018-2019. The contract totalled to Ksh. 679,386,376.

Condition of Contract

Mr. Speaker Sir,

The works in this contract included;

- a) Preliminaries
- b) Substructures
- c) Reinforce Concrete Superstructures
- d) Finishes
- e) Roofing
- f) Football pitch
- g) Electrical works
- h) Mechanical works
- i) Storm water drainage
- j) Running track
- k) Soil and waste drainage

The agreed contract period was 26 months (104 weeks) i.e. 2 ½ years having a liability of 180 days (6 months)

Committee observations on the Masinde Muliro Stadium

Mr. Speaker Sir,

During the fact-finding, it was observed **that**:

1. The contractor was on site; however, not much was being done.
2. There were functional access roads to the Stadium.
3. According to the contractor, Phase one of the project was at 78% and 74% done. It included construction of the VIP lounge and terracing, administrative offices, fencing of the stadium, parking and grassing of the football pitch.
4. The payments done so far did not tally with the actual work done on site. The County Government seem to have paid much compared the works done.
5. Some section of the stadium appeared to have been encroached by human settlement and the contractor distanced himself from the issue.
6. There were workers on site weeding and watering the grass
7. The contractor was working out of the specified timeframe
8. There was a review on the contract and the contractor was required to do green terraces on the other sections of the stadium.
9. The main stand showed signs of cracks but the contractor assured of the safety of the project and admitted that they resulted from in-fills of the walls to an already constructed skeleton of the building.
10. The drainages had been excavated and setting done in some sections, but not yet completed.
11. The running track was yet to be done. However, the Works Officer informed the committee that it would be done to murrum level, since there were further works in subsequent phases that would destroy it if it was to be completed in the first phase.
12. Plastering of the interiors of the main structure had been done; both on the first and second floors.
13. The major challenge cited by the contractor was flow of funds to complete the project as the amount of money paid against the work done did not match. The County Government had paid up to 85% Ksh 577,478,420 out of Ksh 679,386,376

14. All the payment certificates accrued interests, which in turn cost the County Government an extra Ksh 12,427,782.51. These monies are usually paid in subsequent payment certificates.
15. There was a contract extension agreed on 26th April, 2019 that gave the contractor two more years to complete the project beginning from 14th June, 2021 to 15th June, 2023. This was agreed upon consideration of the funding of the project.

RECOMMENDATIONS

Mr. Speaker Sir,

The following recommendations were made with regard to the construction of phase one of the Masinde Muliro Stadium, Kanduyi.

- i. **That** the department should fast track the completion of the project as it is long overdue
- ii. **That** through the Committee on Lands, Urban and Physical Planning and the County Government should ensure that the encroached land is released to the stadium and appropriately demarcation be done to prevent any such future occurrences.
- iii. **That** the Ministry of Lands should give the actual acreage of the land owned by Masinde Muliro Stadium, Kanduyi to enhance proper fencing.
- iv. **That** the Works Department does a comprehensive inspection report on the Masinde Muliro Stadium, Kanduyi and submit it to this House within 21 days.
- v. **That** this House should consider increasing budgetary allocation to complete the project.
- vi. **That** the County Government should consider honouring timely payment of certificates in order to avoid additional costs incurred in terms of interests.

STATUS OF TONGAREN STADIUM, TONGAREN SUB COUNTY

Mr. Speaker Sir,

Tongaren Stadium is located in Bungoma County, Tongaren Sub County, Tongaren Ward. The stadium had a proposed facelift of Construction of a metallic stand in a contract signed on 28th February, 2022.

Committee's Findings

Specification and Bills of Quantities for the proposed erection Metallic Stand in Tongaren Stadium, Tongaren Ward, in Bungoma County

The Department of Gender, Culture Youth and Sports on 16th December, 2021 invited eligible and interested bidders for the proposed erection of the metallic stand in Tongaren Stadium, Tongaren Ward, in Bungoma County.

Award of Contract

It was a restricted tender with three bidders for the tender

S/NO	BIDDER	ADDRESS	AMOUNT QUOTED KSHS	BID SECURITY
1	BRAVICK COMPANY LIMITED	582 BUNGOMA	4,689,272.80	-
2	JUCKJUM SUPPLIES	134- BUNGOMA	4,442,660.80	-
3	VICPAT COMPANY LIMITED	212- MALAKISI	4,097,932.00	AMACO

M/S VICPAT LIMITED met all the requirements and on 28th February, 2021 was awarded the contract under Negotiation NO. 914222- 2021/2022. The contract totalled to Ksh. 4,097, 932.

