

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

THURSDAY 15TH JUNE, 2023

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

THURSDAY 15TH JUNE, 2023

The House met at 2:30 p.m.

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

PRAYER

COMMUNICATION FROM THE CHAIR

Honourable members, in our today's Public gallery; we have Class 8 Candidates from Kisuluni SA Primary School; they are numbering one hundred and twelve. Kindly be upstanding pupils, be sited please and resume your sits.

Honourable members, they are accompanied by their teachers namely; Wycliffe Oduor, Nicholas Wafula, Felix Wanga, Rosebellah Auma, Josphat Wele, David Ngoya, Alice Makokha and Stellah Makokha. Kindly resume your seats.

(Applause)

Honourable members, at an appropriate time I will allow the Honourable MCA of the ward and equally the other members of the committee to encourage them. We proceed,

PAPERS

REPORT BY THE SECTORAL COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING AND HOUSING ON THE BUNGOMA COUNTY GOVERNMENT 9 MONTHS FINANCIAL STATEMENT FOR THE YEAR 2022/2023 IN RESPECT TO THE DEPARTMENT OF LANDS, URBAN PHYSICAL PLANNING AND HOUSING

Mr. Speaker: Yes Chair Lands or any member of the said Committee. Hon. Opwora you have the report? It's okay. A member of the Committee on Lands, Hon. Waiti do the necessary, because I think what has happened to your Chair. Proceed and do the necessary. Do it from the dispatch.

Hon. Waiti Wafula Waiti: Thank you, Mr. Speaker. I rise to table a report by the Committee on Lands, Urban, Physical Planning and Housing on 9 months financial statement for the period ending 31st March, 2023.

Mr. Speaker: Once it is tabled it becomes a property of the House, you equally give him an Order Paper for the next item. Honorable members, the report by the Sectoral Committee on Lands, Urban, Physical Planning and Housing on the Bungoma County Government 9 months financial statement for financial year 2022/2023 in respect to the department of

Lands, Urban, Physical Planning and Housing is hereby tabled and formally the property of the House accordingly.

Next,

REPORT BY SECTORIAL COMMITTEE ON TOURISM, ENVIRONMENT, WATER
AND NATURAL RESOURCES ON THE BUNGOMA COUNTY GOVERNMENT 9
MONTHS FINANCIAL STATEMENT FOR THE YEAR 2022/2023 IN RESPECT TO THE
DEPARTMENT OF TOURISM, ENVIRONMENT, WATER AND NATURAL
RESOURCES

Mr. Speaker: Chair proceed.

Hon. Edwin Wekesa Opwora: Thank you, Mr. Speaker. I stand to table the report by the Committee on Tourism, Water, Environment and Natural Resources on 9 months financial statement for the period ending 31st March, 2023.

Mr. Speaker: Thank you, Hon. Opwora. Honourable members, the report by the Committee on Tourism, Water, Environment and Natural Resources in Bungoma County Government 9 months financial statement for financial year 2022/2023 in respect to the department of Tourism, Environment, Water, and Natural Resources is hereby tabled and formally becomes the property of the House accordingly.

Next,

NOTICES OF MOTION

REPORT BY THE SECTORIAL COMMITTEE ON LANDS, URBAN PHYSICAL
PLANNING AND HOUSING ON THE BUNGOMA COUNTY GOVERNMENT 9
MONTHS FINANCIAL STATEMENT FOR THE YEAR 2022/2023 IN RESPECT TO THE
DEPARTMENT OF LANDS, URBAN PHYSICAL PLANNING AND HOUSING

Mr. Speaker: Hon. Waiti Wafula, proceed.

Hon. Waiti Wafula Waiti: Thank you, Mr. Speaker. Once more, I rise to give a notice of motion that this House adopts the report by Sectoral Committee on Lands, Urban, Physical Planning and Housing on the Bungoma County Government 9 month's financial statement year 2022/2023 in respect to the department of Lands, Urban, Physical Planning and Housing.

Mr. Speaker: Honourable members, the chair of the Committee on Lands has duly issued the Notice of Motion, the Table Clerk to share the report with members and it will inform Business of the Order Paper in the course of the week.

Next,

REPORT BY SECTORAL COMMITTEE ON TOURISM, ENVIRONMENT, WATER
AND NATURAL RESOURCES ON THE BUNGOMA COUNTY GOVERNMENT 9
MONTHS FINANCIAL STATEMENT FOR THE YEAR 2022/2023 IN RESPECT TO THE
DEPARTMENT OF TOURISM, ENVIRONMENT, WATER AND NATURAL
RESOURCES

Mr. Speaker: Hon. Opwora

Hon. Edwin Opwora: Thank you, Mr. Speaker. I rise to give a motion that this House adopts the report by Sectoral Committee

Mr. Speaker: Come up again please. Hon. Mulongo you are out of order! Proceed Hon. Edwin.

Hon. Edwin Opwora: Thank you, Mr. Speaker. Hon. Mulongo is trying to disrupt but I rise to give a motion,

Hon. Speaker: Come up again.

Hon. Edwin Wekesa Opwora: Sorry, I rise to give a notice of a motion that this House adopts the report by the Sectoral Committee on Tourism, Environment , Water and Natural Resources on the Bungoma County Government 9 months financial statement for the year 2022/2023 in respect to the department Tourism, Environment, Water and Natural Resources.

Hon. Speaker: Thank you, Hon. Opwora. Honourable members a Notice of Motion having been dully issued by the Sector Chair of the Committee of Tourism, Environment, Water and Natural Resources on the Bungoma County Government nine months financial statement for the FY 2022/2023 in respect to the Department of Tourism, Environment ,Water and Natural Resources. I do direct the table clerks to share this report with Honourable members as it will form business in our Order Paper in the course of next week and subsequent sittings of this House accordingly.

Next,

QUESTIONS AND STATEMENTS

Mr. Speaker: Hon. Cornelius on behalf of HBC, you have the honor of sharing the tentative Order Paper of the House next week. I'm not seeing you on the gadget, kindly request. It's okay. Kindly proceed.

Hon. Cornelius Makhanu: Thank you Mr. Speaker Sir. I rise to present the weekly programs commencing Tuesday 20th to Thursday 22nd June, 2023.

Tuesday 20th June, 2023 at 2:30 p.m.

Order of Business

Papers

1. The Public Finance Management (Bungoma County Trade Development Loans Fund) Regulations, 2023
2. Report by the Budget and Appropriations Committee on the Bungoma County Annual Budget Estimates FY
3. Report by the Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on the Bungoma County Government nine months Financial Statements for FY 2022/2023 in respect to the Department of Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development

Notices of Motion

1. Report by the Budget and Appropriations Committee on the Bungoma County Annual Budget Estimates FY 2023/2024 Committee)
2. Report by the Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on the Bungoma County Government nine months Financial Statements for FY 2022/2023 in respect to the Department of Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development.

Statements and Responses

1. Statement by Hon Francis Chemion seeking a response from the CECM - Roads, Transport and Infrastructure in relation to the tendering process of the following roads; Kapsami-Kongit road, Kona Tatu-Kongit-Mashambani road, Kaptama Booster-Bondeni-Kaboywo road, Kostoi-Chelilde road, Sultan-Kaptegandet road and Kaberwa –Chepkitale road

The CECM to respond to the following:

- a) If the procurement process was undertaken for the above mentioned roads and also avail the documents as proof.
 - b) Names of the contractors who were awarded the tenders
 - c) The contract sum and dates of payment for each road
 - d) Payment certificates for the contract
 - e) The Bill of Quantities (BQs) of the mentioned roads
 - f) Whether the signage's for the projects were erected on the mentioned roads.
2. Statement by Hon. Hentry Nyongesa seeking a response from the CECM, Lands, Urban, Physical Planning and Housing with regard to purchase of lands for various projects within Bungoma County. The CECM to respond to the following:
 - a) How much was allocated to the Department for land purchase for CEF projects in various wards and the County flagship projects in the FY 2020/2021, 2021/2022, 2022/2023.
 - b) How many parcels of land have so far been purchased and fully paid for and, registered in the Bungoma County Government's name.
 - c) Why land for Lunao dispensary has not been paid for yet there has been allocation for the same for four successive Financial Years since; FY 2017/2018, 2020/2021/

2021/2022, 2022/2023 putting in mind that the project is a priority for the people of Bumula Ward.

