

**COUNTY GOVERNMENT OF BUNGOMA**

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**THE DAILY HANSARD**

**THURSDAY 4<sup>TH</sup> MAY, 2023**

**Afternoon Sitting**

## COUNTY ASSEMBLY OF BUNGOMA

### HANSARD OFFICIAL REPORT

THURSDAY 4<sup>TH</sup> MAY, 2023

The House met at 2:30 p.m.

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

#### PRAYER

#### COMMUNICATION FROM THE CHAIR

**Mr. Speaker:** Honourable members, I wish to make the following communication; first, rearrangement of the Order Paper, after consultations between the House Leadership and the HBC, the Ad hoc Committee report on task force on human resource, scholarship and pending bills is taken back to the HBC for fresh reallocation on the Order Paper once the House resumes from recess.

*(Honorable members standing at the door)*

Honourable members, you kindly take up your seats please. I see Honourable Nangalama saying she will now go home early.

*(Laughter)*

Two, this is for the Committee on Finance and Economic Planning and the committee on Budget and Appropriation, and the chairs of sectorial committees and the House leadership, this is from the CEC Finance, Economic Planning, addressed to the Clerk, County Assembly of Bungoma, requesting for a consultative meeting on budget estimates for Financial Year 2023/2024.

Following our consultative meeting today on 4<sup>th</sup> May, 2023, on the above with the County Assembly leadership, kindly arrange for a budget review meeting to be held on 5<sup>th</sup> and 6<sup>th</sup> May, 2023 at the County Assembly, Kamukunji Hall, from 8.30 a.m. as per the agreed membership to attend particularly members of the Budget and Appropriation Committee, Finance and Economic Planning, Sector Chairs of the committees and equally the House Leadership.

The meeting starts at 8.30, kindly members keep time. We will have the CEC Finance and the relevant people from the sector department in the Executive.

Proceed.

## PAPERS

### THE BUNGOMA COUNTY GOVERNMENT 2<sup>ND</sup> SUPPLEMENTARY BUDGET FOR THE FINANCIAL YEAR 2022/2023

**Mr. Speaker:** Leader of majority, Honourable Joseph Nyongesa.

**Hon. Joseph Nyongesa:** Thank you, Mr. Speaker. I rise to table the Bungoma County Government 2<sup>nd</sup> supplementary budget for Financial Year 2022/2023.

**Mr. Speaker:** Honourable members, the 2<sup>nd</sup> Supplementary Budget for Financial Year 2022/2023 is hereby tabled and consequently I proceed to commit the same to the Committee of Budget and Appropriation for processing and reporting back to the House accordingly

### THE BUNGOMA COUNTY GOVERNMENT DRAFT PRIVATE LAND EVALUATION ROLL- 2015 FOR BUNGOMA AREA

**Hon. Joseph Nyongesa:** Thank you, Mr. Speaker. I rise to table the Bungoma County Government Draft Private Land Evaluation role 2015 for Bungoma area.

**Mr. Speaker:** Honourable members the Bungoma County Draft Private Land Evaluation Role 2015 For Bungoma Area is hereby tabled and I think I'm now seeing Honourable Waiti being very happy, I commit the same to the committee of Lands and Physical Planning for processing and reporting back to the House accordingly.

### THE BUNGOMA COUNTY GOVERNMENT DRAFT PRIVATE LAND EVALUATION ROLE 2015 FOR WEBUYE AREA

**Mr. Speaker:** Honourable Joseph Nyongesa,

**Hon. Joseph Nyongesa:** Thank you, Mr. Speaker. I again rise to table the Bungoma County Government Draft Private Land Evaluation role for 2015 for Webuye area.

**Mr. Speaker:** Honourable members, the Bungoma County Draft Private Land Evaluation Role 2015 for Webuye area is hereby tabled and subsequently I commit the same to the committee of Lands and Physical Planning for processing and reporting back to the House accordingly

## STATEMENTS

### RESPONSE FROM THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR AGRICULTURE LIVESTOCK FISHERIES IRRIGATION AND CORPORATIVE DEVELOPMENT TO STATEMENTS SOUGHT BY HONORABLE ALFRED MUKHANYA WITH RESPECT TO ENVIRONMENTAL AND HEALTH MENACE

**BEING EXPERIENCED BY RESIDENTS OF NDIVISI WARD LIVING CLOSE TO  
MAKEMO DAM**

**Mr. Speaker:** Chairman Committee on Agriculture, Livestock, Fisheries and Irrigation.

*(Laughter)*

**Hon. Wafula Waiti:** Thank you, Mr. Speaker. I request that you grant me more time to come up with an efficient reply.

**Mr. Speaker:** Hon. Alfred Mukhanya, this is possible to be a further response from you. When we will be committing statements, you are to respond through your CEC of the sector. We will grant you more time but I equally warn your CEC that we will not engage on anything from the department until she respond to the statements sought by the Honorable members. We will not...