Condition of Contract

Mr. Speaker Sir,

The works included in this contract were;

- Site clearance
- Excavations
- Filling
- Sundries
- Surface treatment
- Thermal and Moisture protection
- Concrete work and Reinforcement

- Walling
- Structural steel work
- Roofing

The agreed contract period was 32 weeks, having a liability period of six months. The period for interim certificates was monthly and 10% applied on value retained.

Committee observations on the Tongaren Stadium

During the fact-finding, it was observed **that**:

1. The Contractor was awarded, was not on site and nothing had been done.
2. The stadium was not fenced and had no clear demarcations
3. There were functional access roads to the Stadium
4. There was a volleyball court.
5. There were no ablution blocks in the stadium
6. The football posts were not in good condition.
7. The stadium had several footpaths passing in all directions
8. There was a water point constructed in one corner of the stadium and managed under a drought mitigation programme (WaSSIP-AF)

RECOMMENDATIONS:

Mr. Speaker Sir,

The following recommendations were made in regards to the Construction of proposed erection Metallic Stand in Tongaren Stadium, Tongaren Ward, in Bungoma County.

1. **That** the stadium should be demarcated and fenced to prevent trespassing.
2. **That** the contract should be terminated and the project re- advertised.
3. **That** VICPAT should be blacklisted and barred from contracting with the County Government of Bungoma.
4. **That** the County Government of Bungoma ministry of Lands should provide total acreage where the facility sits.

STATUS REPORT ON MBAKALO STADIUM, TONGAREN SUB-COUNTY, AND MBAKALO WARD IN BUNGOMA COUNTY

Mbakalo Stadium is located in Bungoma County, Tongaren Sub-County, Mbakalo Ward. This was a Ward-based project in the Financial Year 2020/21 and had a proposed construction of a metallic stand.

Committee's Findings

Specification and Bills of Quantities for the proposed Construction of Mbakalo Stadium, Tongaren Sub-County, Mbakalo Ward in Bungoma County.

Mr. Speaker Sir,

The Department of Gender, Culture Youth and Sports invited eligible and interested bidders for the proposed construction of a Metallic Stand in Mbakalo Stadium, Mbakalo Ward, in Bungoma County. It was a restricted tender running from 21st to 29th May, 2021. There were three bidders for the tender with an estimate budget of Kshs 3,880,000.00.

Award of Contract

The following Contractors were prequalified for evaluation;

S/NO.	BIDDER	ADDRESS	AMT QUOTED	BID SECURITY
1	LILIANS LINK SUPPLIES LIMITED	4595-ELDORET	3,895,784.60	AMACO
2	VICTY COMPANY LIMITED	3809-ELDORET	4,092,683.00	-
3	BISLA COMPANY LIMITED	4664- ELDORET	4,117,170.60	-

M/S LILIANS LINK SUPPLIES LIMITED met all the requirements and on 9th July, 2021 and was awarded the contract under Tender NO. 867557-3-2020-2021. The contract sum totaled to Kshs. 3,895,784.00.

Condition of Contract

The contract works included;

- Substructures
- Walling
- Reinforced concrete
- Windows
- Doors
- Roofing
- Finishes and electrical works

The agreed contract period was 24 weeks from the date of possession (6 months). The defects liability period was 180 days after handing over the project.

Committee observations on the Mbakalo Stadium

During the fact finding exercise, it was observed that:

1. The project was complete and handed over.
2. From the documents submitted, the contractor had not been paid.
3. The stadium was not fenced and had no clear demarcations.
4. There were functional access roads to the Stadium
5. There were two metallic stands were operational; however, one had a section of its roof blown off.
6. There were two ablution blocks that were not in good condition; as they were incomplete with missing doors.

RECOMMENDATIONS

The following recommendations were made with regard to the proposed construction of a Metallic Stand in Mbakalo Stadium, Tongaren Ward, in Bungoma County.

1. That the stadium should be demarcated and fenced to prevent trespassing.
2. That the Department should ensure that the contractor is paid.
3. That the County Government should consider rehabilitating the ablution block to serve the users of the facility.
4. That the County Government should consider setting up a changing room in the stadium.

Figure eight shows the complete Metallic Stand

Figure nine indicates a section of the Stadium with an old Stand

STATUS REPORT ON NALONDO STADIUM IN KABUCHAI SUB COUNTY IN WEST NALONDO WARD

The facility is located in Bungoma County, Kabuchai Sub County West Nalondo Ward. The stadium had a proposed renovation and rehabilitation works in the Financial Year 2020/21 and also had a proposed construction of a metallic stand in the Financial Year 2021/2022. The works were valued at Ksh 9,500,000 and Ksh. 9,213,369.60 respectively.