- d) Provide the circular directing that all Land to be purchased must be approved by the National office contrary to the fact that land matters are a devolved function.
 - e) Provide the timeframe within which the Department shall have processed such intent.
 - f) Provide names of public officers involved in the processing of land within the County for instance Lunao Dispensary.
3. Response by County Executive Committee Member for Gender, Culture, Youth and Sports Question to Question by Hon. Edwin Opwora, in relation to lack of proper support programs from the Department to support the local upcoming musicians.

The CECM to respond to the following:

- a) What the Department is doing to have the upcoming musicians cushioned from exploitation from fake promoters and middle men.
 - b) The measures being put in place by the Department to have the local musicians fully benefit from their music careers.
4. Response by County Executive Committee Member for Health and Sanitation to a Question by Hon. Francis Chemion – MCA, in relation to the construction of Kaptalelio Dispensary Maternity Wing in Kaptama Ward.

The CECM to respond to the following:

- a) The budgetary allocation for the project and the financial year.
 - b) Procurement process; tender advert, evaluation report, professional opinion from the head of supply chain management and the name of the contractors who won the tender.
 - c) The total contract sum and how much has been paid so far.
 - d) The contract period (provide the contract agreement)
 - e) Explain the level of works so far done.
 - f) Explain the steps the Department is taking to complete the project and operationalize the same.
 - g) Explain the steps the Department is taking to forestall such cases in the implementation of projects.
5. Response by County Executive Committee Member for Health and Sanitation to a Question by Hon. Vitalis Wangila in relation to the ablution block at Kabula Market done in the Financial Year 2018/2019.

The CECM to respond to the following:

- a) The name of the contractor.
- b) The total contract sum and how much has been paid so far.
- c) The contract period (provide the contract agreement).
- d) State whether works are complete and if not;

- i. Explain why the project is not completed.
 - ii. When will the project be completed and handed over to the community?
 - iii. Explain the steps the Department is taking to forestall such cases in the implementation of projects in the Department
6. Response by County Executive Committee Member to Question by Hon. Ali Machani in relation to the procurement process of maize and fertilizer for farm input support programme.

The CECM to respond to the following:

- a) The allocation for the programme for FY2022/2023.
- b) The procurement process of maize seeds, planting and top dressing fertilizer under the current financial year.
- c) Avail the tender advert, evaluation report and professional opinion from the head of supply chain management.
- d) Provide profile of the company that was awarded the tender together with CR 12 forms.
- e) How much has been paid to the supplier?
- f) Aware that the maize planted under the farm input support programme ought to be insured; elucidate the mechanism put in place to implement crop insurance programme as captured under the first Supplementary Budget FY 2022/2023.

Wednesday 21st June, 2023 at 9:30 a.m.

Order of Business

Papers

- a) Report by the Sectoral Committee on Gender, Culture and Social Welfare on the Bungoma County Government nine months Financial Statements for FY 2022/2023 in respect to the Department of Gender, Culture and Social Welfare.
- b) Report by the Sectoral Committee on Education and Vocational Training on the Bungoma County Government nine months Financial Statements for FY 2022/2023 in respect to the Department of Education and Vocational Training

Notices of Motion

- a) Report by the Sectoral Committee on Gender and Culture on the Bungoma County Government nine months Financial Statements for FY 2022/2023 in respect to the Department of Gender, Culture and social welfare.
- b) Report by the Sectoral Committee on Education and Vocational Training on the Bungoma County Government nine months Financial Statements for FY 2022/2023 in respect to the Department of Education and Vocational Training

Motion

- a) Report by the Budget and Appropriations Committee on the Bungoma County Annual Budget Estimates FY 2023/2024

Wednesday 21st June, 2023 at 2:30 p.m.

Order of Business

Papers

- a) Report by the Sectoral Committee on Labour Relations, Member Service and Facilities on the Bungoma County Government nine months Financial Statements for FY 2022/2023 (Chairperson, Sectoral Committee Labour Relations, Member Service and Facilities)

Notice of Motion

- a) Report by the Sectoral Committee on Labour Relations, Member Service and Facilities on the Bungoma County Government nine months Financial Statements for FY 2022/2023 by Chairperson, Sectoral Committee on Labour Relations, Member Service and Facilities.

Bill –

- a) The Bungoma County Government Annual Appropriation Bill, 2023 -Second reading

Committee on Supply on the Bungoma County Government Annual Appropriation Bill, 2023

Thursday 22nd June, 2023 at 2:30 p.m

Order of Business

Papers

- a) Report by the Sectoral Committee on Public Administration and ICT on the Bungoma County Government nine months Financial Statements for FY 2022/2023 in respect to the Department of Public Service Management and Administration

Notice of Motion

- a) Report by the Sectoral Committee on Public Administration and ICT on the Bungoma County Government nine months Financial Statements for FY 2022/2023 in respect to the Department Public Service Management and Administration

Statements

- a) Statement informing the House of the weekly Business for the week commencing Tuesday 27th – Thursday 29th June, 2023

Motion

- a) Report by the Sectoral Committee on Youth and Sports on the nine months Financial Statements for the period ended 31st March, 2023 in respect to the Department of Youth and Sports

Bill

The Bungoma County Government Annual Appropriation Bill, 2023- Third Reading

Thank you, Mr. Speaker.

Mr. Speaker: You now proceed to lay the tentative programme of the House to the floor of the House accordingly. Thank you Hon. Cornelius

(Applause)

On behalf of the HBC, Honourable Members that is the tentative order paper of the week starting on 20th to 22nd next week.

ENCOURAGEMENT MESSAGES TO PUPILS FROM KISULUNI PRIMARY SCHOOL

Before we go to the next item, let me Honourable Members make some few remarks to our visitors from Kisuluni Primary School that is Bukembe West ward. I think that is Hon. Anthony Luseneka Ward. I will allow the Hon. Nganga to speak on behalf area MCA who is held up in other assembly business. Kindly proceed Hon. Nganga.

Hon. Everton Nganga: Thank you, Mr. Speaker. Kisuluni Primary School is a school that is located in Bukemebe West Ward where Hon. Anthony Luseneka Namunyu is the MCA.

First, I would like to begin by lauding teachers of Kisuluni Primary School for making an arrangement to come to this County Assembly with the students to learn. Most teachers in most learning institutions don't recognize trip as a teaching method. They only recognize questioning, demonstration and lecturing techniques. Trip brings about memories, conceptualization and proper comprehension of what has been learned in class.

Looking at the Learning continuum, teachers from the lower level that is, Primary schools, always have hard time to handle our students. It is at this level where teachers define terms for students, describe and even quote to an extent of writing notes for students on the black walls. Teachers at a lower level always mentor our students.

Kisuluni Primary School in Bukembe West Ward performs very well academically. I have been informed by Hon. Anthony Namunyu that in their last KCPE exam, they performed very well, and three students were beneficiaries' of the scholarships.

Right now, Kisuluni Primary School from Bukemebe West, is representing our County at National level in athletics...

(Applause)

...and it is because of good performance in different disciplines that Hon. Anthony Luseneke has decided to reward them with two ECDE classes in the financial year 2022/2023
(Applause)

Hon. Luseneke informed me that the construction of classes is almost complete and he has told me that in two weeks he will be launching those classrooms for use.

I want to thank parents and voters of Bukemebe West Ward for electing Hon. Anthony Luseneke as the MCA. I would like to inform them that Hon. Anthony Namunyu Luseneke is the Leader of Minority in this County Assembly and a member of budget committee. Hon. Anthony Luseneke is not around; he is out assisting this County Assembly with the other members to prepare the Budget of Bungoma County. After this, I will meet students outside.

Mr. Speaker: We always say behind the tent. Hon. Kennedy

Hon. Kennedy Wanyama: Thank you Mr. Speaker. First, I want to take this opportunity to thank my colleague, the Minority Leader *Mhehsimiwa* Anthony Luseneke for facilitating the students of Kisuluni Primary School to come for this practical trip. I want to take this opportunity to just encourage the students being candidates for this year and my message to them and especially to the teachers as they prepare these students for this year's exams. It's true that all students will not make it to University, so we have a Vocational Training College within your neighborhood and those who will not make it to University should be encouraged to join Muyayi Vocational Training College, so that they can also develop other skills.