*(Applause)*

**Hon. Wafula Waiti:** Noted Mr. Speaker

**Mr. Speaker:** We will not allow her to take us in circles. I remember her agreeing that she is going to appear when required. There is nothing so special or more important than this House's proceedings. So, I think pass it to her that in our next sitting after recess, she must appear and if she doesn't, you know I have the power like the one of the High Court, I will sanction her severely.

*(Loud consultations)*

Members order. We are going to have her response on 13<sup>th</sup> June 2.30 pm, we expect her to come here and once again this is not an invitation; I will send fresh summons to her.

*(Applause)*

**Hon. James Mukhongo:** Honourable Speaker, I want to bring to the attention of this Honourable House that I am happy with your ruling. However, this is one CEC member who is not adhering to the invitation of the County Assembly and we should not take it lightly, we need to do something so that she can also recognize that there is leadership in this Honourable House. You know it is very unfortunate for her to go for a retreat somewhere yet our people are perishing in the County Government of Bungoma. I am on the side of the government but on this one I will not support her.

**Mr. Speaker:** Let me allow Honourable Makari say something please.

**Hon. George Makari:** Thank you, Honourable Speaker. Why can't we begin with this one and impeach her immediately?

*(Laughter)*

I am on the side of the government but why can't we begin with this one, what are we waiting for? If she cannot honour summons to this House, what are we waiting for?

**Mr. Speaker:** Hon. Makari, you are a senior member of this House. The Speaker does not initiate impeachment, you know the procedure.

**Hon. George Makari:** I am bringing a motion of impeachment Honourable Speaker.

*(Applause)*

**Mr. Speaker:** Members, during the swearing in of the CECs, I made my communication, it was not friendly, but I only sign two documents. Honourable members, order!

I only sign 2 documents to the Executive. I only sign summons, I don't invite, invitation is done by the clerk but summons to the CEC is done by the Speaker himself. I also sign a summon to the CEC for his or her impeachment, so I do not want to be the one signing for their impeachments but if they fail to do their work, I will not hesitate to sign one for her to appear here.

*(Applause)*

During the vetting, I had one question for every nominee 'If invited or summoned to appear before the House will you do so?' and they were all saying they would appear before us to answer our queries. So let me have the summons for her to appear on 13<sup>th</sup> June, 2023, if she does not appear.....

**Hon. George Makari:** I will go ahead Honourable Speaker.

*(Laughter)*

**Mr. Speaker:** Let me allow Hon. Jack then I come to Hon. Museveni. You will all speak, this a place for debate. Sorry, sorry. You should not forget; you first slaughter before you skin. You want to suffocate and kill it, no Hon. Jack.

**Hon. Jack Wambulwa:** Thank you, Honourable Speaker. As my colleague has put it, this is a notorious CEC who has become a super CEC by having been made to become the acting County Secretary. As we are talking, most of the executive officers are suffering because she is taking actions without consultation and when called upon to come and respond on issues affecting Bungoma residents, she does not respond.

I want to support Hon. Makari; we start with her so that she can be a lesson to others. We are not going to allow these kinds of CECs who are not there to serve Bungoma people but to benefit themselves. If the trips can help her, at the expense of Bungoma then we don't need her, let her go on trips and we have those who can serve Bungoma.

**Mr. Speaker:** Proceed Hon. Museveni.

**Hon. Meshack Museveni:** Mheshimiwa Spika, nataka niseme ya kwamba mimi kama *Majority whip* na vile umeona upande wa wengi wakisema ya kwamba huyu CEC si

mzuri.Mimi nafikiria kabla hajafika niambie wenzangu kwamba leo naenda kutengeneza karatasi nitembeze tuanze kusanya signature ya yeye kuenda nyumbani.