Committee's Findings

1. Specification and Bills of Quantities Renovation and Rehabilitation for Nalondo Stadium.

Mr. Speaker Sir,

On 29th of October, 2020, through the Standard Newspaper, the County Government of Bungoma through the Department of Gender, Culture and Sports- office of the Chief Officer advertised for a tender for the proposed renovation and rehabilitation works of Nalondo Stadium under tender number 826665-2020/2021. It was an open tender with a bid security of Kshs 200,000.

Award of Contract

Eligible and interested candidates were required to submit the tender evaluation through IFMIS supplier portal on or before Monday 9th November, 2020 at 10:00 a.m.

Award of Contract

Mr. Speaker Sir,

The bid attracted eight bidders and they were prequalified for further evaluation.

S/NO	BIDDER	ADDRESS	AMOUNT QUOTED KSH	BID SECURITY
1	AROTUM GENERAL CONTRACTORS	1880-BUNGOMA	9,995,230.28	AMACO
2	INTER-REGIONAL COMPANY LIMITED	1738-BUNGOMA	10,215,447.20	INVESCO
3	JORAKS LIMITED COMPANY	1232-KITALE	8,609,810	-
4	LIKIFA (K) LTD	2478-KITALE	9,176,632.40	AMACO
5	LUSON GENERAL SUPPLY	1489-BUNGOMA	9,530,629.60	-
6	MIRANGA SUPREME CONSTRUCTION LIMITED	1043-BUNGOMA	9,750,275.60	-
7	TWO CALVES INVESTMENT LTD	140- BUTERE	9,500,000	AMACO
8	VICPAT COMPANY LIMITED	212- BUNGOMA	9,217,750	FAMILY BANK

On 25th November, 2020, Two Calves Investment was awarded the tender with an agreement of Ksh. 9,500,000.

Condition of Contract

The contract works included;

Construction of Dias

1. Substructure

2. Concrete reinforcement
3. Roofing
4. Finishes

Renovation of Ablution Blocks

1. Substructure
2. Roofing
3. Windows
4. Doors
5. Finishes

Renovation of existing Dias

1. Erection and completion of Dias
2. Renovation of ablution blocks
3. Renovation of Dias
4. Fencing and gates
5. Electrical installation for terrace and ablution block

2. Specification and Bills of Quantities for Construction of Metallic Stands at Nalondo Stadium

Eligible contactors were invited for an open tender via IFMIS portal under negotiation number 915584 for the construction of metallic stands at Nalondo stadium between 16th and 23rd, December 2021.

Award of Contract

The bid attracted two bidders and they were prequalified for further evaluation.

S/NO	BIDDER	ADDRESS	AMOUNT QUOTED KSH	BID SECURITY
1	JAYLYNE COMPANY LIMITED	305-	1	JAYLYNE COMPANY LIMITED
2	VICPAT COMPANY LIMITED	212- BUNGOMA	9,213,369.60	AMACO

VICPAT, on further evaluation was recommended by the Committee on tender evaluation and awarded the contract on 14th January, 2022.

Condition of Contract

The contract works included;

1. Substructure
2. Walling
3. Roofing
4. Finishes

Committee observations on the Nalondo Stadium

The committee made the following observations that

1. The facility was well fenced but with no gates. Pillar provisions for the gate had been made but the pillars had not been raised.
2. There were two ablution blocks being renovated but incomplete
3. There were two metallic stands; one was complete and renovated and the other one was incomplete.
4. The football pitch was operational as there were teams preparing for a match.
5. The access roads to the facility were in good condition.
6. M/S VICPAT Company Limited was awarded two tenders in the same financial year; in the financial year 2021/2022 for the construction of metallic stands at Nalondo Stadium at a contract sum of Ksh 9,213,369.60 and construction of metallic stand at Tongaren Stadium at Ksh4, 097,932. This company does not seem to have the capacity to complete the projects since, there is no work done in Tongaren and Nalondo Stadium.
7. M/S Two Calves Investments Limited had been paid Kshs. 2,864,514.
8. The project had stalled and the contractor did not meet the contract timelines.
9. The two ablution blocks under renovation had stalled and were in a pathetic condition with no doors, rusted corrugated roof and misused facility.
10. Both contractors had abandoned the site.

RECOMMENDATIONS:

Mr. Speaker Sir,

The following recommendations were made with regards to the Construction of Metallic Stands and rehabilitation and renovation of Nalondo Stadium, Kabuchai Sub County, Bungoma County.

1. That M/S TWO CALVES INVESTMENTS LIMITED should resume and complete the work as per the signed contract.
2. That the Department on Youth and Sports should terminate the contract with M/S VICPAT Company Limited since the contractor had not started any works on the site.
3. That the Department, onwards, should only award contracts to companies that have the capacity to start and complete projects.

