

COUNTY GOVERNMENT OF BUNGOMA
COUNTY ASSEMBLY OF BUNGOMA
COUNTY ASSEMBLY DEBATES
THE DAILY HANSARD
THURSDAY, 6TH NOVEMBER, 2025
Afternoon Sitting

3rd County Assembly

4th Session

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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

THURSADY, 13TH NOVEMBER, 2025

The House met at the County Assembly Chamber at 2:30 p.m.

(Mr. Speaker [Hon. Emmanuel Situma] in the Chair)

PRAYER

QUESTIONS AND STATEMENTS

HOUSE BUSINESS FOR THE WEEK COMMENCING TUESDAY, 11TH TO THURSDAY, 13TH NOVEMBER, 2025

Hon. Cornelius Makhanu: Thank you, Honourable Speaker. I stand here to present the tentative weekly program of the Business of the County Assembly pursuant to Standing Order 47(2)(a) for the week commencing Tuesday, 11th to Thursday, 13th November, 2025.

Tuesday, 11th November, 2025 at 2:30 p.m.

Papers

1. Report of the Sectorial Committee on Education and Training and Vocational Training on the status of KShs.90Million allocated to the 1st supplementary budget for financial year 2024/2025 in respect to the Department of Education and Vocational Training.
2. Report of the Sectorial Committee on Tourism, Environment, Water and Natural Resources on the financial statement for the period ended 30th June, 2025.

Notices of motion

1. That this House adopts the report of the Sectorial Committee on Education and Vocational Training on the status of the KShs.90Million allocated to the 1st supplementary budget for the financial year 2024/2025 in respect to the Department of Education and Vocational Training.

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2. That this House adopts the report of the Sectorial Committee on Tourism, Environment, Water and Natural Resources on the financial statement for the period ended 30th June, 2025.

Motion

1. Report of the Sectorial Committee on Youth Affairs and Sports on completion status of Chemoge High Altitude Training Center.
- 2.

Wednesday, 12th November, 2025 at 9:30 a.m.

Papers

1. Report of the Sectorial Committee on Gender, Culture, Social Welfare on performance of Bungoma County Executive KICOSCA 2024 and preparedness for KICOSCA 2025.

Notice of motion

1. That this House adopts the report of the Sectorial Committee on Gender, Culture and Social Welfare on performance of Bungoma County Executive in KICOSCA 2024 and preparedness for KICOSCA 2025.

Motion

1. Report of the Sectorial Committee on Education and Vocational Training on the status of KShs.90Million allocated during the first supplementary budget for the financial year 2024/2025 in respect to the Department of Education and Vocational Training.
2. Report of the Sectorial Committee on Tourism, Environment, Water and Natural Resources on the financial statements for the period ended 30th June 2025.

Wednesday, 12th November, 2025 at 2:30 p.m.

Papers

1. Report of the Sectorial Committee on Lands, Urban, Physical Planning and Housing on the financial statements for the period ended 30th June 2025 for the Department of Lands, Urban, Physical Planning, Housing and Municipalities.

Notices of motion

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1. That this House adopts the report of the Sectorial Committee on Lands, Urban, Physical Planning and Housing on the financial statements for the period ended 30th June 2025 for the Department of Lands, Urban, Fiscal Planning, Housing and Municipalities.

Motion

1. Report of the Sectorial Committee on Gender, Culture and Social Welfare on the performance of Bungoma County Executive in KICOSCA 2024 and preparedness for KICOSCA 2025.

Thursday, 13th November, 2025 at 2:30 p.m.

Papers

1. Report of the Sectorial Committee on Education and Vocational Training on the quarterly report and financial statements for the period ended 30th June 2025.
2. Report of the Sectorial Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on the financial statements for the period ended 30th June 2025.

Notices of motion

1. That this House adopts the report of the Sectorial Committee on Education and Vocational Training on quarterly reports and financial statements for the period ended 30th June 2025.
2. That this House adopts the report of the Sectorial Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on the financial statements for the period ended 30th June 2025.

Questions and statements

1. A member of the House Business Committee who shall inform the House of the weekly business of the House for the week commencing Tuesday 18th to Thursday 20th November 2025.

Motion

1. Report of the Sectorial Committee on Lands, Urban, Physical Planning and Housing on the financial statements for the period ended 30th June 2025 for the Department of Lands, Urban, Physical Planning, Housing and Municipalities.

That is the end of the weekly report.

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Mr. Speaker: Thank you, Honourable members. That is the tentative program of the House starting from next week Tuesday to Thursday as planned by the HBC.

Next item,

MOTION

REPORT OF THE SECTORAL COMMITTEE ON YOUTH AFFAIRS AND SPORTS ON IMPLEMENTATION OF HOUSE RESOLUTIONS FOR THE YEAR 2022 AND 2023

Hon. Violet Makhanu (Chairperson - Youth Affairs and Sports Committee): Thank you, Honourable Speaker. Maybe before we start, just to confirm whether we have the quorum, members of the committee to stand up.

Mr. Speaker: Can I have the membership, I only have a problem with Hon. Chemion standing because he is not part of this report, I am having is the one which is not having your signature.

(Loud consultations)

Can I have Hon. Violet, Tim Chikati, Chemion, Cornelius, Nangulu,. Allan, Jeremiah, Catherine, Everlyne and Hon. Chemorion...that is more than sufficient. Proceed.

Hon. Violet Makhanu: Thank you, Honourable Speaker. I am on my feet to move a report on Implementation Status of the House resolution for the year 2022 and 2023.

Mr. Speaker, I beg to start from page five.

Acknowledgment

I take this opportunity to thank all Hon members of the Committee for dedicating their time to interrogate the Youth and Sports department on the implementation status of the House Resolutions for the financial year 2023/24.

The Committee would also like to appreciate the Secretariat who worked with us for their commitment to ensure that the report was produced on time. Lastly, the Committee is grateful to the offices of the Speaker and the office of the Clerk to the County Assembly of Bungoma for logistical support received as it discharged its mandate.

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It is therefore my privilege, on behalf of the Committee on Youth Affairs and Sports, to move the Report on the Implementation Status of House Resolutions for the year 2023 and 2024 with regards to the department of Youth and Sports in Bungoma County.

It is signed by me as the Chairperson Committee on Youth Affairs and Sports.

Mr. Speaker: Hon. Violet, we have a problem with the way you are moving the report because from the onset you have gone to page number five. There's no preamble to us, no membership to us, you're only thanking the Clerk and the Speaker for what they have done.

Which report are we moving? I thought you could do a preamble, then you come and do the membership to the committee, then do what have done, then you proceed from there.

Hon. Violet Makhanu: Thank you, Honourable Speaker for the guidance. That's on page one.

Preamble

It is my duty to present the report by the Committee on Youth Affairs and Sports on the Implementation Status of House Resolutions for the FY 2022/23.

Pursuant to the provisions of Standing Order no, 205, all the adopted reports of the Sectoral Committee of Youth Affairs and Sports by the House were conveyed the CECM Gender, Culture, Youth and Sports. The CECM is required, within 60 days to submit a report to the Committee in accordance with Article 183 (3) of the Constitution of Kenya, 2010.

However, the CECM has never reported on the implementation status of the committee reports adopted by the House. Liaison Committee planned for this activity for all the sector committees to follow up on the implementation status of their respective reports considered by the House in 2022 and 2023.

In the period under review; the following reports and legislations by the Sectoral Committee on Youth and Sports were adopted by the House and conveyed to the CECM Gender, Culture, Youth and Sports;

- i. Report on the status of Stadia in Bungoma County
- ii. Report on the Nine months financial statements for the period ended 31st March, 2023.
- iii. Report on implementation Status of the Youth Empowerment Fund.