*(Applause)*

**Mr. Speaker:** Honourable Cornelius please, Order members! Allow me have the minority but members, as we are doing so be aware we have 2 CECs waiting and the motion. So as you do so be aware of that. Honorable Cornelius proceed,

*(Loud consultations)*

**Hon. Cornelius Makhanu:** Thank you, Mr. Speaker. This statement was sought in November last year; He sought this statement even before the heavy rains started; now we have heavy rains. We have witnessed in our country, rivers washing away even roads and soon this dam is going to break the banks and it will kill people.

If this CEC is not taking this House seriously, I am also with Hon. Makari that this CEC is joking with the lives of people of Bungoma. We do not want to start blaming other people because we do not want the banks of the dam to break. We have to do something. I support that censure motion.

**Mr. Speaker:** Honourable Luseneka, you are online, I will have you as the last contributor on that subject.

**Hon. Anthony Luseneka:** Thank you, Honourable Speaker. I was getting worried because I had thought that the CEC is not coming because the statement was raised by my partner in Coalition, so I was thinking that she was trying to ignore it but from the mood of the House, I think we can do things differently now. My request is that maybe some of you received phone calls and maybe shelved your ideas, so I want us as a House to do the oversight, stand our ground so that the other CEC members can learn from this one.

We are here to help this County to move forward and if these CECs are taking us for granted, if they start ignoring us then I think we are heading in the wrong direction. So, what the majority whip has said, for us we are ready to put things right, so on that list, I have my sixteen members who are ready to sign.

*(Applause)*

**Mr. Speaker:** Thank you, Honorable Luseneka. Honourable Stephen Wamalwa, let me give you the microphone please

**Hon. Stephen Wamalwa:** Asante mheshimiwa Spika. Pia nasimama kwa sababu ya lalama ambazo wenzangu wameweza kunena hapa. Nataka kieleweke vizuri sana kwamba muhula uliopita serikali ya pili ya Bungoma....

*(Loud consultations)*

**Mr. Speaker:** Order please, Order

**Hon. Stephen Wamalwa:** Serikali ya pili ya Bungoma tulipitia shida nyingi na kaunti hii ikaenda pole pole katika maswala ya maendeleo. Na ilianza vivi hivi, tulianza kuita wale maafisa wanaitwa *Chief Officers* hapa wakakataa kuja. Wale waheshimiwa mliokuwa hapa muhula uliopita mnakumbuka kwamba maafisa walikuwa wanaitwa hapa wanakataa kuja. Wanafanya makosa lakini wanasema ‘wapende wasipende’. Nyumba hii waheshimiwa tusiposimama pamoja na tumaanisha jinsi alivyosema yule wa Kusini mwa Afrika, yule mwanasiasa anaitwa nani? Julius Malema.

**Mr. Speaker:** Let’s have one speaker please, I know you have very good current affairs with you, proceed.

**Hon. Stephen Wamalwa:** Mheshimiwa Spika, huyu waziri lazima awe funzo kwa wengine kwa sababu alisemema hapa nje kwamba anatumia sisi sana. Yeye anajua MCAs namna gani, anajua waheshimiwa hapa namna gani? Anatoka kwetu ndio lakini hatutakubali mtu anayetoka Tongaren awe ni wa kuleta aibu kwa kaunti ya Bungoma, sisi kama watu wa Tongaren tunataka mambo yaende mbele kwa hivyo huyu waziri lazima awajibike la sivyo mimi niko tayari vile vile kuungana na wenzangu kuhakikisha kwamba tumetumanisha ujumbe.

*(Laughter)*

**Mr. Speaker:** Honourable Cornelius, do you want to be the first person to fill the provisions of 119? Honourable members, I would like to have very few speakers, I am having the CECs waiting in the Sergeant at arms’ office waiting to come in, so let me allow Hon. Tony and two then we go on.

**Hon. Tony Barasa:** Thank you, Honourable Speaker. When it comes to oversight, we want to assure you we will do it without fear or favour. Two, I want to thank your office and the office of the leadership about the Ad hoc report that you have just suspended, we want to appreciate because, we did set a precedence in this House that it would be good for us if we debate then we have the report being circulated on time, so that as we reread the report every member is at par. That document of Ad hoc is very huge and I want to thank your wisdom and the willingness of the leadership that we do postpone this so that it will be circulated in time and for all the members to go through the report, so that if you read you are at par.