Figure 10 shows the proposed Gate at Nalondo Stadium

Figure 11: shows the ablution blocks two and two metallic Stands

Figure 12 shows the Pit Latrine at Nalondo Stadium

STATUS REPORT ON PROPOSED CONSTRUCTION OF AMUTALA STADIUM- KIMILILI SUB COUNTY AND MAYUBA STADIUM- SIRISIA SUB COUNTY

1. AMUTALA STADIUM, Kimilili Subcounty

The Amutala Stadium is located in Bungoma County, Kimilili Sub County. The facility has been earmarked as one of the stadia that need some facelift in the County since it serves one of robust growing Sub Counties in Bungoma County.

Committee observations on Amutala Stadium

The committee made the following observations on the status of Amutala Stadium.

1. The stadium had no perimeter wall and clear demarcation
2. The previous metal stand had been vandalized and what was left was a skeleton with only poles.
3. There was a basketball court with the posts in good condition. However, the floor was not in good condition.
4. There was a handball court
5. There was a dressing room; however, it had no doors and windows.
6. The access roads leading to the facility were in perfect condition.
7. There were two ablution blocks. One structure looked condemned as it was filled and did not have a roof. Additionally, the other had no doors.

RECOMMENDATIONS:

Mr. Speaker Sir,

1. That the facility needs to be clearly demarcated and a perimeter wall constructed
2. That the metal stand should be upgraded to a modern stand.
3. That the basketball court floor should be maintained to a better standard
4. That the dressing room should be completed with doors and windows fixed
5. That a new ablution block needs to be set up.
6. That this House should consider a budget allocation towards the upgrading of this facility.

Figure 13: Football pitch at Amutala Stadium

Figure 14: Basketball Court at Amutala Stadium

Figure 15: Vandalized Metallic Stand

Figure 16: Condemned Pit Latrines

2. MAYUBA STADIUM, Sirisia Subcounty

Mr Speaker sir,

The facility is found in Bungoma County, Sirisia Sub County. The facility, however, has not received any funding since devolution.

Committee observations on Mayuba Stadium, Sirisia Sub County

Mr. Speaker Sir,

The Committee made the following observations on the status of Mayuba Stadium, Sirisia Sub County;

1. There is no clear demarcation of the stadium.
2. There was a poor drainage system within the stadium.
3. Only one ablution block in a pathetic condition.
4. There was one metallic stand in good condition.
5. There was clear indication of trespass as several clear footpaths observed.

RECOMMENDATIONS:

Mr. Speaker Sir,

1. That This House should consider allocating funds to upgrade the stadium status.

2. That through the Department of Lands, Urban and Physical planning, the County Government should provide clear acreage for the stadium for clear demarcation and fencing to prevent trespass.

The report has been signed by all members of Youth and Sports Committee. I now want to call upon Hon. Allan to second this report. Thank you Hon. Speaker.

Hon. Allan Nyongesa: Thank you Hon. Speaker. I stand to confirm that the report read by the Chairperson of Youths and Sports is a true copy of what we discussed. Therefore I second

(Applause)

Question proposed

Hon. Jack Wambulwa: Thank you Hon. Speaker, as I stand to support the report I have the following reservations. First of all, I would wish that the secretariat advises our committees rightly. I do not think my colleagues went to benchmark on these projects because I have seen them mixing between Nalondo and Luuya- Bwake and you know Nalondo stadium is not in Luuya- Bwake.

Two, on Kanduyi stadium, they are saying on the stadium works have been done, variations were created, funds were misappropriated as per their report and at the same time they are telling us to allocate it more funds. Surely, how do we allocate where funds have been misappropriated. In any case, we should have recommended that those involved be surcharged. More so, calling the contractor to come and explain why he was being paid for works not done but instead in every area they are recommending we add more money.

Come to a project in Mt. Elgon where they are talking of two calves. Two calves is one company that I have known for long. It is very good in squandering. Wherever they start working, they will always request for an advance payment. Once they are given the advance they disappear from site. Can't we go and value the same works whether it was worth what was being advanced for before we now recommend that let us source for funds to allow him go back to the site! Surely, if somebody has been advanced and has not done the work, then why should he /she be given more funds to continue with the work? I do not want to waste a lot of time. As much as we support our Committee and the Chairperson, I have those reservations and as a House, we must stand firm on these matters squandering funds.

Mr. Speaker: Thank you Hon. Jack. Just to correct you from the report, they are saying Nalondo stadium is basically in Kabuchai Sub County, West Nalondo Ward. That is on page 24 of the report. Just check page 24 of the report to confirm the position. Yes, Hon. James Barasa!