The service industry is actually employing many graduates, so we should stop this habit of pushing our students that you must go to university, but let us also encourage our students so that we can then increase enrolment to our Vocational Training Colleges, which is actually the core mandate of County Governments.

Finally, I just want to tell the students that put God first as you prepare for your exams and we wish you all the best.

Mr. Speaker: Thank you, Hon. Kennedy Wanyama. Hon. Godfrey Mukhwana.

Hon. Godfrey Mukhwana: Thank you, Mr. Speaker. First, I want to welcome Kisuluni students and teachers to the County Assembly of Bungoma. The area MCA of Bukembe West is the Leader of Minority in the County Assembly of Bungoma. Students have come for an education tour but since the Headquarter of the County Government of Bungoma is Kanduyi, we are privileged; the Leader of Minority Hon. Luseneke and Leader of Majority Hon. Joseph Nyongesa are both from Kanduyi

(Applause)

I want also to share because these students are here on a learning mission; they will be asked who is the Leader of Majority and the Leader of Minority? The Leader of Majority is on the Government side and the Minority is on the Opposition side

(Applause)

One of the teachers called me, they thought maybe when the Hon. Luseneke is not around they will not be allowed to come and attend this session, but as Kanduyi as I said we speak one language and we work as a team and that is why we are here to represent the Hon. Luseneke. However, he is away on official duty but as Hon. Zeddy representing people of Sang'alo I know a good number of students here come from my ward and they school at Kisuluni.

For the teachers, I am aware this is the last class for the 8-4-4 system; kindly make sure that you prepare these students well. For those who will be able to join colleges and universities and those who will not be able, there are vocational training centers. It is not far and as I speak my background is technical, so when it comes to technical I'm better known.

Otherwise, you are welcome to the County Assembly of Bungoma feel free and we will pray for you as you go and sit for your exams. God bless you.

Mr. Speaker: Thank you, Hon. Godfrey. Hon. Stephen what is the issue?

Hon. Stephen Wamalwa: Mheshimiwa Spika asante. Nina jambo la kusema lakini kabla ya hiyo ningependa tu kuuliza kulingana na kanuni za Bunge kuhusu mavazi, ikiwa Mheshimiwa mmoja hapa amevalia jinsi inavyohitajika. Mheshimiwa Evelyn Sijui kama mavazi ni rasmi ama la? Kwa hivyo ningepomba sana tuweze kuwajibika na utupatie mwelekeo kabla niseme lile ninalo. Mheshimiwa Evelyn Anyango Achieng.

Mr. Speaker: How many Evelyn do we have here?

(Loud consultations)

Mr. Speaker: Hon. Evelyn Anyango, are you properly dressed as per our Standing Orders and dress code? Let me give her a microphone first.

Hon. Evelyn Anyango: Mr. Speaker Sir, according to my knowledge of dressing, I think I am well dressed for this Honourable House.

Mr. Speaker: Honourable Members, just resume your seat. I will read this one if you feel you continue sitting if not I will ask that you leave the House. Honourable Members are required to enter the Assembly Chamber, Lodges and Dining rooms when appropriately dressed in contemporary business /office attire, are you in that bracket? You are not! Kindly go and come back when properly dressed

(Hon. Evelyn Anyango leaves the House)

Mr. Speaker: Others who have not been named kindly do the necessary. Members this cuts across, let us observe the Dress Code and avoid this small embarrassment please. Hon. Stephen

Hon. Stephen Wafula: Asante Mheshimiwa Spika kwa kunipa nafasi hii ingawa wanafunzi wameondoka lakini nataka tu nichukue nafasi hii vile vile niseme kwamba ni hongera kwa wao kuja katika Bunge la Bungoma kuweza kujiunga nasi kwa ajiliya kusoma. Ingawa wameondoka ingekuwa vyema kwao kujua kwamba Bunge hili linaendeshwa kivipi .Wajue upande gani wa serikali ama walio wengi na gani ndiyo ya walio wachache. Pia waweze kujua kwamba kuna maafisa tofauti tofauti na wale ambao wameketi mbele ni kina nani lakini kwa bahati mbaya wameondoka na bila kupoteza wakati nitakwama hapo kwa sababu nitakuwa naeleza viti

Mr. Speaker: Thank you, Honorable members. I think to that extent, anytime we have visitors in the gallery, we ought to move out of statement before they are able to vacate because we are supposed to be addressing them. So even me wishing them in their absentia is of no use.

Next item,

MOTIONS

REPORT BY IMPLEMENTATION COMMITTEE ON IMPLEMENTATION STATUS OF ADOPTED PUBLIC ACCOUNTS COMMITTEE REPORT ON THE AUDITOR GENERAL'S REPORT FOR THE PERIOD ENDING 30TH JUNE 2020

Mr. Speaker: Hon. Job Mukoyandali, you have the honor of moving the report on behalf of the committee. Please proceed.

Hon. Job Mukoyandali: Thank you, Mr. Speaker for giving me this chance. Report by Implementation Committee on Implementation Status adopted Public Accounts Committee Report on the Auditor General's report for the period and ending 30th of June 2020. We have a table of content. I don't know if I can go through the whole of it

Mr. Speaker: Leave it out please

Hon. Job Mukoyandali: Then there are abbreviations, there is chapter one.

Mr. Speaker: Start from chapter one please.

Hon. Job Mukoyandali: Thank you, Mr. Speaker. Much obliged.

CHAIRPERSON'S FOREWORD

The Committee on Implementation is mandated to scrutinize resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the County

Executive and examine whether such decisions and undertakings have been implemented within the sixty (60) days provided for in the Standing Orders and whether such implementation has taken place within the minimum time necessary and satisfactory explanation for the delay in full implementation provided.

Further section 53 of Public Audit Act, 2015 provides that relevant accounting officer of a state organ or public organ or entity shall within three months after the parliament or County Assembly has considered and made recommendations on audit report:

- a) Take the relevant steps to implement the recommendation of the parliament or County Assembly on the Audit report of the Auditor General: or
- b) Give explanations in writing to the parliament or County Assembly on why the report has not been acted upon.

It's against this legal background and in pursuit of its oversight role that the committee embarked on an exercise to interrogate the implementation status of the adopted report of Public Accounts Committee on the report of the Auditor General in respect to the financial year ending 30th June 2020.

In executing this mandate, the committee requested the all Executive Committee Members, Chief Officers (Accounting officer) including the office of the County Secretary to submit the status reports on the implementation of the adopted report of Public Accounts Committee on the report of the Auditor General in respect to the financial year ending 30th June 2020.

The Committee registers its appreciation to the Office of the Speaker and the Clerk of the County Assembly for facilitating it towards the achievement of its mandate and the production of this report.

Pursuant to Standing Order 202 (7), it is, therefore, my pleasant duty and privilege, on behalf of the Committee on Implementation, to lay this report for adoption for adoption by the House.

Signed by Chairperson Committee on Implementation

Committee Membership

The Committee membership comprises -

1. Hon. Jacob Psero - Chairperson
2. Hon. Maureen Wafula - Vice- Chairperson
3. Hon. James Mukhongo - Member
4. Hon. Aggrey Mulongo - Member
5. Hon. Frankline Simotwo - Member
6. Hon. Vitalis Wangila - Member
7. Hon. Alfred Mukhanya - Member
8. Hon. Obama Abraham - Member
9. Hon. Job Mukoyandali - Member
10. Hon. Catherine Kituyi - Member
11. Hon. Alice Kibaba - Member

INTRODUCTION

Public Accounts Committee moved a motion of her report in respect to the Auditor General's report for the financial year ending 30th June 2020 on 10th May, 2022 at 2:30PM which was adopted by the House.

The adopted report was duly forwarded to the executive Arm of the County Government on 11th of May 2022 and executive were to submit implementation status report within sixty (60) days from the day of adoption of the report.