**Mr. Speaker:** Just for guidance Honourable members, when the speaker rearranges the Order Paper, members do not have room to comment on the suspension. Honourable Millie Masungu.

**Hon. Millie Masungu:** Thank you Mr. Speaker. Although my Chair almost diverted the agenda, I am rising on the first agenda that has been on the floor about the CEC coming before us...

*(Loud consultations)*

**Mr. Speaker:** Order members

**Hon. Millie Masungu:** I want to affirm this to the CEC members that when they were being sworn in, I heard you properly you were smartly dressed and you addressed them before the Governor who is their employer and ourselves, that whenever they would be invited to this Assembly, they should not miss because the Honourable members are going an extra mile, working very hard identifying projects and problems on the ground that we are going through and bring them to this House. As an Assembly we are tasked to bring those issues to their attention, so that they work on them and they are refusing to appear before us. I beg that you invoke Section 77, what are we waiting for?

**Mr. Speaker:** You know the procedure, I don't slaughter. I wait to be brought before me.

**Hon. Milliah Masungu:** We can decide to strangle Mr. Speaker without going through the processes.

**Mr. Speaker:** You know the procedure.

**Hon. Milliah Masungu:** Thank Mr. Speaker.

**Mr. Speaker:** Members you are asking me to begin slaughtering? You know the procedure; bring the animal to the slaughter house.

**Hon. Joseph Nyongesa:** Asante Mheshimiwa Spika kwa kunipa nafasi hii angalau niseme jambo. Ndugu Spika nimeketi hapa nisiksiza, hakika waheshimiwa wako na mori ya kufanya jambo lakini kulingana na jinsi naelewa ni vigumu. Spika, binafsi nimekuwa kwa siasa sahizi karibu miaka kumi na mitatu na lile ambalo waheshimiwa wanasema silo ambalo watasimama nalo. Waheshimiwa najua mtasema tu lakini ikifika huo wakati ni vigumu.

*(Applause)*

Tusilete mzaha ambao hauifai ili watu waanze, halafu wengine wakate kona baadaye. Ndugu Spika hili jambo si rahisi.

*(Applause)*

**Mr. Speaker:** Order members. This excitement about going on recess is on a higher note. The matter is rescheduled to 13<sup>th</sup> June at 2.30 p.m. and I will sign the summons for the CEC to appear on that day. Let's proceed.

### **RESPONSE ON THE STATUS OF THE CONSTRUCTION OF MISANGA DISPENSARY AND MAKUTANO HEALTH CENTRE IN SOYSAMBU/MITUA WARD**

**Mr. Speaker:** Honorable members, this is the procedure that we will follow; the concerned CECM will be ushered in, the statement will be read afresh thereafter I will invite him to respond. Are we together members? Let us have the CECM ushered in.



*(CECM - Health and Sanitation is ushered in)*

Honorable members, the CECM for Health and Sanitation is before us. Senior Sergeant, going forward, we only require a CECM, Director or Accounting Officer from the department. This is not a wedding where we have escorts like flower boys or girls. Are we together? We only require those that have been invited; no flower girls or boys before the House.

*(Applause)*

Let us have the table clerks read the statement afresh to the House.

Response from the County Executive Committee member for Health and Sanitation to a statement sought by Hon. Stephen Wamalwa in respect to the status of the construction of Misanga Dispensary and Makutano Health center where allocation of 6,000,000 and 15,000,000 respectively in the financial year 2017/2018.

The response on the following:

#### **Terms of the statement**

1. Name of the company that was given the contract and the directors of the company. That is to provide CR12 for proof.
2. The agreed contract period for the two projects, providing the contract agreement for verification.
3. Why the Chief Officer discontinued the construction of the two projects.
4. State how much was paid to the contractors for each of the two projects.
5. Provide the Bill of Quantities for the construction of Misanga Dispensary and Makutano Health Centre and Evaluation reports or certificates that informed payment to ascertain whether the level of work is equivalent to the amount of money paid.
6. Confirm whether, there was value for money as provided for in Article 201 (d) of the Constitution of Kenya 2010, which requires that public money should be used in a prudent and responsible way
7. State whether the contractor had the capacity to undertake such a contract and if no, explain why the contract has not been terminated and given to another contractor with the capacity to complete the construction
8. Explain in details the remedial actions the department is taking to complete the construction of the two health facilities.