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- iv. Report on the Status of the Maeni Youth Empowerment and the Chemoge High Altitude Training Centers

The County Executive Committee Members were invited for the interrogations with their respective Sectoral Committees via a letter referenced CAB/ADM/6VOL.V (93). The Committee conducted its interrogation on 17th May 2025 at 2:00 P.M at the County Assembly Precincts.

This report contains the findings of the committee from the interrogations and supporting documents submitted its observations and recommendations.

Committee Membership

Mr. Speaker,

The Committee comprises of the following members;

1.	Hon. Violet Makhanu	Chairperson
2.	Hon. Grace Sundukwa	V/Chairperson
3.	Hon. Timothy Chikati	Member
4.	Hon. Cornelius Makhanu	Member
5.	Hon. Charles Nangulu	Member
6.	Hon. Allan Nyongesa	Member
7.	Hon. Caleb Wanjala	Member
8.	Hon. Idd Owongo	Member
9.	Hon. Kuloba Jeremiah	Member
10.	Hon. Catherine Kituyi	Member
11.	Hon. Dorcas Ndasaba	Member
12.	Hon. Abraham Obama	Member
13.	Hon. Martin Chemorion	Member
14.	Hon. Mitrine Wilson	Member
15.	Hon. Everlyne Anyango	Member

Acknowledgment

I take this opportunity to thank all Hon members of the Committee for dedicating their time to interrogate the Youth and Sports department on the implementation status of the House Resolutions for the financial year 2023/24. The Committee would also like to appreciate the Secretariat who worked with us for their commitment to ensure that the report was produced on

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time. Lastly, the Committee is grateful to the offices of the Speaker and the office of the Clerk to the County Assembly of Bungoma for logistical support received as it discharged its mandate.

It is therefore my privilege, on behalf of the Committee on Youth Affairs and Sports, to move the Report on the Implementation Status of House Resolutions for the year 2023 and 2024 with regards to the department of Youth and Sports in Bungoma County

IMPLEMENTATION STATUS OF THE HOUSE RESOLUTIONS FY 2022/23

1. A REPORT BY THE YOUTH AFFAIRS AND SPORTS COMMITTEE ON THE STATUS OF STADIA IN BUNGOMA COUNTY.

The report was forwarded to the Department of Youth Affairs and Sports in line with the Bungoma County Assembly standing Orders No. 205 in accordance with Article 183 (3) of the constitution. The recommendations in the report with the Implementation status are hereby provided as submitted by the department.

MASINDE MULIRO STADIUM

Recommendation No. 1

That the department should fast track the completion of the project as it is long overdue

Response from the department

The Project is 95% complete and the contractor is on site. The first and second floors have been handed over to the County Government of Bungoma and are hosting various departments.

Committee Observation

The project has taken long to be completed. There has been contract variation and the contract period extended.

There has been sufficient allocation in the supplementary budget to cater for completion of the Stadium and the department should ensure completion of the facility.

Recommendation no. 2

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That, through the Committee on Lands, Urban and Physical planning, the County Government should ensure that the encroached land be returned to the stadium and appropriately demarcated to prevent such future occurrences.

Response from the Department

The encroached land was returned to the stadium and demarcations done through walling.

Committee Observation

Implemented by the national government as the facility has a perimeter wall

Recommendation No. 3

That, the Ministry of Lands should give the actual acreage of the land owned by Masinde Muliro Stadium, Kanduyi to enhance proper fencing

Response from the Department

The department had written to the ministry of lands to do survey to ascertain the extend of all the land where the department facilities sit.

Committee Observation

The department did not provide evidence of the letter to the department of Lands, Urban and Physical planning.

The department should, therefore, submit to the committee the evidence within thirty days from adoption of this report.

Recommendation No. 4

That, the Works Department does a comprehensive Inspection Report on the Masinde Muliro Stadium, Kanduyi and submit it to this House within 21 days

Response from the Department

There was inspection carried out that necessitated payments of the certificates that were raised by the contactor.

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Committee Observation

The committee conducted an inspection and did a report on the same. It was however observed that it was not carried out in the prescribed period and reported to the House.

Recommendation No. 5

That, this House should consider increasing budgetary allocation to complete the project that has since been long overdue

Response from the Department

Budgetary allocations increased to cater for all the pending bills and complete the stadium

Committee Observation

The facility has been allocated enough money in the supplementary budget to cater for all pending bills in the FY 2024/25.

Recommendation No. 6

That the County Government should consider timely honouring of payment certificates in order to cut on the expenditure incurred in terms of interests due to delayed honouring of payment certificates.

Response from the Department

The delays are occasioned by delay of exchequer releases.

Committee Observation

The payments have been delayed by exchequer as the department prepared payment certificates on time but were not paid on time by the treasury. Additionally, the delays have been observed in the varied contract as well.

TONGAREN STADIUM

Recommendation No. 1

That the stadium should be demarcated and fenced to prevent trespassing.

Response from the Department

The department has never been allocated funds to fence the facility

Committee Observation

There has been no funding towards this facility since the adoption of this report.

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The department should, therefore, prioritize and plan for allocating funds towards demarcating and fencing the facility.

Recommendation No. 2

That the contract should be terminated and re-advertised afresh

Response from the Department

The department did not have any contract with VICPAT

Committee Observation

At the time of writing the report, in 2022, there was a contract between the County Government of Bungoma and M/S VICPAT for proposed erection Metallic Stand in Tongaren Stadium, Tongaren Ward, in Bungoma County.

It was on 28th February 2021 under contract Negotiation NO. 914222-2021/2022. The contract totalled to Ksh. 4,097, 932 (Four Million ninety-seven thousand nine hundred and thirty-two shillings only).

The department should submit to the Committee within thirty days, evidence of termination of contract between county Government of Bungoma and M/S VICPAT.

Recommendation No. 3

That VICPAT should be blacklisted and barred from contracting with the County Government of Bungoma in future engagements.

Response from the Department

The department did not have any contract with VICPAT

Committee Observation

There was a contract between the County Government of Bungoma and VICPAT

The department should within thirty days submit to the Committee, evidence of termination of contract between county Government of Bungoma and M/S VICPAT

Recommendation No. 4

That the Bungoma County Government ministry of Lands should provide total land acreage of where the facility sits

Response from the Department

The department had written to the ministry of lands to do survey to ascertain the extent of all the land where the department facilities sit.

Committee Observation

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The department did not provide evidence of the letter to the department of Land, Urban and Physical planning.

The department should, therefore, submit to the committee the evidence within thirty days from adoption of this report.

MBAKALO STADIUM

Recommendation No. 1

That the stadium should be demarcated and fenced to prevent trespassing.

Response from the Department

There is no budgetary allocation towards fencing of the facility

Committee Observation

No allocations towards this since the adoption of this report.

The department during budgeting, should allocate funds towards demarcating and fencing of the facility.

Recommendation No. 2

That the Department should ensure that the contractor is paid

Response from the Department

Contractor was fully paid. There is no pending bill

Committee Observation

Site was handed over.

Recommendation No. 3

That the County Government should consider rehabilitating the ablution blocks to serve the users of the facility.

Response from the Department

There has been no budgetary allocation towards rehabilitation of the ablution block.

Committee Observation

The assembly has never appropriated funds towards this.

The department during budgeting should allocate funds towards rehabilitating the ablution block in the facility.

Recommendation No. 4

That the County Government should consider setting up a changing room in the stadium.

Response from the Department

There has been no budgetary allocation towards construction of a changing room.

Committee Observation

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The assembly has never appropriated funds towards this.