The following balances reflected in the financial statements were at variance with the balances reflected in the County Executive's Integrated Financial Management Information System (IFMIS) generated financial statements as detailed below:

Table 1: Variances between Financial Statements and IFMIS records

| | Amount as per Financial Statements (Kshs.) | Amount as per IFMIS Records (Kshs.) | Variance (Kshs.) |
|-------------------------------------|---|--|-----------------------------|
| Receipts | 10,298,407,290 | 11,005,028,247 | (706,620,957) |
| Compensation of Employees | 4,575,821,138 | 4,538,978,422 | 36,842,716 |
| Use of Goods and Services | 2,435,568,065 | 2,149,490,157 | 286,077,908 |
| Transfers to Other Government Units | 1,022,394,769 | 1,346,181,217 | (323,786,448) |
| Other Grants and Transfers | 1,405,248,658 | 170,000,000 | 1,235,248,658 |
| Acquisition of Assets | 1,433,943,390 | 1,433,351,067 | 592,323 |
| Other Payments | 298,106,780 | 285,956,485 | 12,150,295 |
| Assets | 1,525,797,831 | 5,029,414,775 | (3,503,616,944) |
| Liabilities | 245,929,312 | 4,512,137,396 | (4,266,208,084) |
| Fund Balance | 1,279,868,520 | 4,559,328,099 | (3,279,459,579) |

HOUSE RESOLUTION

The committee recommended that the County Executive Committee Member for Finance to liaise with the National Treasury and the Council of Governors to ensure full roll-out of all the IFMIS modules for County Governments for consistency between the integrated financial system and the financial Accounts, since this has been a recurring audit unresolved matter year in year out. The CECM was urged to furnish the County Assembly with progress reports on this matter through quarterly reports

Management response

For the purpose of resolving the IFMIS variances, the County Treasury authorized the opening of two accounts;

- i) One central bank account for Mabanga ATC, Webuye County Hospital, Bungoma Referral Hospital and established public Funds.
- ii) One commercial bank account to be collection as well as sweeping account. By so doing the procurement of goods and services will be done on one procurement platform as well as expenditure being done through IFMIS system and this will avoid variances.

Committee observation

Not implemented. The National Treasury through the CECM Finance has not yet rolled out IFMIS modules.

Committee recommendation

The CECM, Finance and Economic Planning should as a matter of urgency liaise with the National Treasury and fully roll out all IFMIS modules to ensure consistency between the Integrated Financial Management System and the financial statements.

The CECM Finance and Economic Planning to file a report to the County Assembly within 60 days preceding the adoption of this report.

2. Budgetary Control and Performance

The summary statement of appropriation - recurrent and development combined reflected an approved revenue budget of Kshs.13,836,129,303 against actual receipts of Kshs.10,298,407,291, resulting in an overall net under collection of Kshs.3,537,722,013 or 26%. Similarly, the statement reflected an approved expenditure budget of Kshs.13,836,129,303 against actual expenditure of Kshs.11,186,957,978, resulting to an overall under expenditure of Kshs.2,649,171,925 or 19%. The underfunding and underperformance constrained execution of planned activities and delivery of services to the residents of Bungoma County.

House Resolution

The Departments should be realistic with their budgets and work plans for every Financial Year in total compliance to program based budget targets for key results outputs. The Departments should strive to formulate realistic budgets that can be implemented with ease to ensure maximum absorption of budgeted funds.

The accounting officer to ensure that budget variations in any given year are managed in line with the provisions of regulation 46 of the PFM (County Government) Regulations, 2015 which provides as follows;

- i) The accounting officer shall inform his/her responsible County Executive Committee Member immediately of any circumstances that are likely to affect materially the budgetary results either through revenue and expenditure or other receipts and payments of the County Government entity.
- ii) The accounting officer shall inform his responsible County Executive Committee Member of actions taken to mitigate any budget variations.

Management Response

The County Treasury always issues budget preparation circulars to guide departments in terms of format and costing programs.

For the purpose of being realistic in budgeting, **zero budgeting approach** had been adopted to ensure justified estimates are applied in budgeting.

Committee observation

Partially implemented; the committee notes that the Treasury has initiated the Zero budgeting approach which will enable full absorption of the budget in each Financial Year.

Committee Recommendation

1. The departments should make realistic budgets and strive to put in place mechanism to absorb the entire development budget.
2. The accounting officer to ensure that budget variations are managed in line with provisions of regulation 46 of the Public Finance Management (County Government) Regulations, 2015

3. Late Exchequer Releases

During the year under review, the County Executive of Bungoma had budgeted for Exchequer releases of Kshs.10,846,450,004 but received a total of Kshs.9,184,320,428, out of which Exchequer releases totaling Kshs.2,351,512,079 were released in the month of June and July, 2020.

The PAC committee observed that there were delays in exchequer releases as witnessed in previous years to a tune of Kshs. 2,134,581,118 for the year ended 30th June 2020 resulting to overall negative effect on budget implementation.

House Resolutions

The County Government to continue pursuing this matter through the Council of Governors so as to ensure that Exchequer Releases are made on time by The National Treasury. Additionally, the County Government to petition the Senate on this grievous matter.

Management Response

- Exchequer delays had been a persistent issue year in year out
- County Treasury would continue to plan for its activities in the order of priorities
- The procurement plan would be implemented accordingly to avoid delay of County projects so that payments can be arranged systematically.

Committee Observation

Not implemented; The County Government has continued to experience delays in exchequer releases.

Committee Recommendation

The County Executive in liaison with the Council of Governors should petition the senate to compel the National Treasury for timely exchequer releases and department to adhere to procurement plans in implementation of projects.

4. Pending Bills

The County Executive had pending bills totaling Kshs.322, 771,151 which were due to suppliers of goods and services as at 30 June, 2020. The balance includes long outstanding payables of Kshs.47, 584,498 dating from 15 September, 2012 to 31 December, 2019. Further, pending bills amounting to Kshs.7, 817,181 settled during the year under review were not in the lists of pending bills for 2017/2018 and 2018/2019 financial years. Failure to settle pending bills in the year to which they relate affected the budget for the following year and may attract penalties and interest in case of litigations.

House Resolutions

The accounting officers must at all times ensure that adequate controls are put in place to commit funds that are available in the budgets so that all eligible bills that become due are promptly settled within the same Financial Year in which they relate. To avert future and historical un-ending queries on Pending bills, the Public Accounts committee urges the County Assembly through its oversight responsibility to only approve budgets that will fully recognize all outstanding pending bills for all the departments.

Accounting officers who fail to clear bills in the year they fall due engages in improper conduct as per the provisions of Section 156 (4) (d) of the Public Finance management Act, 2012 in failing to promptly pay approved bills when funds are available. The County Committee Member for Finance to take necessary disciplinary measures to the accounting officers as per the provisions of Section 156 (2) of the Public Finance Management Act 2012.

The committee recommended that accounting officers must at all times ensure that there is proper management and control of, and accounting for the finances of the County Government and its entities in order to promote efficient and effective use of all resources that are available and appropriated in the budgets.

Management Response

- All entities had been reminded to provide pending bills and commitments as first charge.
- County Treasury shall ensure a payment plan for pending bills as a condition before any payment is done
- County Treasury continuously realigning planning and expenditure to ensure revenue matches expenditure and the risk of non- collection of revenue is mitigated.

Committee Observation:

Partially implemented. The CEC Finance and Economic Planning has committed to provide pending bills as first charge in future budgeting.

Committee Recommendation

The Committee recommends that all departments should prioritize pending bills as first charge in subsequent budget estimates

5. Non-Compliance with Public Finance Management Fiscal Responsibility Principles

The statement of receipts and payments reflects total expenditure of Kshs.11,186,957,378 which comprised of recurrent and development expenditure of Kshs.8,602,595,740 and Kshs.2,584,361,638, respectively. However, development expenditure accounted for 23% of the total expenditure which is below the 30% threshold stipulated by regulation 25(1) (g) of the Public Finance Management (County Governments) Regulations, 2015.

Further, the statement reflects an expenditure of Kshs.4, 575,821,138 under compensation of employees which is 44% of the actual total revenue for the year of Kshs.10, 298,407,291. This is contrary to the maximum limit of 35% set under Section 25(1) (b) of the Public Finance Management (County Governments) Regulations, 2015.

The Management was, therefore, in breach of the law.