Hon. James Barasa: Thank you Hon. Speaker. I want to take this opportunity to applaud the Chair with the membership of this Committee and I have the following points to make; on where you have just indicated on page 24 Nalondo stadium is not in West Nalondo, it is in Bwake Luuya Ward; so as a Committee, I want to also agree with my brother Jack. It looks like when they requested for the documents from the Executive, I do not think they went

round to the ground, but I have photos here to confirm that they went to the ground. However, that is one of the anomalies and we need to correct it.

Secondly, when you look at every stadium that they were visiting, it looks like there is no much work done on the ground. How I wish the observations and recommendations are not so strong for this Honourable House to digest and I wish that going forward we have something called budget tracking.

It now lies in the hands of the able Chairperson of the Budget and Appropriations Committee to do the budget tracking and also ascertain the status of these stadia on the ground before we talk about giving them additional funds. If this is the case, because we are in the budget cycle, we have looked at the Fiscal Strategy Paper; but the County Executive is proposing to complete these projects, but now in this report, we should not just give blanket approvals to the Executive, because some of the contractors who were given this job, their performance is very much wanting and very soon I am going to come up with a motion. We want to blacklist all the contractors who have done any shoddy work within the County. They should not be given any work again.

(Applause)

We are saying this with bitterness! Even in the current County Government of Bungoma, the CEO formed taskforces; we are yet to receive the report. I am ably informed that some reports have come, if you will table those reports in this Honourable House, we will digest them; and I urge this Honourable House that please after going through all the taskforces reports, we must also come up with ad hoc committees to go and do some further investigations towards any taskforce report that was formed by the Executive.

We will not just ventilate over it and stop there because we want the people of Bungoma to be served prudently. We are suffering and money is being given to some contractors who are not competent. Look at that! In a manner that we as an oversight entity are not supposed to give any advice to the Executive, but this time round I belong to the Government, but let them be very careful. We will not appropriate any funds for people to just misuse. Otherwise, I support the report.

Mr. Speaker: Hon. Barasa Mukhongo, in view of your sentiments that the recommendations are very weak, are you recommending for further funding? What is the cure for this problem? Because if they are where they are, you ask to give them more funding and the same contractors are still waiting for this money to squander again. So what are you recommending?

Hon. James Barasa: Thank you Mr. Speaker. This is a report that has been brought in this Honourable House by Members of this House. I have said my suggestion will be because we are very soon going to receive the taskforces reports and I think one of them is about the pending bills.

Mr. Speaker: Let me just confirm. I am having all those reports with me on my table. On Thursday they will be taken before the HBC for slotting on the Order Paper.

Hon. James Mukhongo: That is why I am suggesting that we will not as much as the report is requesting this Honourable House to appropriate funds or give more funds to some of these projects. We will also do our thorough job to establish as a House. This is just one step but we still have some time to beef up this report as much as we are going to upload it, because we do not want to belittle the Chair with the membership of the Committee. Going forward, we are not going to appropriate any funds, we are not! That is what I mean... we will never! I urge this Honourable House because without its approval, the Executive will not do anything. It is upon us. You can now see that even the issue of the scholarship is moving in circles and that is why when you look at this House; we said the opposition side is sleeping on its job.

We are only having four members in the House and the Leader of Minority is out there crying all over and he is not following the transactions in this Honourable House. So we the Members of the Government of the day need to wake up to assist the Governor to deliver for the people of Bungoma. Otherwise I rest my case.

Mr. Speaker: Thank you. Hon. Ipara?

Hon. Johnston Ipara: Thank you Hon. Speaker for allowing me to also comment on the report that has been presented by the Hon. Chair for Sports. I want to commend her for the good work that she has done; taking over 40 minutes presenting the report, giving the state of the stadia within the county.

First of all, I want to remind you that Bungoma County is a household when we talk about sports. When we talk about football, most of the legends are from Bungoma; when you talk of *Abaluhya* football club, most of their players were from Bungoma County and today when we talk of the best athlete in the world, he is from Tongaren and in Bungoma County. When we see that we have a shortage of stadia where the younger generation and the rare talent that we have in the County do not have a place to go and train, that alarms every one of us and that is why I stand to support this report and say that we must get our priorities right. Getting these priorities right is by making sure particularly the Kanduyi Muliro stadium which has a good history with this County and country should be completed within the shortest time possible to ensure we put it to use.