NALONDO STADIUM

Recommendation No. 1

That M/S TWO CALVES INVESTMENTS LIMITED should resume and complete the work as per the Contract signed.

Response from the Department

Fencing and construction of the stand was done

Committee Observation

The facility has been taken over by the Sports Association of Kenya.

Recommendation No. 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.

Response from the Department

Contract was terminated

Committee Observation

The contract was terminated

Recommendation No. 3

That the Department, onwards, should only award contracts to companies that have the capacity to start and complete projects.

Response from the Department

Current Contracts are given to companies with Capacity.

Committee Observation

The facility has been taken over by the Sports Association of Kenya

AMUTALA STADIUM

Recommendation No. 1

That the facility needs to be clearly demarcated and a perimeter wall constructed

Response from the Department

The facility was handed over to the Kimilili Municipality

Committee Observation

There facility has never been allocated funds since adoption of this report. The Kimilili Municipality should facilitate the construction of a perimeter wall to safeguard the facility.

Recommendation No. 2

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That the metal stand should be upgraded to a modern stand.

Response from the Department

The facility was handed over to the Kimilili Municipality

Committee Observation

There facility has never been allocated funds since adoption of this report. The Kimilili Municipality should consider allocating funds towards upgrading and maintaining the facility.

Recommendation No. 3

That the basketball court floor should be maintained to a better standard

Response from the Department

The facility was handed over to the Kimilili Municipality

Committee Observation

There facility has never been allocated funds since adoption of the report. The Kimilili Municipality should consider allocating funds towards upgrading and maintaining the facility.

Recommendation No. 4

That the dressing room should be completed with doors and windows fixed

Response from the Department

The facility was handed over to the Kimilili Municipality

Committee Observation

There facility has never been allocated funds since adoption of this report
The Kimilili Municipality should consider allocating funds towards upgrading and maintaining the facility.

Recommendation No. 5

That a new ablution block needs to be set up.

Response from the Department

The facility was handed over to the Kimilili Municipality

Committee Observation

There facility has never been allocated funds since adoption of this report
The Kimilili Municipality should consider allocating funds towards upgrading and maintaining the facility.

Recommendation No. 6

That this House should consider a budget allocation towards the upgrading of this facility.

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Response from the Department

The facility was handed over to the Kimilili Municipality

Committee Observation

There facility has never been allocated funds since adoption of this report

The Kimilili Municipality should consider allocating funds towards upgrading and maintaining the facility.

MAYUBA STADIUM

Recommendation No. 1

That This House should consider the allocation of money to upgrade the stadium status.

Response from the Department

There has been no budget for upgrading the facility

Committee Observation

The facility has never been budgeted for since adoption of the report

The Department should consider allocating funds towards upgrading the facility.

Recommendation No. 2

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

Response from the Department

The department had written to the ministry of lands to do survey to ascertain the extend of all the land where the department facilities sit

Committee Observation

The department did not provide evidence of the letter to the department of Land, Urban and Physical planning.

The department should within thirty days from adoption of this report, submit to the committee evidence in writing on the request for carrying out survey on the land the facility sits.

2. STATUS OF MAENI YOUTH EMPOWERMENT CENTRE AND CHEMOGE HIGH ALTITUDE TRAINING CENTRE.

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The report was forwarded to the Department of Youth Affairs and Sports in line with the Bungoma County Assembly standing Orders No. 205 in accordance with Article 183 (3) of the constitution. The recommendations in the report with the Implementation status are hereby provided as submitted by the department.

Recommendation No. 1

THAT, the department should endeavor to ensuring that the Chemoge High Altitude Training Center is operationalized as it has been nine years since the onset of the project.

Response from the Department

The facility shall be operational by August 2025

Committee Observation

The contractor is still on site and works done to operationalize it.

There were delayed exchequer releases and payments to contractors.

There were multiple terminations of contracts working on this facility hindering timely completion.

Recommendation No. 2

THAT the department should award tenders to contractors with capacity to avoid multiple contract terminations and take overs.

Response from the Department

Implemented- Only contractors with capacity are given tender to finalize the facility

Committee Observation

Current contractor on site and finalizing on works, thus, showing capacity to contract and comply to the timelines.

Recommendation No. 3

THAT the department should equip the available/completed hostels on the ground floor. Furthermore, the upper floor should be water-proofed awaiting budgetary allocation for completion.

Response from the Department

The equipment has already been procured

Committee Observation

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Ayoti Contractors has been given a contract to finish and equip the hostels.

Recommendation No. 4

THAT, the department should seek partnerships to assist in launch and running of the Chemoge Centre. These include Athletics Association of Kenya (AAK) among others.

Response from the Department

The department is making plans to launch in August.

The staff need to benchmark on how other training centres are run.

Committee Observation

No evidence was provided in relation to this.

Recommendation No. 5

THAT, the department should process power and water application with speed to ensure that both facilities are connected to the power grid and water as this would be essential in operationalizing them.

Response from the Department

Both facilities have been connected to power and have source of water

Committee Observation

Maeni Youth Empowerment has drilled water done by the area MCA.

The Chemoge High Altitude has two tanks installed, with a capacity of 50,000 litres and 10,000 litres and a borehole drilled.

Power line at Chemoge High Altitude needs to be relocated since it is passing through the field.

Recommendation No. 6

THAT, the department should process ownership documents for both pieces of land on which the two facilities sit on.

Response from the Department

The department had written to the ministry of lands to do survey to ascertain the extent of all the land where the department's facilities sit.

Committee Observation

The department did not provide evidence of the letter to the department of Land, Urban and Physical planning. The department should, therefore, through the department of Lands fastrack the ownership for the parcel.

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Recommendation No. 7

THAT the department should expand land on which both facilities sit on as the space is limited for various activities.

Response from the Department

There are no funds allocated towards expansion

Committee Observation

There is need for expansion for instance, the land at Chemoge is not sufficient for a standard athletic track.

Recommendation No. 8

THAT, in the long run, the department should have a water harvesting and storage plan on both facilities. Additionally, the two facilities should be equipped with standby generators.

Response from the Department

A standby generator has been installed at Chemoge High Altitude.

The department has a plan to drill water at the facility.

Committee Observation

Maeni has a permanent water source, while Chemoge is connected to piped water and a borehole has been drilled.

Recommendation No. 9

THAT the Maeni Youth Empowerment Center should be fenced before the equipment is installed and the facility operationalized.

Response from the Department

The department requested for funds for fencing.

Committee Observation

No budgetary allocation towards fencing of the facility.

The department should allocate funds towards fencing the facility

Recommendation No. 10

THAT, the department should consider re-flooring the Maeni Youth Empowerment Center using Terrazzo

Response from the Department

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There has been no fund allocated towards this

Committee Observation

The facility needs a better floor due to the number of people and meetings that will be held there.

3. THE NINE MONTHS FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31ST MARCH 2023, IN RESPECT TO THE DEPARTMENT OF YOUTH AND SPORTS

The report was forwarded to the Department of Youth Affairs and Sports in line with the Bungoma County Assembly standing Orders No. 205 in accordance with Article 183 (3) of the constitution. The recommendations in the report with the Implementation status are hereby provided as submitted by the department.

Recommendation No. 1

That the department should adhere to the requirements of the PFM Act, 2012 to surrender imprests within seven days of arriving from travel.

Response from the Department

The officers in the department are compliant.

Committee Observation

The department has no outstanding Imprests

Recommendation No. 2

That the County Government should not re-allocate money meant for projects and activities in the department.

Response from the Department

The department has prepared detailed budget proposals and has since implemented the programmes accordingly.