House Resolution

The County Assembly adopted a report from the Public Accounts Committee in respect of the Auditor General Report for the year ended 30th June 2019 requiring the County Executive Committee Member for Finance to submit a responsibility statement to the County Assembly of Bungoma within 30 days of adoption of the report, explaining the reasons for the deviations and provide an explanation on how the County intended to ensure annual actual expenditure outturns as well as medium term allocation comply with the provisions of Section 107 (2) (b) &(c) of the Public Finance Management Act, 2012 and Regulation 25 of the Public Finance Management Regulations, 2015. The compliance plan that was to be forwarded to the Assembly was to be binding and the CECM for finance ensure implementation. It's on this premise that the committee recommends the CECM finance to submit a responsibility statement to this house within (30) days that will precede adoption of this report.

Management Response

- County Treasury has always ensured we have at least 30% of the budget allocated to development and at most 70% allocated to recurrent budget.
- The wage bill limit of 35% has continued to be a challenge but County Treasury had restricted employment to replacement and critical technical officers on need basis.
- The wage bill strategy also involved policy statement on revenue enhancement measures to ensure the resource envelope is increased.

Committee observation:

Not implemented; The County Executive Committee Member for Finance had not submitted a responsibility statement to the County Assembly of Bungoma.

Committee Recommendation

1. The CECM Finance and Economic planning should strictly adhere to the provisions and regulations 25 of the PFM County Government Regulations 2015.
2. That within 30 days after the adoption of this report, the CECM Finance and Economic planning to submit a responsibility statement to the County Assembly explaining how the department intends to ensure annual actual expenditure outturns as well as medium term allocations comply with the provision of section 107 ((2b) and (c) of the Public Finance Management Act 2012 and Regulation 25 of the Public Finance Management Regulation 2015.

6. Supply and Installation of Networking Equipment and CCTVs

During the financial year 2017/2018, the Department of Public Service Management and Administration awarded a tender for supply, delivery and installation of networking equipment and closed circuit televisions (CCTVs). The tender was awarded to a local firm at a contract sum of Kshs.10, 832,178 and was fully paid as at 30 June, 2020. However, the audit of the contract, in October, 2020 revealed the following anomalies:

- a) The networking items were not tagged.
- b) The networking equipment installed in the Departments of Environment, Water and Tourism; and Agriculture, Livestock, Fisheries, and Cooperative Development were not working, due to a damaged router.

In view of the foregoing, the County Executive may not have obtained value for money on the expenditure of Kshs.10, 832,178 and the purpose for which the equipment and CCTVs were procured may not be achieved.

House Resolution

This Committee hereby recommends that the Chief Officer, County department of Finance to ensure that the process of tagging of all networking equipment and closed circuit televisions(CCTV) items is fast-tracked. A compliance report to be submitted to the County Assembly within sixty (60) days from the date preceding adoption of this report.

Management Response

County Treasury for the purpose of compliance for migration to accrual, accounting, the County will undertake asset identification, valuation and tagging for Financial Year 2023/2024.

Committee Observation:

Not implemented; the department did not submit a compliance report to the County Assembly, however the executive has committed to carry out tagging of all networking equipment and closed circuit televisions(CCTV) items in the Financial Year 2023/2024.

Committee Recommendation

The committee recommends that the department should carry out tagging of all networking equipment and closed circuit televisions (CCTV) items in the Financial Year 2023/2024 and file a compliance report with County Assembly within first quarter of the financial 2023/2024.

Projects Implementation Performance

During the financial year under review, the County Executive was to implement a total of 437 projects or programs with a total budget of Kshs.11,048,122,237 by different sectors. However, analysis of the projects implementation performance indicated that thirty-eight (38) or 9% of the projects had not started, two hundred and thirty-five (235) or 54% projects were on-going, eleven (11) or 3% projects had been halted, fifteen (15) or 3% of the projects, though complete, had defects, and one hundred and thirty-eight (138) or 32% of the projects had been completed.

DEPARTMENT OF HEALTH AND SANITATION

1. Stalled and Non-Operational Projects

The report of the Auditor general for year ended June 2020 raised queries in the department of Health and Sanitation on stalled and non-operational projects. During the Financial Year, the department of Health and Sanitation implemented 41 projects out of 17 were complete 18 projects 50% complete and above while 6 projects did not take off.

House resolutions

- i. That the accounting officers to ensure that the sector's development budget as approved is implemented to the later in line with the provisions of section 53(2) of the Public Procurement and Assets Disposal Act, 2015 so as to ensure all projects under the department are completed and operationalized in order to realize value for money for the people of Bungoma.
- ii. That action to be taken on contractors who were awarded contracts and have failed to conclude works within the provided key timelines.

Management response

Management response on implementation status on stalled projects was that the department acknowledges the observation made and has taken note of the advisories.

For some projects; administrative decisions have been taken in terms of preparation of termination letters, however for big projects; maternal/ child ward at BCRH and Sirisia hospital project the cost benefit analysis to warrant terminating the contract would have had adverse effect on the County Government, hence the eminent gaps that stippled the projects have been resolved and contractors are on site.

Honourable members, the detailed project status is shown in the table. Mr. Speaker, I ask for your indulgence whether to go through all these or....

Mr. Speaker: Just for guidance purposes because at the end of it, we will be confirming if there is compliance or not. You can read the top indications then be able to just summarize the same then you come to the committee observations.

Hon. Job Mukoyandali: Come again Mr. Speaker!

Mr. Speaker: What I am saying is, at the end of the day when they want this Hansard extract, you must provide this one also so you may be forced to. Since it is still very early go through it. Honourable Kuloba, I have seen you look at me seriously I am wondering. Proceed!

Hon. Job Mukoyandali: Much obliged! The detailed project status is as shown below; We have the wards, project name, project location, contractor detail, allocation, Status, Financial Year ended June 2020,current status

| WARD | S/N | PROJECT NAME | PROJECT LOCATION | CONTRACTOR DETAILS | ALLOCATION | STATUS AT FY ended June 2020 | CURRENT STATUS |
|--------------------|-----|---|---------------------|-----------------------|---------------|------------------------------|--|
| HQ PROJECTS | | | | | | | |
| | 1 | Construction of Maternal/Child Ward Block at Bungoma County Referral Hospital | BCRH | Interlect | 25,045,531.00 | 93% complete | <i>Contractor on site after variation and exterior finishes.</i> |
| | 2 | Construction of Maternal/Child Ward Block at Sirisia Hospital | Sirisia | MBig | 24,678,527.60 | 85% complete | <i>90% complete at plastering</i> |
| | 3 | Construction of maternity wing at Sinoko hospital | Sinoko hospital | Pekas contractors Ltd | 5,000,000 | Complete | Complete |
| | 4 | Purchase of medical equipment for casualty wing at BCRH | BCRH | Rossyna Investment | 13,010,000 | Complete | Complete |
| | 5 | Construction of Commodity store | BCRH | Avalanche | 5,000,000 | 50% complete | <i>50% complete, Termination letter given for purposes of retender</i> |
| | 6 | Renovation of Bungoma County Referral Mortuary | BCRH | Jerich contractors | 6,000,000 | Complete | <i>Work completed</i> |
| | 7 | Renovation of Kimalewa dispensary | Kimalewa dispensary | Trinity ghalager | 2,048,580.00 | Complete | <i>Work Complete</i> |
| | 8 | Renovation of Lukhome dispensary | Lukhome dispensary | Delfree Co. Ltd | 1,992,150.00 | Complete | <i>Work complete</i> |

| Ward Based Projects | | | | | | | |
|----------------------------|------------|---|-------------------------|---------------------------|--------------------|------------------------------|--|
| WARD | S/N | PROJECT NAME | PROJECT LOCATION | CONTRACTOR DETAILS | ALLOC ATION | STATUS | |
| BOKOL I | 9 | Proposed erection and completion of works at Machakha dispensary | Machakha | LELASCAP | 2,066,536.82 | Complete | <i>Work complete</i> |
| CHEPT AIS | 10 | Construction of maternity ward in Chebkube dispensary | Chepkube | MATUI CONTRACTORS LTD | 2,000,000.00 | 90% complete | <i>97% complete</i> |
| | 11 | Construction of maternity wards in Kang'ang'a dispensary | Kang'ang'a | PENSHA ENTERPRISE LIMITED | 2,000,000.00 | Complete | <i>complete</i> |
| | 12 | Construction of Nalondo dispensary with pit latrines, chain link fence and gate | Nalondo dispensary | MOKS CONSTRUCTION CO. | 2,174,381.87 | Complete and operationalized | <i>Operational</i> |
| CHEPY UK | 13 | Construction of Kubura dispensary maternity wing | Kubura | MANKOS AGENCIES LIMITED | 3,697,527.54 | Materials assembled | <i>Termination letter given for purposes of retender</i> |
| | 14 | Construction of Chepkurkur dispensary | Chepkurkur | MOKS CONSTRUCTION CO. | | 90% complete | <i>Work complete</i> |