Here we are thinking about our future and the future that we are thinking about is the future of the younger generation who depend and make their earnings from sports; and the sports of today, you cannot compare with that of the yester years. Yester years sports were about cultural activities and today sports is one of the investments; and the investment that we have in this County is the younger people who run across the world and so we must support that. I also want to identify myself with this report because Hon. Chair you did clearly spell out and gave the details of what happened in Tongaren and what you said I want to say; they have given details of how that open ground is.

If you walk there, you may imagine that it is Hon. Waiti who has turned that stadium to be a market place where animals are sold with...

(Laughter)

Mr. Speaker: Proceed!

Hon. Johnstone Ipara: Thank you Hon. Speaker, you protect me from him. What I want to say...

Mr. Speaker: Don't worry; I have not seen him online so proceed!

Hon. Johnstone Ipara: Thank you Hon. Speaker. We are saying that it is important when we have in every Sub County and in every corner. I want to use the word must intentionally. We must have stadia of standard that meets world class. That when Omanyala comes across them when he stops in Kanduyi, Mbakalo and Kabula he can practice. I also want to say this; we are the people who are entrusted with the responsibility of oversight and when we talk about oversight, it does not matter whether you are on the Government side or opposition. Our role is to ensure this County and the people of this County get value for their money and getting value for their money is when we stand and be counted and make those hard decisions .With that, I support the report.

Mr. Speaker: Thank you Hon. Ipara. I will have Hon. Kikechi?

Hon. Bernard Kikechi: Thank you Hon. Speaker for giving me this chance to also contribute.

First, I applaud the Chairperson of the Committee for coming up with this report, but in my Ward that is Mbakalo, there is a stadium and I would like to support what Hon. Mukhongo has just said; the contractor that was given that job did a very shoddy job. In fact I heard the Chairperson of the Committee saying that the contractor has not been paid.

I do not know what you can do, but that contractor should not be paid if at all he or she has not been paid; because when you visit that structure, they say they have constructed, plastering and painting of that structure we call a stand was not done. I do not understand how such contractors were being vetted and given such important jobs to do. Thank you Chair of the Committee for the report, but I suggest that you could have gone further and recommended punitive measures to such contractors because you cannot be paid 3.6 million to just come and erect a ramshackle there and then you call it a stadium shed.

I support the report but it needs further recommendations so that the said work which has not been done to the best of standards should either be repeated or the contractor should not be paid. Thank you.

Mr. Speaker: What are you recommending yourself?

Hon. Benard Kikechi: From Mbakalo Ward, I am saying that the work that was done was shoddy.

Mr. Speaker: What are you recommending because I have heard you say I further recommend?

Hon. Bernard Kikechi: Yes, I am recommending that because I heard she said that he has not been paid. I am recommending that the contractor should be compelled to go back to the ground and do a good job before getting paid.

Mr. Speaker: Do you know the implication of that? You ought to move an amendment in the recommendation and seek a seconder. In the absence of that then what you are saying is basically hot air.

Hon. Benard Kikechi: I stand guided Hon. Speaker.

Mr. Speaker: Hon. Kikechi, let me guide you. When you are amending, you should be looking at the report and saying that recommendation number 4, 5, and 6 be amended as follows or you say that you add on observation number 7 with the following recommendation number 5 with specifications, or else, at the end of your contribution, if there is no recommendation in writing specifically; it will just collapse that way.

Hon. Bernard Kikechi: I am well guided Hon. Speaker. I will come back again. Thank you

Mr. Speaker: It is okay. But you are aware you cannot contribute again on this motion. You will be done unless you get somebody to do the recommendation for you. Hon. Mukhanya! You can get anybody here to assist you draft the recommendations then you get Hon. Obama then that work for you will be done. You ought not to even do that in person.

Hon. Alfred Mukhanya: Mr. Speaker, I also rise to support the report by the Committee on Youths and Sports. The idea of having stadia in Bungoma is a good idea; in fact this is encouraging to our youths and those sports men throughout the county. The issue at hand is the completion of these stadia in the county. Bungoma as a whole you notice that it is one County known for sports, especially in Mt. Elgon; but the issue of the contractors I think this is one thing that we need to look at as it is a thorn in the flesh.

It is known that whenever we give funds to the contractors, there is always misappropriation. This is one thing that we should look at, that even when *Mheshimwa* (Hon.) Mukhongo was talking about blacklisting some of these contractors; it is a good idea such that in future anybody who has done shoddy work should be blacklisted such that he cannot be given any other contract in the county.

This will be a good lesson to those ones who are applying for those contracts in the County; such that if you know you have done shoddy work, you should not be paid and you should not do any other job in the County. Bungoma is known for other things even in other contracts that we gave to contractors. If the observations indicate that it is complete yet it's not; like in my Ward, there are so many pending jobs that we gave to contractors that have not been completed; such that they are paid and when you go on the ground, there is nothing.