Committee Observation

There has been no re-allocation of funds as passed in the budget

Recommendation No. 3

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That the department to declare the pen ding bills when preparing proposed budget estimates to avoid unnecessary litigation and accumulation.

Response from the Department

The department has declared all the pending bills on both recurrent and development.

Committee Observation

The department was allocated enough funds to settle pending bills on development in the supplementary budget for FY 2024/25.

Recommendation No. 4

That, the departments should be submitting its annual work plan to the Committee for comparison and purposes of reporting

Response from the Department

The department has Annual work plans

Committee Observation

The department has been submitting its annual work plans during Annual Budget interrogations.

**4. REPORT BY THE SECTORAL COMMITTEE ON YOUTH AFFAIRS AND SPORTS
ON IMPLEMENTATION STATUS OF BUNGOMA COUNTY YOUTH FUND.**

The report was forwarded to the Department of Youth Affairs and Sports as per the Bungoma County Assembly standing Orders No. 205 in accordance with Article 183 (3) of the constitution.

The recommendations in the report with the Implementation status are hereby provided as submitted by the department.

Recommendation No. 1

That the department should endeavor to implement the resolutions passed by the County Assembly in respect to programs touching the residents of various Wards.

Response from the Department

The department improved youth engagement in community projects through the fund.

Committee Observation

There was inadequate monitoring and accountability structures at ward level, low awareness and capacity to manage funds and no disbursement and recovery of funds.

Recommendation No. 2

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That the department should identify all the defaulting groups and institute legal process with a view of recovering all the outstanding debt.

Response from the Department

Incomplete or outdated contact information for some groups has slowed down the communication and tracing process.

Some groups have dissolved or relocated, making legal follow-up difficult.

There was resistance and hostility from some defaulters, including threats to field officers.

Committee Observation

The department has not been able to find defaulters and collect outstanding debts.

Recommendation No. 3

That, the CECM Gender, Culture, Youth and Sports should liaise with the task force in place to fast track the review of regulations in respect to all funds with a view of revamping affordable loans to youths in the County within 60days from the date of adoption of this report and report back to this Honorable house.

Response from the Department

Approved reviewed regulations were sent to the County Assembly and is pending approval.

Committee Observation

The CECM did not report back under the stipulated time and the committee is not privy to the stated regulations

Recommendation No. 4

That the CECM Gender, Culture, Youth and Sports should ensure that all legal instruments conform to the Constitution of Kenya 2010, Public Finance Management Act 2012 and other enabling statutes to avoid inconsistency of the laws in future

Response from the Department

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Collaborated with the county legal office and external experts ensure compliance with the Constitution and the PFM Act.

Committee Observation

The reviewed legislation has not reached the committee for consideration

Recommendation No. 5

That the department should consider automation of debt collection in order to deal with rogue fund ambassadors who did not remit some of the funds they collected from the debtors

Response from the Department

The department has initiated the process but yet to actualize.

Committee Observation

The department is financially constrained to develop and deploy a prototype for automated collection.

Recommendation No. 6

That, going forward Fund Management should strictly adhere to the set provision on General expenses as provided for in the Bungoma Youth Empowerment Regulations 2015 to forestall over expenditure on mandatory expenses as earlier occasioned.

Response from the Department

The department has reviewed the Bungoma Youth Empowerment Regulations 2015 with specific focus on the provisions governing general expenses.

Committee Observation

Inadequate capacity among some fund administrators in interpreting and applying the regulatory guidelines effectively.

Recommendation No. 7

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That, in future, the Fund administrator should strictly comply with the provisions of Section 156 (4) of the PFM Act, 2012 and further the Committee on Delegated County Legislation should undertake a review of all the approved Funds Regulations with a view of advising the administrators accordingly to avert poor expenditures and management of the Fund.

Response from the Department

Internal circulars and compliance memos have been issued to ensure that all financial decisions are aligned with the law and established fund objectives.

Committee Observation

Limited technical capacity to undertake detailed legal reviews without external support. The department should therefore, involve the necessary stakeholders in reviewing the regulations.

Recommendation No. 8

That, the department to fast track the process of formulating an amalgamated fund to be centrally and efficiently managed and make demonstrable efforts through formulation of the necessary legal framework with a view of ensuring that the same is not only ring-fenced but also completely separated from political influence.

Response from the Department

Consultations with the County Legal Office have commenced to draft a comprehensive legal framework that will govern the amalgamated fund, ensuring compliance with the Constitution, Public Finance Management (PFM) Act, 2012, and other relevant statutes.

Committee Observation

Harmonizing diverse operational frameworks of existing funds is complex and requires careful legal and financial restructuring. The department should, within thirty days from the adoption of this report act and report back to the committee.

Recommendation No. 9

That, the department within 60 days after adoption of this report, should provide bank statements to this Honourable House through the Committee supporting the expenditure and the oral submission of having a balance of Kshs 131,000 as at 1st March 2023.

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Response from the Department

There was no response on this.

Committee Observation

Did not provide the bank statement.

The department should within 30 days from the adoption of this report provide the bank statement supporting the balance of Kshs. 131,000 as at 1st March 2023.

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

Committee General Observations

The committee made the following observations.

1. Most of the recommendations were not implemented since there were no budgetary allocations towards implementation.
2. The Chemonge High Altitude Training Center has never been operationalized since inception in the FY 2013/14.
3. Youth Empowerment Fund Regulations have not been passed to be implemented by the department. Additionally, all the funds were advised to be amalgamated by the Public Accounts and Investments Committee but have never been done.
4. The Department failed to provide evidence of a contract between the County Government of Bungoma and VICPAT on Erection of a Metallic Stand at Tongaren Stadium. The committee had previously recommended on termination and blacklisting of the contractor.
5. The Department is compliant on the budget execution as it submitted its annual work plan during interrogations on annual budget
6. The department is underfunded as a result, failed to deliver on most of activities on development of talent within the county.
7. The department has been compliant on reporting on Financial Statements on time.

Committee Recommendations

The Committee recommended the following:

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1. **THAT** the department should adhere and implement all the committee recommendations illustrated herein and within stipulated timelines. In the event of failure, the committee will forward the matter to the Implementation Committee of the County Assembly for further action.

Hon. Violet Makhanu: I now want to call upon Hon. Chemion to second the report. Thank you

Mr. Speaker: Hon. Chemion, you have been called upon by your chair to proceed and second the report of your committee.

(Applause)

Hon. Francis Chemion: Thank you, Honourable Speaker. This report is a very serious report. If you compare it with the PAC report that we received yesterday, there is a correlation because in the PAC report, there were issues to do with the Masinde Muliro Stadium and that 95 per cent was reported in the Youths Committee.

Yesterday members spoke about it candidly, that even if you went today to the Masinde Muliro Stadium that percentage has not been achieved. We know the National Government is doing other works but what we were supposed to do as a Bungoma County still wants it is not yet complete. Go to the second floor of the stadium it is dusty.

The members from Tongaren can also confirm this report because we have the Tongaren and Mbakalo stadiums and the Honourable Member for Mbakalo is here with us. He will be able to confirm that this report has spoken the real issues about the Mbakalo Stadium. Members from Mayuba; I can see the Honourable Member from that area; you have heard what we have said as a committee about Mayuba Stadium. The High Altitude has become a song in this Honourable House and I come from there and the recommendations are very clear. One of the most common issues is that we do not have title deeds for these areas and yet we claim that they are ours, and as a committee, we have really pushed the department to ensure that they survey. After survey, they process the titles of this public facilities. Otherwise, they will be encroached like others, for instance Masinde Muliro had been encroached and you know what happened. If you checked what is fenced in the Masinde Muliro stadium is not complete.