| | | | | | | | |
|------------|----|--|-------------------------------|----------------------------|--------------|---------------|--|
| ELGON | 15 | Construction of maternity wing at Chemworemwo dispensary | Chemworemwo | NDOMBISA GENERAL SUPPLIES | 2,000,000.00 | 90% complete | <i>Termination letter given for purposes of retender</i> |
| KABUL A | 16 | Construction of Kabula market modern toilets | Kabula market | TASLIM GLOBAL VENTURES LTD | 2,225,236.64 | Complete | <i>complete</i> |
| KAMU KUYWA | 17 | Purchase of medical Equipment for Kamukuywa, Sulwe and Makhonge dispensaries | Kamukuywa, Sulwe and Makhonge | PHESCOM TECHNOLOGY | 3,027,351.55 | Delivered | <i>Delivered</i> |
| KAPTA MA | 18 | Construction of Toboo dispensary | Chepkitale | MANKOS AGENCIES LIMITED | 4,249,121.00 | Complete | <i>complete</i> |
| | 19 | Construction of Kaptama Health Centre - Septic tank | Kaptama | KORMO LTD | | Complete | <i>complete</i> |
| KAPKA TENY | 20 | Construction of Kapkeke Dispensary | Kapkeke | GAPBUS COMPANY | 4,000,000.00 | 90% complete. | <i>Termination letter given for purposes of retender</i> |
| KIBIN GEI | 21 | Purchase of Medical equipment for Daraja Mungu dispensary | Daraja Mungu | GEINEOSIS LTD | 1,000,000.00 | Retendered | <i>Retendered</i> |
| | 22 | Purchase of Furniture for Daraja Mungu dispensary | | AGYBIG LTD | | Delivered | <i>Delivered</i> |

Committee observation

1. Partially implemented; works on some projects is on-going while others have stalled.
2. The department submitted that some project were complete, and did not indicate whether they are equipped and operational.

Committee recommendation

1. The completed projects should be equipped and operationalized for residents of the county to realize value for money.
2. That sector Committee, on Health and Sanitation should carry out a fact-finding exercise with a view of ascertaining the actual status of the project.

Non-Operational Generators

The Department of Health and Sanitation procured 7 generators consisting of five (5) 11KV generators for Sinoko Hospital, Kimilili Hospital, Mechimeru Health Centre, Bumula Sub-County Hospital and Sirisia Sub-County Hospital and two (2) 20KV generators for Kapsokwony and Chwele Sub-County Hospitals. The contract for supply of the generators was awarded to a local company which was paid Kshs.9, 460,690 on 16 June, 2020. Physical inspection carried out in October, 2020 revealed that the generators were not operational, which Management attributed to failure by the health facilities to install 3-phase power supply since the generators were to be on standby in case of power outage.

In the circumstances, the Department may not have received value for money for the expenditure of Kshs.9, 460,690 and the people of Bungoma County may not obtain services efficiently from the hospitals as intended due to lack of reliable electric power.

House Resolution

The House had resolved that Accounting Officers should always strive to ensure value for money for public expenditure is realized without undue delay.

Management response

The Management responded on implementation status that three power phase generator was installed in the facilities where the generators were supplied and the generators were operational.

Committee Observations

The resolution had been implemented despite the delays in installation of the three power phase, the same had been done and the generators are working as intended.

Committee recommendation

The department should always carry out an assessment to ascertain all the requirements to avoid delay in operationalization of projects.

Un-Procedural Borrowings - Department of Health and Sanitation

The County Executive, through the Department of Health and Sanitation, borrowed Kshs.51, 068,602 from Bungoma County Referral Hospital over a period stretching from 3rd June, 2015 to 24th March, 2020. The borrowed funds were in form of temporary imprest issued to the staff of the County Executive for various reasons, including Covid-19 pandemic awareness

campaign. However, it was not clarified why the borrowed amount was not first received in the County Treasury accounts before being paid out as imprest. Further, available records indicated that as at 30 June, 2020, only Kshs.15, 208,719 had been refunded to the Hospital, while the balance of Kshs.35, 859,883 had not been refunded. Management indicated that out of the outstanding amount of Kshs.35, 859,883, Kshs.28, 000,000 was refunded through purchase of specialized materials for the hospital. In addition, the imprest warrants and supporting documents for Kshs.51, 068,602 were not provided for audit verification.

The County Executive, through the Department of Health and Sanitation, borrowed Kshs. 6,598,100 from Webuye Sub-County Hospital through temporary imprest issued to several officers of the County Executive to facilitate County activities, despite the County Executive having its own budget lines and Exchequer funding. Further, it was not clarified why the borrowed amount was not first received in the County Treasury accounts before being paid out as imprest. In addition, the imprest warrants and surrender vouchers for Kshs.6, 598,100 were not provided for audit verification and although a sum of Kshs.2, 744,880 had been refunded to the Hospital as at 30th June, 2020, the balance of Kshs.3, 853,220 was still outstanding.

In the circumstances, the County Executive may not have obtained value for money on the expenditure of Kshs.57, 666,702 and the outstanding amounts of Kshs.39, 713,103 may not be refunded to the hospitals, which may adversely affect service delivery by the two hospitals.

House resolution

Section 196 (1) and (3) of the Public Finance Management Act, 2012 states that:

(1) A public officer shall not spend public money otherwise than authorized by the Constitution, an Act of Parliament or County legislation.

(2) A public officer shall not enter into any obligation that has financial implications for the national government budget or county government budget unless the obligation is authorized by the Constitution, an Act of parliament or an Act of a County Assembly.

Section 9 of the Public officer Ethics Act, 2003 provides that:

A Public officer shall-

Carry out his duties in a way that maintains public confidence in the integrity of his office.

The committee hereby found the Chief Officer in charge of Health and Sanitation responsible for the questioned borrowings and thus recommended as follows;

That within (30) days preceding adoption of this report, the chief Officer Health and Sanitation to submit a comprehensive report to the County Assembly with the following details;

- a) All relevant documentation including formal requests made and the attendant approvals which gave rise to the said borrowings;
- b) All relevant documentary evidence in support of Ksh.28, 000,000 which was allegedly refunded through purchase of specialized materials to BCRH.
- c) Correspondence in form of letters between the department and Bungoma County Referral Hospital through which both parties agreed that a sum of Ksh.28,000,000 be refunded in kind, i.e. through purchase of specialized materials.
- d) The names of supply chain management officers, who participated in the procurement of the said specialized materials/equipment.

- e) Avail all other relevant correspondence made between the County department of Health and Sanitation and the lending facilities in regard to the said borrowings.
- f) Avail certified copies of imprest warrants and supporting documents for Kshs. 51,068,602 and ksh.6, 598,100 respectively.
- g) That failure to which the accounting officer, department of Health and Sanitation (Mr. Patrick Wandili) to take responsibility and be surcharged the outstanding amounts of Ksh.39, 713,103.
- h) The committee awaits implementation report from the relevant committee of the County Assembly within (60) days from the date of adoption of this report.

Management Response

Management response on implementation status on un-procedural borrowings was that the department had taken note of the above observations, and was at a level of consultative forum and tentative guideline regarding activities co-budgeting and co-implementing to create a sustainable model of operations.

Committee observations

1. The resolution had not been implemented; no comprehensive report in respect to the un-procedural borrowings was submitted to the House within 30 days as resolved by the House.
2. The then Accounting Officer (Mr. Patrick Wandili) was not surcharged a sum Kshs. 39,713,103 as resolved by the House.