When you blacklist some of these contractors as *Mheshimiwa* (Hon) Mukhongo has put it, this one will be a very good lesson. That way, even the Executive will know that whenever they are forwarding anybody that drew a contract in Bungoma, they should note that the end result is that if you do a shoddy work, you are not paid and the future in Bungoma will be black. So I support the report.

Hon. Edwin Opwora: Thank you, Mr. Speaker. I wish to comment on this report. Nalondo stadium having been mentioned and which happens to be in my Ward; I have gone through the report and part of the recommendations from the team that I have just listed, that both the contractors have vacated the project and when you look at the amount which was given, initially, there were two contractors who were shortlisted. There is JAILIN who had bid at Kshs. 8,469,670, and then VICPAT Company, which bid at Kshs. 9.2 million. Apparently the highest bidder was awarded and it is unfortunate that they failed to finish this job.

I wish to concur with the Hon. Member Barasa Mukhongo that this company should be blacklisted and not only the company, but also the directors, because we have a nature where some directors form companies, they bid jobs using different companies and it is the same people again, who will end up not working. So besides the company itself, let us go further to the directors and ensure that they are blacklisted everywhere and held accountable.

The issue of stadiums across the country not being completed in time actually demotivates our youths because we are looking at these facilities as part of our youth talent promotions. So if as a House we are going to just sit behind and let this project remain stalled all these years, then we are failing the youth of this county. I wish that we take punitive actions and push the Executive to ensure that these projects come to completion.

Hon. Benjamin Otsiulah: Thank you Mr. Speaker. First of all, I wish to congratulate the Chair having presented this report to the Honourable House. The report gives a clear view of our sporting facilities in the county; that our facilities are in a dilapidated state. Considering the nurturing of talents in the county with the state of our facilities currently means that we are doing a disservice to the people of Bungoma. If these contractors have been paid to render services, and this is what we have come up with then it means as a county we are going to lag behind in terms of natural talents and our sportsmen and women are going to suffer. We have to compete favourably with the other regions in the country. Finally, I can confirm that the very good people Bumula Sub County engage in all sorts of sports...

Mr. Speaker: Are you confirming you also have night runners in your area?

Hon. Benjamin Otsiulah: Yes! All those sports but it is shocking that I have never heard of a stadium or a sporting facility being put up in Bumula. This is one of the largest constituencies we have in Bungoma County. Going forward, I wish that the county government takes a keen interest and comes down there and I am 100 per cent sure that they are going to unearth the next Omanyala from Khasoko...

(Applause)

I have already whispered to the Chairperson of this Committee, and she has assured me that she is going to move with a lot of speed. Otherwise, I want to support the report.

Hon. Waiti Wafula: Thank you Mr. Speaker. First may I applaud the Chairperson for giving us this report. It has been a wonderful report and it touches on the lives of our youth. These are the people whom we expect to be the **bread winners** of their families through their participation in sports and in various activities, like the Member who has just been on stage is proud of one of the sportsmen coming from his Ward, who is Omanyala. If you remember that in the recent past we have had the Harambee stars- the footballers of this country hosting our neighbouring Uganda team at Machakos stadium. We saw the then Deputy President of this country sitting comfortably watching the game. That means that County Government did the best work and that is why you may see these Honourable Members differing with some of the statements here.

I come from the Tongaren Constituency where Mbakalu stadium was purported to have been build. When you look at that stadium and comparing with other areas that I have mentioned in Machakos, you wonder. How I wish that as much as I applaud the work of the Committee, I stand here to propose an amendment to recommendation number two about Mbakalo stadium and I am citing the Standing Order No. 64 (a) that recommendation number two should be the Department should not pay the contractor until the work is done. I propose and at the same time I now...

Mr. Speaker: Now before you finish your proposal, suppose they have paid, how do you frame your proposal? If they have not been paid?

Hon. Wafula Waiti: If the contractor has not being paid, I propose they should not be paid until the work is complete. I call upon Hon. James Barasa Mukhongo to second the proposal.

Hon. James Mukhongo: Thank you Mr. Speaker. After listening to the amendment that has been put in this Honourable House by Hon. Waiti concerning Mbakalo stadium that the contractor should not be paid until all the work is complete, I stand to second. But if the Executive have not paid, they should not proceed to pay. They should stop there until we do some thorough work as an Assembly before we sanction...

Mr. Speaker: Hon. Mukhongo you know that when you do that, you are spoiling the seconding part of it. The seconder should stick to the seconding and stop there.