If the Taskforce Report will be implemented, we still have areas earmarked for swimming pool; we have areas earmarked for other things in the stadium that we have not yet brought back to the public, so we are still waiting for the taskforce report to be implemented.

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So this is a long report and it is covering so many areas other than these stadiums. We also have financial reporting; it has been discussed.

Finally, the committee has come up with a general recommendations and observations which I think members have heard. You saw our recommendations and all the observations and then we now came with the committee recommendation which is just one. That *the department should adhere and implement all the committee recommendations illustrated therein and within stipulated timelines. In the event there is failure the committee will forward the matter to the implementation committee of the County Assembly for further action.*

It is forwarded by default because already the Standing Orders help us after 60 days by default it will be forwarded to the Implementation Committee but in between before the 60 days the committee can still go back and continue making follow ups to ensure that it is implemented. With all those remarks. I second the report.

Mr. Speaker: Thank you, Hon. Chemion. Honourable Members, allow me to be able to propose a motion for debate. A motion having been moved and seconded that this House adopts the report by the sector committee on Youth Affairs and Sports of the Implementation of the House resolutions for the year 2022-2023 laid on the table of the House on Tuesday 16th of September 2025 .

(Question proposed)

Yes Hon. Kikechi,

Hon. Benard Kikechi: Thank you, Honourable Speaker. First of all, I applaud the mover of the motion who is the chair of the committee Hon. Violet and I will also appreciate the seconder Hon. Chemion for seconding the motion. This is a very important report as it touches the status of all our stadiums in Bungoma County and looking at the report Honourable Speaker especially on the issue of observations and recommendations per every stadium that was mentioned you will find that the main issue is lack of budgetary allocation. So when you see the committee correctly observing that the department does not have enough budgetary allocation especially towards all this stadiums, I wonder who is supposed to appropriate these funds so that our stadiums can be completed because when you take an example like the Masinde Muliro Stadium I'm seeing the committee is reporting that at the time of this report, the project was 95% complete but I know Masinde Muliro Stadium and even before the National Government took over even Madaraka day celebrations and did some renovations even that stadium in my own

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observation was not near 90%. So when you say that even before the National government came in it was 95% how and right now it is when we can say it is 90-95% after the National Government intervention.

I see that the Masinde Muliro stadium the first and second floor have been handed over to the County Government to serve as offices. I don't know how it is being changed into a place to serve as offices for County Government. I will be guided there. When you look at a stadium like Mbakalo where there is no budget for it to be fenced and there is also no budgetary allocation for the construction of changing rooms but now they are saying that the committee never appropriated funds.

I thought it is the department to do the appropriations with the guidance of the committee and finally when you look at the main recommendation. That the department should adhere and implement all committee recommendations failure after the expiry of the stipulated period, it will be handed over to the Implementation Committee. I thought this reports once they are adopted on the floor of this House, they should be processed so that now they go straight ahead for implementation. Otherwise, I support the report.

Mr. Speaker: Thank you, Hon. Kikechi. Hon. Joseph Nyongesa, our Leader of Majority.

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. I rise not to support or reject but to seek your indulgence on this. One, Chapter two they are saying the report was forwarded to the department of Youth Affairs and Sports in line with the Bungoma County Assembly Standing Orders No. 205, so let me read Standing Order No 205 *The Clerk shall, within seven days of a resolution of the House or adoption of a report of a Select Committee, convey the resolution and where applicable, a copy of the report...* So I am confused. This report was already forwarded to the department minus our resolution, so I am stranded what are we doing? Allow me say this that the secretariat of this report should panel beat it. It will be so shameful as a House to continue deliberating on such issues and you know when it will be on our website then if somebody quotes this Standing Orders compare with the report, I am not after the content but the flow of it. Then we are getting it wrong. So kindly you are guided, so at least we know where we are.

Check on the committee observation on Mbakalo Stadium, there is no allocation towards the same since the adoption of the report. So what are we doing? I rest my case.

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Mr. Speaker: Honourable Members, from the onset I had a problem with this report. I am doubting whether Hon. Chemion and Allan were part of this report writing because members whenever the report has been done, you go through the contents before you do the approval.

It is very easy we approve it but once it is on the website, people are reading the contents which are here, they will be wondering are we sober in this meeting or not. So the only way I can assist you is to ask the secretariat to correct this English. Even a very good class 9 candidate of JSS can't write such English.

The Honourable Members have no problem when they were taken for training in ICS. Their work is to wait for the secretariat to work for them to consume. I can't blame the Honourable Members, but members kindly be going through what they are writing, so that if it was not adopted, the copy and paste stuff that they have been complaining here is what is in this report.

What are we adopting, if it was taken to the Governor already for implementation, as Standing Order 205 states; I called leader to ask if he knows that the report has already been taken to the Governor for implementation. So members, I think to save the situation, I refer this report back for panel beating the language used. So I think Madam Colleta, you are here and if it does not change, I will take action. The department of research is in need of such people.

Next item,

Hon. Violet, we will come back and resume from where we are and you respond. Hon. Allan, you cannot be allowed, there is no English in this report, I will not allow you Hon. Sudi. Let's proceed.

MOTION

REPORT ON THE STATUS OF COMPLETION OF KAMUKUYWA, CHWELE AND KIPSIGON MARKETS

Mr. Speaker: Yes, the mover for Trade, Hon. Alice Kibaba, proceed!

Hon. Alice Kibaba: Thank you, Mr. Speaker Sir. Allow me to move a report on the status of completion of Kamukuywa, Chwele and Kipsigon markets. I will go to preamble.

Preamble

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Pursuant to the provisions of Article 185 of the Constitution of Kenya, 2010, Fourth Schedule, part-2 and Section 8 of the County Governments Act, 2012, the Clerk to the

Mr. Speaker: I am reminded, can the members be able to confirm the attendance here! Benard Kikechi, Ken Wanyama, Joan Kiron'g, Millia Masungu, Jack Wambulwa, Charles Nangulu, Alfred Mukhanya, Polycarp, Ali Machani, Katila, Linda Kharakha, Bosire, Bridgid, Angeline Rugut, Alice Kibaba.

Be upstanding for me to confirm!

(Loud Consultation)

Those who did this report, who signed here, if you have been moved but you were part of this report we are adopting now. The members I have read are the ones to confirm. I think the quorum is overflowing, Proceed!

Hon. Alice Kibaba: Thank you Mr. Speaker Sir.

(Applause)

Allow me now move a report on the status of completion of Kamukuywa, Chwele and Kipsigon markets. I will go to preamble

Preamble

Pursuant to the provisions of Article 185 of the Constitution of Kenya, 2010, Fourth Schedule, part-2 and Section 8 of the County Governments Act, 2012, the Clerk to the County Assembly forwarded a letter dated 11th February, 2025 under reference **No.CAB/CC/SECT/10 VOL.11 (4)** to the County Executive Committee Member, Trade, Energy and Industrialization requiring for submission of documents with regards to the status of completion of Kamukuywa, Chwele and Kipsigon markets.

Additionally, the Department was requested to submit the following documents;

1. A list of markets under construction funded by the County Government and those ones that were being co-funded by both the County and the National Government.
2. Budgetary allocations for the markets under construction since inception.
3. MOUs for the co-funded markets.

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4. A list of contractors and copies of signed contracts.
5. Completion status for the markets.
6. The BQs and scope of works for the markets.
7. Payment certificates of all the markets.