Committee recommendation

That the head of County treasury together with the County Attorney office are hereby directed to institute legal process with a view of surcharging the then Accounting Officer in the department of Health Mr. Patrick Wandili a sum of Kshs. 39,713,103.

The Head of treasury (CECM, Finance and Economic Planning) should file a report on compliance within 60 days preceding the adoption of this report.

REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

The following are issues relating to effectiveness of internal controls, risk management and governance.

Internal Control Weakness in Health Facilities

During the year under review, the County Executive, through the Department of Health and Sanitation, spent an amount of Kshs.269, 705,782 on specialized materials and supplies which included medical drugs, lab reagents, equipment, dressing and other non-pharmaceutical items. During audit inspection of health facilities in the County, the following internal control weaknesses were noted:

- a) Bungoma County Referrals Hospital (BCRH) had a very small store and supplies procured by the Department and the Hospital were crammed there in such a way that it was very difficult to trace an item. Management indicated that construction of a commodity store had been initiated.
- b) BCRH procured a Health Management Information System to facilitate the smooth running of the Hospital. However, the store module was not fully operational.
- c) In the Sirisia Sub-County Hospital, the store's records were not properly kept and the balances in the ledgers were not matching the actual balances in the stores. For instance, the bin cards for catheters and urine bags and Cannula gauges had balances of 615 and 1820, while the actual balances in the store were 21 and 24 respectively.
- d) Bumula Sub-County Hospital did not have a fuel register.

The weaknesses noted may lead to irregularities and losses in the Department, which may lead to loss of public funds.

House resolution

- i. The Accounting officer to maintain proper records as per PFM Act 149 (1) (a), (b) and (2) (b).

The accounting officer should ensure that full control of operational functions including enhanced expenditure control, capacity building of staff and strengthening internal control systems for proper and effective use of resources and service delivery to the public

Management Responses on implementation status

The department acknowledged the observation made and assured to fast-track all contributing factors towards an effective and efficient working system.

Committee Observation

Status: Partially implemented:

1. The department had initiated the construction of a commodity store for proper, safe and easy storage of health equipment and any other commodities at Bungoma County Referrals Hospital.
2. The department did demonstrate efforts to fully operationalize the Health Management Information System in respect to the store module.
3. The department did not indicate any mechanism put in place for proper record management in all Health facilities across the county.

Committee recommendations

1. The department of Health and Sanitation should establish an effective management and governance of internal risk control across all health facilities in the County. This

is to ensure control of irregularities and losses in the department which results to loss of public funds.

2. The department should ensure completion and operationalization of a commodity store for proper storage of medical equipment and other commodities at Bungoma County Referrals Hospital and other health facilities

DEPARTMENT OF LANDS, URBAN, PHYSICAL PLANNING AND HOUSING

Land Procured Without Ownership Documents

The County Executive had land costing Kshs.11, 724,035,015 as at 30 June, 2020, which includes land valued at Kshs.40, 910,000 acquired during the year under review. However, the following audit issues were noted:

Purchase of 12 Parcels of Land

The Department of Lands, Urban Physical Planning and Housing purchased twelve (12) parcels of land during the year ended 30 June, 2020 at a total cost of Kshs.20, 550,000. However, information provided indicated that the Department did not have ownership documents for all the parcels of land. Further, the Department did not budget for administrative costs which would have been used to cover valuation fees, survey fees, stamp duty, registration fees, laying of beacons, and fencing/securing charges. Management indicated that the process of acquiring title deeds for the parcels of land was on-going while administrative costs of Kshs.7, 460,000 were factored in the 2020/2021 budget.

HOUSE RESOLUTIONS

- i) The department should always ensure that during budgeting, both the purchase price and sufficient administrative fees to cover valuation fees, survey, stamp duty, registration, beaconing and fencing/securing charges are duly factored in the budget.
- ii) Projects implemented by the department should be well supervised to ensure that all the deliverables of the said projects are fully functional and completed in time according to the terms of the contracts.
- iii) In addition to the above, all ownership documents for the parcels of land procured should be kept in safe custody of the management.
- iv) The department to ensure that, the on-going transfer process and acquisition of ownership documents is fast tracked. A comprehensive status report to be submitted to the County Assembly within (90) days from the date of adoption of this report.

Management response

The department was facing the challenge of allocation of administrative costs since devolution creating a backlog of land purchased by the County without titles in the name the County Government. With limited allocation we have managed to trace parcels not directly procured by the department since most were purchased by other departments with projects already constructed on them.

Another challenge is that most of the land for Ward based projects are allocated fixed amounts by the ward representatives and a comprehensive list submitted when the budgeting process was at an advanced stage making it difficult to get the exact estimates for

administrative costs. The ward representative allocating funds to cover the costs could solve this.

Going forward measures should be put in place so that only the department of land is allocated funds to purchase land for other departments to put up their projects. This will ensure a clear inventory of all parcels of land purchased by the County hence in a position to budget adequately for administrative costs and clear the backlog.

In the long term, interventions were being put in place to have a digitized data base for all parcels belonging to the County Government.

Committee observations

Partially implemented:

1. The department submitted a list of parcels of land earmarked for processing of title deeds, some having acquired title deeds and others still being processed (annexure).
2. Submitted by the department is also a list of land parcels purchased for FY 15/16-2021/22 under the ward based projects program.(annexure)
3. Attached also are 4 copies of title deeds for land transferred to the County Government from the year 2020.

Committee recommendations

1. That the department of lands should acquire land and process title deeds on behalf of other departments when there is need to put up projects.
2. Due diligence should be carried out on the ownership of land before actual purchase so as to ensure a smooth process of transfer of the title deed from the seller to the County Government.
3. The department should establish a digitized data base for all parcels of land belonging to the County Government.
4. The administrative costs should be factored in budget allocations for acquisition of County Government Land.

DEPARTMENT OF ROADS, INFRASTRUCTURE AND PUBLIC WORKS

Upgrading of Misikhu-Naitiri-Brigadier Road

The Department of Roads, Infrastructure and Public Works awarded a contract for the upgrading of forty (40) km Misikhu-Naitiri-Brigadier Road to a construction company at a contract sum of Kshs.1,115,939,198.

Available documents indicated that out of the contract sum of Kshs.1, 115,939,198, the National Government was to contribute Kshs.700, 000,000, while the balance of Kshs.415, 939,198 was to be met by the County Government of Bungoma. The scope of work entailed site clearance and demolition, earth works, excavation and filling for structures, culverts and drainage works, passage of traffic, natural material base and sub-base, bituminous surface treatment and surfaces dressing, concrete works and road furniture repair and maintenances.

The contract period was twenty-four months, from 19 December, 2016 to 19 December, 2018. The completion date was later extended by eleven (11) months twice to November 2020. As at

30 June, 2020, payments on contract amounted to Kshs.617, 538,270, representing 55% of contract sum. However, the audit of the project revealed the following unsatisfactory matters:

- a) The Kshs.700, 000,000 expected from the National Government had not been received as at 30 June, 2020, which adversely affected implementation of the project. Management indicated that the National Government had factored Kshs.200, 000,000 in the budget of the Kenya Rural Roads Authority. It was also explained that the contract for the section of the road that had not been undertaken was to be terminated and re-advertised by KeRRA.
- b) Physical inspection of the road on 11 October, 2020 revealed the following:
 - i) Only 18.65Km of the road had been tarmacked.
 - ii) The contractor had partially done earthwork on 2.2Km of the un-tarmacked section which was impassable due to heavy rains.
 - iii) The contractor was not on site and no material or workers were seen at the site, an indication of no work in progress. Management explained that this was due to ongoing discussions between the National Government and County Government on completion of the remaining section of the road.
 - iv) There was no road signage. According to Management, the road signage had been installed but was later vandalized.
 - v) The culvert and drainage work had not been done beyond the first 10km of the road because the quantities provided in the Bills of Quantities were exhausted.
 - vi) Some sections of road had started developing potholes as result of use of the road by heavier trucks than intended in the design of the road.
 - vii) Stone pitching indicated in the Bills of Quantities was poorly done on a section of the road, while it had not been done on other sections due to exhaustion of quantities provided in the Bills of Quantities.