Hon. James Mukhongo: Mr. Speaker, I stand to second the proposal of Hon. Waiti that we have an amendment on recommendation number two.

(Applause)

That the contractor should not be paid...

I second

Mr. Speaker: Honourable Members the moment you start going somewhere else it ceases being a seconding, it becomes a story... again, what has been done now it is a motion within a main motion. So first and foremost, I must propose a motion so that you are able to debate that proposed amendment; if it is carried then we go back to the original motion again. Are we together Members?

Question to amend recommendation No. 2 of the report proposed

Yes the law allows you to contribute in the second motion.

Mr. Speaker: Honourable Members in view of the proposed amendment, I will now ask the mover of the amendment to reply to the motion accordingly.

(Laughter)

Hon. Wafula Waiti: Thank you Mr. Speaker. I rise to request the Honourable Members of this Hon. House to support the amendment so that you can move as a County.

Mr. Speaker: Thank you Hon. Waiti. Honourable Members, a motion has been moved and seconded and debate having ensued that this House to amend recommendation number two to read, "That the contractor will not be paid until the work is completed."

(Question put and agreed to)

Now recommendation number two will read as follows, "that from the documents submitted, the contractor should not be paid until the work is completed." Since he has not been paid, are we together?

Yes, copy what I am saying Oscar. That amendment is captured that way. Now, we go back to the main motion. Hon. Violet I invite you to proceed with your reply to the main motion.

Resumption of motion

Hon Violet Makhanu (Chairperson, Committee on Youth Affairs and Sports): Thank you Hon. Speaker. I want to take this time to thank all the Members who have contributed to this motion. It is really encouraging to the Committee and I also want to let this House know that as a Committee, we received the amendments positively and we are sure that the implementation of the same amendment will be done by this committee. It is one of the committee's that has very sharp and bright Honourable Members because looking at this report, we have been following each and every stadium keenly, reason being even before we came up with this report, we did a lot of fact finding and we sacrificed to be on the ground to ensure that everything was being done in the right way. We realised that there were a lot of

anomalies in almost all the stadia and we identified the anomalies; and that's why we came up with this report.

In our report, I heard Hon. Jack talk about Luuya Bwake and in my report there was nothing like Luuya Bwake. But I want to appreciate the fact that we were reminded as a committee about the Nalondo stadium. That it is in Nalondo and not in Luuya Bwake and so we will note that as a committee and I think we will correct it. Then about the Kanduyi stadium, as a committee we are having a lot of work and we are hands on because we want it completed. This one of the flagship projects that needs to be completed; all eyes in Bungoma are on Kanduyi stadium, reason being a lot of money has been poured there and there isn't much that has been happening.

As we speak today, we had our interrogation this morning and we agreed as a committee that immediately after this session, we are touring the site again. We just sacrificed as a committee; we have gotten the contractor together with the Executive before we completed our report on the interrogation that we had this morning. We want to build a consensus so that we are able to come up with a comprehensive report on the same and ensure that as the Budget Committee retreats, the right thing is being done on the same; because we don't want to have funds allocated to a contractor who is not doing anything. We are going there and I am sure that we will also come back with another report that will be given to Budget Committee and I think they will be able to do their bit.

Otherwise I want to urge Honourable Members because we have stadia like Mavuba, Amutala many others in Bungoma County that have not been funded; and they are just there. These are some of the facilities that when funded and well done will enable our youths to have many sporting fields and they will not be idling back at home. I want to urge Honourable Members that most of these stadia, I realised that we have those ones like in Tongaren and Mbakalu were funded under CEF programmes. So as Honourable Members we can as well go ahead and maybe do something on the same during the identification of projects under CEF so were we able to have as many stadia as possible in the county; even if it means at Ward level, to enable our youth and our players to have playing grounds.

Hon. Otsiulah has been reminding me about there being no stadia in Bumula, it being one of the largest sub counties in Bungoma and I want to let him know that as a Committee and Chairperson of this Committee, we noted your concerns and I want to pray that you be patient, but also as you think about your CEF projects...

(Applause)

...try to think about the stadium in your constituency and by extension your ward, so that as a department, we are able to like come in and see what happens in Bumula Sub county. Thank you, I rest my case.

Mr. Speaker: Thank you Hon. Violet, the Chairperson, Youth Affairs and Sports. Honourable Members, I will now proceed and put a question to the said motion.

(Question put and agreed to)

(Applause)

The motion is adopted with the amendments as proposed on recommendation number two on Mbakalo stadiums accordingly. Honourable Members, checking on our Order Paper, that was the only motion. We will now adjourn our sitting today, Wednesday the 8th of March, 2023.

(House adjourns)