Mr. Speaker: Give us 1.2

Committee Membership

The membership of the Committee as currently constituted comprises of the following members;

1. Hon. Benard Kikechi	Chairperson
2. Hon. Kennedy Wanyama	Vice Chairperson
3. Hon. Joan Kiron	Member
4. Hon. Milliah Masungu	Member
5. Hon. Kimeta Polycarp	Member
6. Hon. Jack Wambulwa	Member
7. Hon. Alfred Mukhanya	Member
8. Hon. Ali Machani	Member
9. Hon. Charles Nangulu	Member
10. Hon. Mourine Wafula	Member
11. Hon. Angeline Rugut	Member
12. Hon. Aggrey Bosire	Member
13. Hon. Brigit Katasi	Member
14. Hon. Alice Kibaba	Member
15. Hon. Linda Kharakha	Member

Legal framework

Pursuant to the provisions of Article 185(3) of the Constitution of Kenya, 2010, the committee is mandated to exercise oversight over the County Executive Committee and any other County Executive organs.

Guiding Principles

According to the provisions of Article 227(1) of the constitution, when a state organ or any other public entity contracts for goods or services, it shall do so in accordance with a system that is fair, equitable, transparent, competitive and cost-effective.

Further to the above, Article 201(a) of the constitution provides that, there shall be openness and accountability, including public participation in financial matters.

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Obligations of Accounting Officers

Section 149

Mr. Speaker: Give us 1.4 Acknowledgement

Hon. Alice Kibaba: 1.4 Acknowledgements

On behalf of the Committee, I would like to extend my gratitude to the offices of the Speaker and Clerk for providing a conducive environment that allowed the Committee to undertake the assignment seamlessly. Your unwavering support and logistical assistance have been instrumental in ensuring the success of this report. I express my sincere gratitude to the Honourable Members attached to this Committee for their dedication and valuable contribution towards the compilation of this report. Equally, I acknowledge and commend the Secretariat for their tireless efforts in making this exercise a success. I further do confirm that the observations and recommendations of the Committee in this report were unanimous.

It is therefore my pleasant privilege and honour to present to this House the report of the Committee on Trade, Energy and Industrialization on the status of completion of Kamukuywa, Chwele and Kipsigon markets.

Report is signed by Hon. Benard Kikechi Chairperson, Trade, Energy & Industrialization Committee.

Mr. Speaker: Now you can see the flow. Not the other English of Mutiambu Mutiambu

(Laughter)

STATUS OF COMPLETION OF MARKETS

Methodology

The Committee carried out an analysis of the written response provided by the Chief Officer dated 20th February, 2025 under reference No.CG/BGM/DTEI/CA/VOL.(7) and it also considered oral submissions made by the Chief Officer and the CEC-Member when they appeared before the Committee. The Committee further undertook a fact finding exercise of the projects to ascertain first-hand information and also to cross-check the physical status in comparison with the oral and written submissions made by the Department.

Terms of Reference

The Committee was guided by the following terms of reference;

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1. To establish markets funded by the County Government, National Government and Co-funded ones
2. To assess the completion status of the said markets
3. To find out the budget allocation for each project and payment status
4. To assess and verify the physical progress of construction of the markets and compare between the executed activities with approved scope of work.

STATUS OF MARKETS

The Committee sought to know the markets funded by the County Government and their updated status. From the department's written response dated 20th February, 2025, the Chief Officer stated as follows;

MARKETS FUNDED BY THE COUNTY GOVERNMENT OF BUNGOMA (CGB)

S/ N O.	CONTRACT OR	PROJECT NAME/LOCATIO N	BUDGET ALLOCA TION	CONTRA CT SUM	AMOU NT PAID	BALAN CE	STATUS
1.	Wells Trading Company Ltd	Construction of modern stalls and shades at Kamukuywa market	162,000,000	272,672,927	184,612,775	88,060,152	60% complete
2.	Murmo Company Ltd	Construction of chain link fence and refurbishment of existing toilets at Kipsigon market	5,000,000	4,802,650	4,796,800	0	complete
3	Delle International Limited	Proposed laying of cabro paving blocks and construction of drainage works at Chwele Market.	25,000,000	Ksh 14,501,350	Ksh 11,297,799.16	0	Project taken over by the National Government. Cabros that had been laid were removed

Markets funded by the National government.

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S/N O.	PROJECT NAME	LOCATION	PROJECT COST	STATUS
1.	Construction of Webuye ultra-modern market	Webuye Town	50,000,000	Ongoing
2.	Construction of Naitiri ultra-modern market	Naitiri	50,000,000	Ongoing
3.	Construction of Mateka ultra-modern market	Mateka	50,000,000	Ongoing
4.	Construction of Lwandanyi ultra-modern market	Lwandanyi	50,000,000	Ongoing
5.	Construction of Soko kubwa ultra-modern market	Bungoma Town	500,000,000	Ongoing
6.	Construction of Chwele ultra-modern market	Chwele	350,000,000	Ongoing
7.	Construction of Malakisi ultra-modern market	Malakisi	50,000,000	Ongoing
8.	Construction of Sirisia ultra-modern market	Sirisia	50,000,000	Ongoing

From the submitted progress reports, the Department highlighted three markets funded by the County Government, eight by the National Government and none under co-funding

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The Committee's fact-finding focused on the markets funded by the County Government, namely Chwele, Kipsigon, and Kamukuywa.

1. CHWELE MARKET

Chwele Market is located in Chwele-Kabuchai Ward, in Kabuchai sub-county, Bungoma County.

Project Name: Proposed laying of cabro, paving blocks and construction of drainage works at Chwele Market.

Contractor: The contract was awarded to M/s Delle International Limited

Contract Sum: Kshs 14,501,350

Amount Paid: Kshs 11,297,799.16

Amount Due: kshs.0

The contractor for the renovation of Chwele Market was only paid for the percentage of work completed before the National Government took over the site, as indicated in the certificate. The balance of Kshs. 4,387,537 was not reallocated and consequently, not utilized as at the close of the financial year.

Scope of works

The following was contained in the scope of work

- a) Site clearing.
- b) Earth works- Excavation including pumping water and maintaining free water, mud and fallen materials.
- c) Preparation of foundation base including proper compaction to the required strength.
- d) Topping-Graded quarry chips
- e) Road works and parking area using cabros
- f) Construction of drainage lines

According to the Department, the status of laying of cabros and drainage works at Chwele market was at 90% complete.

Committee Findings

- a) At the time of the field visit, the National Government had already taken over the construction of the market. The construction of a modern market facility by the National Government had interfered with the initial project of cabro laying and drainage works.

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- b) The cabros that had been laid as part of the proposed project had been removed and were heaped at the site, making it difficult to ascertain the cabros laying and drainage works that had been completed.
- c) The committee was informed that once the National Government completes the construction, the cabros will be reinstalled and the drainage works will be properly done.

The figures below show the blocked market drainage and removed cabros. The pictures are attached.

Committee Recommendations

The Committee recommended as follows;

- i. **THAT**, the Department of Trade, Energy, and Industrialization should utilize the removed materials for the construction of other markets within the County; a detailed report should be submitted to the Committee indicating a list of all the materials recovered from the site and the sites where they were used, within 30 days after the adoption of this report.

2. KIPSIGON MARKET

Kipsigon market is located in Chepyuk Ward in Mt. Elgon Sub-County.