In view of the foregoing, it may take a long period of time for the residents of Bungoma County to fully benefit from the road and the County Executive may not achieve value for money from the expenditure of Kshs.617, 538,270.

HOUSE RESOLUTION

1. The Committee implores the County Government to consistently engage the National Government and its agencies to ensure the part taken over by the National Government is completed within the agreed period of the current running contract agreement.
2. The County Government of Bungoma should set its flagship infrastructural priorities right by ensuring that works initiated in the previous regimes are completed before coming up with new projects of a similar nature, consideration the huge financial implications of such projects.
3. The Department of Roads should ensure contracts entered into should be completed as per the agreed stipulated period in the contract agreement to enhance development as well as value for money for the benefit of the residents of Bungoma County.

MANAGEMENT RESPONSE

1. Misikhu - Naitiri section was contracted to M/S Jiansu Provincial Construction Group Ltd who has commenced works which are at 3.5%.The expected completion date for the works is 7th March 2024.The county Government is in talks with KeRRA to ensure the road is completed within required period.
2. The County Government has reviewed its approach to strategic planning to ensure prioritization of incomplete projects in subsequent planning both for the five year integrated planning and annual budgets. This approach shifts the project focus from a regime priority to a development priority thus ensured smooth transition of multi-year and subsequent funding.

An emphasis on this planning model has seen continuous budgeting for the multi-year Misikhu Brigadier Road and the Kanduyi Sang'alo junction dual carriage evidence that they outlived the regime focus and are now perceived as County priorities to achieve a common vision. Budget estimates for financial year 2023/2024 have proposed their inclusion through the County Fiscal Strategy Paper 2023/2024 to ensure these projects are completed before starting new flagship project.

The department has also put in consideration estimates to clear pending bills arising from projects prioritized by previous regimes.

3. To ensure contracts are completed within stipulated period, the department has established a team in each region that does close supervision and monitoring of the projects to ensure the time period for completion of Contract is as specified in the Work Order/programme attached in the Bill of Quantities.

An example is given to the first 28 projects that were awarded in December2022. A number of these projects had already achieved over 90% progress just two months into the award, meaning close monitoring of the tasked team is working to ensure projects are completed within the specified period.

The department has also introduced fortnight project review meetings to fast-track and highlight non performing projects for appropriate action.

COMMITTEE OBSERVATIONS

Partially implemented:

- a) There is need to ascertain the amount so far paid and work done relative to the contract sum.
- b) The department has proposed to include the upgrading of Misikhu-Naitiri-Brigadier Road in the County Fiscal Strategy Paper 2023/2024 to ensure the project is completed.
- c) The county Government has reviewed its approach to strategic planning, this approach shifts projects from a regime priority to development priority to ensure completion of projects even when the government of the day changes.

COMMITTEE RECCOMENDATION

1. The committee recommends the CECM, Roads, Infrastructure and Public Works to engage KeRRA so as to find out whether they are still committed to take over their part of the road and submit to the County Assembly a progressive report within sixty (60) days preceding the adoption of this report.

2. The sector committee on Roads, Infrastructure and Public Works should carry out a fact finding exercise to ascertain the amount paid to the contractor and work done.
3. The County Executive and County Assembly should ensure that budget allocation proposed in the County Fiscal Strategy Paper FY 2023/2024 for upgrading of Misikhu-Naitiri-Brigadier Road is captured.

COMMITTEE GENERAL OBSERVATION AND RECOMMENDATIONS

Observations

1. The following departments failed to provide implementation status report to the committee despite confirming receipt of the letters from the Committee(annexed are letters):
 - a) Department Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development.
 - b) The office of the County Secretary.

2 The committee observed that Accounting officers did not provide an implementation status report as required by section 53(1)(a)&(b) of the Public Audit Act, 2015 which states

(1) The relevant accounting officer of a state organ or public entity shall within three months after Parliament has considered and made recommendations on the audit report—

(a) Take the relevant steps to implement the recommendations of parliament on the report of the Auditor-General; or

(b) Give explanations in writing to the Parliament on why the report has not been acted upon.

(2) Failure to comply with the provisions of subsection (1), the accounting officer shall be in contempt of Parliament or County Assembly and upon determination by Parliament or relevant County Assembly, Parliament or relevant County Assembly may recommend administrative sanctions such as removal as the Accounting Officer, reduction in rank among others.”

Committee Recommendations

That all Accounting Officers should always adhere to Section 53(1) (a) and (1)(b) of the Public Audit Act 2015.

The adoption schedule has been fully signed.

Conclusion

The implementation Committee shall endeavor to follow up on the status report on implementation of the House resolution and ensure the later and the spirit of all resolution are implemented as guided by the Standing Orders.

I urge this House to adopt this report.

The annexures have been attached.

Therefore, I call upon Hon. Mulongo to second the report.

Mr. Speaker: Thank you Hon. Job for taking your time to take us through the report. Hon. Aggrey Mulongo, you have the honor of seconding this motion before the House.

Hon. Aggrey Mulongo: Thank you, Mr. Speaker Sir. First of all, I take this opportunity to thank the mover of the Motion that you have really tried. That's your first time to be there but you have really tried. I stand to support the Motion.

Mr. Speaker: Thank you, Hon. Aggrey. Honourable Members, a Motion has been moved and seconded that this House adopts the report by the Implementation Committee on the Implementation status of adopted public accounts Committee report on the Auditor General's report for the period ending 30th of June 2020 laid on the table of the House on Thursday 20th of April 2023. I propose.

(Motion proposed)

(Loud Consultations)

Let me finish and let me give you the microphone first.

Yes.

Hon. Johnston Okasida: *(On a Point of Information)* thank you Honourable Speaker, I'm rising on Standing Order 96(2), I want to draw your attention to Standing Order.

Mr. Speaker: Order Honourable, 96

Hon. Johnston Okasida: I'm saying 96(2)

Mr. Speaker: Yes

Hon. Johnston Okasida: I want to draw your attention to Standing Order 37(1). A quorum of the House or a Committee of the Whole House shall be a third of these Members. Right now we are only 18, is that a quorum?

Mr. Speaker: Honourable it is not a duty for you to tell us how many we are, once we invoke the Standing Orders is my duty to ask the concerned sergeants to take the requisite number for me. Can they verify for me?

Hon. Johnston Okasida: Obligated

(Loud Consultations)

Honourable Members I'm being informed that the Membership is below the quorum, the bell will be rung for the first 10 minutes.

(Quorum bell rang)

Honourable Members, the challenge you are having now is very tricky.

Honourable Members, let me give guidance first, the moment the bell is rung, you can't go out, but you can only come in.

The second challenge, we are having is very funny. The House is not having any of the whips to go out and whip Members.

(Loud Consultations)

Honourable Members, the bell will be rung for 10 minutes that is the Standing Order that you are invoking.

Hon. Nangalama, you are out of order. Look at Standing Order number 120(c). Honourable Members, we are in session. Kindly check the content of that 120(c).

Honourable Members at the end of ringing the bell, the quorum is achieved, we proceed. Hon. Ipara, at your own time go for tuition to Hon. Stephen and Nyongesa and Chemion on what happens in such situations. Free tuition; don't charge him some fees please.

For debate, let me allow you to just press,

Hon Johnston Okasida: Honourable Speaker, I will comply with your advice.

Mr. Speaker: Yes, kindly get that free tuition. Honourable Members, in the absence of any contributions to the said motion, I proceed and put a question to the said Motion for you to make your decision as a House.

Honourable Members, a Motion has been moved and seconded that the House adopts the report by the Implementation Committee on the Implementation status of adopted Public Accounts Committee report, on the Auditor General's report for the period ending 30th of June 2020, laid on the table of the House on Thursday 20th April, 2023.

(Question put and agreed to)

(Applause)

Hon. Job, if there are no contributors, you cannot reply to none, I know he was prepared to reply, so reply to what, so we keep on learning this debate, so spare your energy for tomorrow or next week, as we will be having the Budget.

Honourable Members, looking at our Order Paper, there are no more items under eight was the only motion we had, so we will adjourn our sitting today, being the 15th of June, 2023 and resume our sittings on the 20th June 2023 in our 2:30 p.m. sitting of our normal kind of sittings.

We adjourn.

I wish you a good weekend accordingly.

(House Adjourns)