Project Name: Proposed Construction of a Chain link fence at Kipsigon market

Contractor: The contract was awarded to M/s Murmo Company Limited

Contract sum: Kshs 5,000,000

Amount Paid: Kshs 4,802,650

Amount due: Kshs 0

Scope of works

- a) Site clearance.
- b) Excavation in preparation to receive poles as per the specifications
- c) Backfill around foundations
- d) Cart away the debris
- e) Installation of the precast concrete poles at 3 metres centre to centre
- f) Installation of the 14mm gauge Chain-Link

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- g) Installation of a 12.5 gauge x 10 strand galvanised barbed wire fencing to pre-cast concrete.
- h) Installation of corner straining posts.
- i) Renovation of the pit latrine at a cost of Kshs. 200,000

According to the Department, the following adjustments were made:

- I. The concrete posts were installed with an adjusted length of 4000mm instead of the original 3600mm, without any corresponding cost adjustment.
- II. The chain-link coverage increased from 2,373m² to 3,571m².
- III. The length of barbed wire used increased from 7,910m to 108,886m

The figures below show the fenced market land, renovated toilets and Chain link fence

The pictures are attached.

Committee Findings

The following were the Committee findings;

- a) The market was fenced with concrete posts, barbed wire and chain-link, as indicated in the Bills of Quantities (BQs), the toilet facility at the market was to be renovated at a cost of Kshs. 200,000. The toilet was indeed renovated; however, it was not in use.
- b) It was observed that the contractor did not install the 265 concrete posts as indicated in the BQs. Instead, only 165 posts were installed, costing Kshs. 577,500 based on the contractor's valuation of a single post costing Kshs. 3,500. Had all 265 posts been installed, the cost would have been Kshs 927,500. Therefore, it was noted that 100 concrete posts, valued at Kshs 350,000, were not installed.
- c) Regarding the installation of corner straining posts, only 29 posts were installed at a total cost of Kshs. 145,000, instead of the 88 posts as indicated in the BQs. Each corner straining post costs Kshs. 5,000. Had all 88 posts been installed, the total cost would have been Kshs. 440,000. It was therefore noted that 59 corner straining posts, valued at Kshs. 295,000, were not installed.

The total cost of the unaccounted-for concrete posts and corner straining posts amounts to Kshs. 645,000.

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Committee Recommendations

The Committee recommendations were as follows:

- i. **THAT**, pursuant to the provisions of Section 156 of the PFM Act, 2012, the County Executive Committee Member for Finance and Economic Planning should hold the Accounting Officer in the Department liable for the unaccounted project items worth Kshs. 645,000; being 100 concrete posts and 59 corner straining posts, and submit a comprehensive status report to the Committee within 30 days upon the adoption of this report, the report should detail the measures taken.
- ii. **THAT**, the County Executive Committee Member, Trade, Energy and Industrialization should take immediate action to operationalize the renovated toilet facility at the market to ensure public access and to submit a progress report within 30 days upon the adoption of this report.

3. KAMUKUYWA MARKET

Kamukuywa is situated in Kamukuywa Ward in Kimilili Sub-County. It lies at the convergence of Kitale-Webuye and Kitale-Kimilili road.

Project Name: Construction of modern market stalls, market shades, an office block and associated external works.

Contractor: The contract was awarded to M/s Wells Trading Company limited.

Contract sum: Kshs 272,672,926

Amount paid: Kshs 184,612,775

Amount due: Kshs 88,060,152

Scope of work

- a) Market stalls – two storey building structure including reinforced concrete framework
- b) Masonry walling for both internally and externally
- c) Fittings and fixtures – windows, doors, burglar-proofing grills in mild steel and window pane shutters to worktops
- d) Finishes – both internal and external plaster works, floors screeding, tile works, internal ceiling, balustrading, railing and paint works at some areas.
- e) Builders work including connections(BWIC) with services i.e Electrical and Mechanical Services/Installations
- f) Roof frame, roof covering and associated finishes
- g) Market Shade and worktops

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- h) Drive ways and parking in cabros finishes
- i) Drainage works – foul and storm water
- j) One sided Boundary wall
- k) Century box
- l) Soft landscaping
- m) Septic tank for 400 persons capacity
- n) Soak pit
- o) Street lights
- p) Elevated water tanks
- q) Fire suppression system

Committee Findings

- I. During the visit, the committee observed that the construction of market stalls was ongoing. Similarly, the construction of the market shed, intended to shelter worktops for the open-air market, was also in progress. The concrete structural frame was complete and was awaiting roofing.
- II. The contractor stated that several components were yet to be completed, including painting, installation of doors and windows, drainage works, street lighting, toilets, internal plastering, plumbing, installation of water tanks, electricity, landscaping, and the perimeter wall. The contractor projected that the project would be completed by August 2025 and handed over to the County Government.
- III. According to the payment certificate issued, the contractor had been paid a total sum of Kshs. 184,612,775.00 at the time of the site visit.
- IV. During the site visit, the Project Manager indicated that the market was 75% complete. However, upon comparing this with the scope of work outlined in the Bills of Quantities, the Committee noted that a significant portion of the work remained unfinished; therefore, the actual completion rate was below the 75% as stated by the Project Manager.

Variation

During the Annual budget estimates interrogation, the Committee was notified that a variation request had been received from the contractor through the Department of Public Works amounting to kshs.65, 808,212.88 as broken down below:

- i. Steep terrain

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- ii. Storm water management
- iii. Provision of boundary wall
- iv. Paving of the existing weather roads around the market

Similarly during the field visit, the project team highlighted other areas that necessitated the variations as outlined below;

- i. Adverse weather conditions
- ii. Delays in payment.
- iii. Window and door redesigning

However, the Committee observed that Kshs. 65,808,212.88 variation request was within the accepted percentage as provided by section 139 of the Public procurement and Assets Disposal Act, 2015.

The Committee further sought to ascertain the legality of the variation process with reference to the following:

Section 139(1), (3),(4) and (6) of the Public procurement and Assets Disposal Act,2015 provides that;

- 1) an amendment or a variation to a contract resulting from a procurement proceeding is effective only if-
 - a) the variation or amendment has been approved in writing by the respective tender awarding authority within a procuring entity
- 2) No contract price shall be varied upwards within twelve months from the date of the signing of the contract
- 3) For the purpose of this section, any variation of a contract shall only be considered after twelve months from the date of signing the contract and shall only be considered if the following are satisfied-
 - a. the quantity variation for goods and services does not exceed fifteen per cent of the original contract quantity
 - b. the quantity variation of works does not exceed twenty per cent of the original contract quantity.
 - c. the price or quantity variation is to be executed within the period of the contract; and
 - d. the cumulative value of all contract variations do not result in an increment of the total contract price by more than twenty five per cent of the original contract price.

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- 4) Where variations result in an increment of the contract price by more than twenty-five percent, such variations shall be tendered separately. Further, Section 151 (2)(e) of the same Act states that;
- I. For the purpose of managing complex and specialized procurement contracts, the contract implementation team shall –
- a. Review any contract variation requests and make recommendations to the respective tender awarding authority for consideration and such reviews for variation shall be clearly justified by the technical department in writing backed by supporting evidence and submitted to the head of the procurement function for processing.

Committee Recommendations

- i. **THAT**, the Chief Officer should fast track the approval of the variations and furnish the Committee with a progress report within 30 days from the date of approval of this report.
- ii. **THAT**, the contractor be directed to fast-track the completion of Kamukuywa Market within the remaining contract duration and to ensure that all remaining works conform to the standards and specifications outlined in the **Bills of Quantities**

Conclusion

The Department should adhere to the recommendations provided and furnish the Committee with a comprehensive report on the status of implementation of the recommendations within (60) days from the date of adoption of this report.

Mr. Speaker, Sir, the adoption schedule was signed by the members. At this juncture, I call upon Hon. Bernard Kikechi, who is the Chair of the committee to second the motion. Thank you.

Mr. Speaker: Hon. Benard Kikechi, the clapping is in order. Proceed, Hon. Kikechi

Hon. Benard Kikechi: Thank you, Honourable Speaker for giving me this chance to second this very important report for the Committee of Trade, Energy, and Industrialization. First of all, let me congratulate the mover of the motion Hon. Alice Kibaba for having moved this report very well. The congratulations are in order, especially from you, because it is very rare for you to congratulate a member here.

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Mr. Speaker: Hon. Benard Kikechi, I think you need prayers.

Hon. Benard Kikechi: Thank you, Honourable Speaker. This is a very key report, because even when you look at its terms of references, it was majorly focusing on our market, and there has been a lot of confusion, because most of these markets, we are not aware which ones were being funded by the National government, which ones are funded by the County governments. So we had to do this report so that we know that this market is specifically for National, this is specifically for County, and this is for Co-funded, so that we can now do our oversight role very well.

And again when you look at this report, most of these markets, when you look around, you will see that some markets are incomplete others are nearing completion, so we had to at least do this report so that we can be sure and know exactly what is the exact status, so as to make informed recommendations.

When we look at a market like Kipsigon, were there, and what we discovered as per the report, there was some glaring oversight, especially when you see that there was somewhere doing the fencing. The contractor could not even install all the concrete posts as indicated in the BQs, so we found that instead of doing Two Sixty Five, we were doing only One Hundred and Sixty Five, creating very huge gaps in the fencing of this market.

And such substandard work is being carried out by some of these contractors and that's why we correctly recommended that such glaring mistakes, whether you're supervising this work, the department should be held accountable to explain why he was passing a clean bill of health, and yet the work that was done was not up to the required standard.

When we were at Kamukuywa Market, we saw the work was progressing well, and our interest, was on the variations and we actually saw that the adverse weather conditions, some delays in payments, and there was also some other redesigning and addition of other issues that were not in the original BQs, which necessitated those variations.

Otherwise, this report as it has been presented here, is our report for posterity. I would like to urge these Honourable Members to approve this report, because it will go a long way in uplifting, or rather, making our markets to function very well. I second.

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Mr. Speaker: Thank you, Hon. Benard Kikechi. First, thank you, Hon. Alice Kibaba for moving your report so well, and equally, Hon. Benard Kikechi, for seconding your report so well.

(Question Proposed)

Hon. Franklin Simotwo: Thank you, Mr. Speaker for catching my eye. First of all, I want to appreciate the mover of the motion who has read it well. I want also to appreciate the committee chair Hon. Benard Kikechi for having this report in this House.

I was keenly following the report, the issue around Kipsigon is a thorn in the flesh, the fence that they are talking about, it was just that a fence land which is not more than one acre, The money, as you read in this report, is five million, and it was only fencing, which the committee has well captured that even the poles, the concrete poles, were less than the one quoted in the BQs.

The renovation of the latrine, you check at the BQs, it is indicating that really it is an automatic fraud, how are we in the recommendation by the Committee. I have not seen very strong recommendations to pin down the department to make follow-up of the loss of the government public funds as we take in the recommendations.

It is not putting strongly on how the punitive actions against the department over the issue around this fencing, the four million, even the Six Hundred Thousand and something money that they are indicating that it was lost through the concrete poles. It is not indicating, out of the Two Hundred and something, the Hundred and around sixteen poles, which are not available.

I don't know the recommendation of the Six Hundred and Fifty something thousand that have indicated, how will it be recovered? Because it means there is something fishy about that project. How I wish the recommendation of the committee should have recommended strongly over the same, so that as we proceed, we know that the money which they have indicated, they show us how we are going to get the money.

I have not seen where they have indicated there was a construction of a gate, which had also issues, I have not seen in the report where they have indicated over the same. I wish that the Committee should see on recommending because we have seen where they have observed.

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Now on the recommendations, this is a very serious issue that needs very strong recommendations for further actions because looking at the projects and the money, the project, it is not proportional. So I will end there by saying that the report should indicate very serious punitive recommendations for such a department so that it must come into book.

Mr. Speaker: Hon. Franklin Simotwo, you are saying that we require punitive recommendations and you are suggesting nothing, so it means that what is there goes the way it is. That's what you are saying, now unfortunately again, you cannot sneak in an amendment now, and you can't sneak it now because when you want to bring an amendment, it's two hours before the debate.

Hon. Franklin Simotwo: I think Mr. Speaker, we have the report, we have the contents and these are the issues I raised as one of the members from that Ward. This project is within my jurisdiction and my recommendation that if this one goes like this, then I will have other avenues. It doesn't need to go because on the post-mortem.

Mr. Speaker: It's going to go the way it is for you to amend it. That's why you do not have that kind of a post-mortem. For you to amend it, you ought to have put here a proposed amendment of the recommendations and given it to me here so that it's moved alongside. So without those proposed amendments, even if you speak very nice recommendations, they are going nowhere.

Hon. Franklin Simotwo: Thank you, Honorable Speaker.

Mr. Speaker: Yes Hon. Alice Kibaba, I think you are called upon to reply to the motion.

Hon. Alice Kibaba: Thank you, Mr. Speaker. First, I would like to appreciate the seconder of the motion and Hon. Franklin Simotwo MCA Chepyuk Ward. Hon. Franklin Simotwo has talked about the gate, as we are doing the fact-finding, there was no gate in the BQs. You should know that.

Lastly, pursuant to the provisions of section 156 of the PFM Act 2012, the County Executive Committee Member for Finance and Economic Planning should hold the Accounting Officer in the department liable for the accountable project items worth Kenya shillings Six Hundred and Fifty Shillings. So the department should adhere to the recommendations provided and furnish

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the Committee with a comprehensive report on the status of implementation of the recommendation within sixty days. I urge this House to adopt the report.

Mr. Speaker: Thank you, Honorable Alice. Allow me Honourable members to be able to put a question to the motion as moved and seconded.

(Question put and agreed to)

The report, its observations, and recommendations are hereby approved by the House accordingly. Next...

BILLS

THE BUNGOMA COUNTY LIVESTOCK SALE YARD BILL 2025.

Mr. Speaker: Yes, Hon. Benard Kikechi

Hon. Benard Kikechi: Thank you, Honourable Speaker. I rise here that a Bill for an Act of the County Assembly of Bungoma to give effect to clause 1(b) of part two of the fourth schedule to the Constitution to provide for the development and management of livestock sale yards for the connected purposes.

Mr. Speaker: I think you ought to call a seconder.

Hon. Benard Kikechi: Thank you, Honourable Speaker. I call upon Hon. Isaiah Sudi Busolo to second.

Mr. Speaker: Hon. Isaiah Sudi Busolo.

Hon. Isaiah Sudi: Thank you, Honourable Speaker. I second.

(Laughter)

Mr. Speaker: Honourable members, pursuant to the provisions of Standing Order number 152 (2), on the third reading of the Bill, a motion shall be made that the Bill be now read a third time and may be proposed in those terms as been read, so can I have the same read.

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*A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF BUNGOMA TO GIVE EFFECT TO CLAUSE 1(B) OF PART TWO OF THE FOURTH SCHEDULE TO THE CONSTITUTION TO PROVIDE FOR THE DEVELOPMENT AND MANAGEMENT OF LIVESTOCK SALE YARDS AND FOR CONNECTED PURPOSES - **THIRD READING.***

Mr. Speaker: Honorable members, the Bill having been read for a third time, is deemed to have been passed by this House. Now the provisions of section 24 of the Government Act will now come into play. The same shall be followed by the Governor for assenting in compliance with section 24 part (a), two, and three accordingly. So the Bill has been approved by this House accordingly.

(Applause)

ADJOURNMENT

Thank you, Honourable Members. That was the last item on our Order Paper; we humbly adjourn today and resume our sittings on 11th of November, 2025 in our 2:30 p.m. session.

The House rose at 4:38 p.m.

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