**Mr. Speaker:** Honorable members, allow me now invite our CECM for Health and Sanitation to give us a response. He will respond from the dispatch box so that members can follow up. Honorable members, I hope that you are all aware that our CECM is called Dr. Andrew Wamalwa. Kindly proceed.

**CECM Health and Sanitation:** Thank you, Mr. Speaker and all Honorable members. I am here to respond to the statement requested as read before the House. I want to state here the

companies, the name of the company that was given the contract in Makutano and Misanga Dispensaries is Kemasha Investment Limited of P.O BOX 1080- 5130100. The Director is one Mr. Emmanuel Wekesa Wamalwa and the CR12 is attached in the report.

The 2<sup>nd</sup> statement was sought on the contract period for the two projects; for Misanga; it was about establishment of the outpatient unit and the period was for six months. The contract was signed on 16<sup>th</sup> April, 2020.

For Makutano Health Centre, the contractor was supposed to put up a maternity wing and this contract was signed on 16<sup>th</sup> April, 2020, it was to take six months. The contracts are availed in the report.

The 3<sup>rd</sup> statement was on why the Chief Officer Health discontinued the two projects; I want to say that the Chief Officer did not discontinue the projects, it is the contractor who deserted the site without informing the project manager and by virtue of the contract the 6 months deadline had elapsed before the contract had been completed.

On statement four; how much has already been paid to each contractor; it is the same contractor that was given the contracts for the two facilities. For Misanga Dispensary a certificate of Kshs. 2,343,060 was raised and paid on 16<sup>th</sup> June 2020. For Makutano Health centre a certificate of Kshs. 4, 106, 120 was raised and was paid on 16<sup>th</sup> June 2020.

Statement five; on the Bill of Quantities; the BQ's have been attached on the two documents that have been submitted.

Statement 6; on whether or not there was value for money according to Section 227 of Constitution of Kenya 2010; my response is that because of loss of time, the people have not benefited from these projects and this can only happen at the completion of the two projects.

Statement 7; on whether or not contractors had financial capability to carry out the works; during the tender process the successful bidder had demonstrated financial ability by filling in the financial data on the tender documents and also attaching performance security bonds from financial or insurance institutions.

Statement 8; on the remedies undertaken by the department about the projects; the ministry had commenced termination of the contract, however the contractor went back to the sites and as I speak work is going on in the two facilities. Therefore, we are waiting for him to complete before we pay the remaining amounts. That is my submission Sir.

**Mr. Speaker:** Before you I do invite my Deputy Speaker, owner of statement to seek clarification from you. Open the contract where the director has signed, you have found it?

**CECM Health:** Yes Sir.

**Mr. Speaker:** No. 3 Director of Kemasha is Gabriel Wamalwa?

**CECM Health:** The Director is Emmanuel Wekesa Wamalwa.

**Mr. Speaker:** Look at the one who has signed the contract. You could have made our work easier, if the document was paginated. The third last page; is this the same person Emmanuel Wekesa Wamalwa on page 2 of the CR12?

**CECM Health:** He is not the same person Mr. Speaker.

**Mr. Speaker:** So, in your department it is possible that I get a contract and I send somebody else to become the contractor? The contract document Director is Gabriel Wamalwa and on CR12 Emmanuel Wekesa Wamalwa is indicated as the Director. Is it okay?

**CECM Health:** No. I have noted the same.

**Mr. Speaker:** Before I allow Hon. Stephen to say something, then how comes these Directors don't have Identification Cards? If we had an ID for Gabriel Wamalwa and Emmanuel, we could be able to know if it is the same person or they are different people. To a lay man like me, they are two different people. I was just seeking clarification, Hon. Stephen Wamalwa kindly proceed as the CECM resumes his seat.

**Hon. Stephen Wamalwa:** Thank you, Honorable Speaker. First of all, I appreciate the support and the enthusiasm of this Assembly for standing to perform their oversight role effectively and I want to pray that the same spirit goes on.

Secondly, I want to appreciate that the CECM made an effort to come the last time, he was here although there was a hitch and he made it here today. The last time he was requesting that to be here early enough, today he came again early enough as opposed to what we are experiencing elsewhere. I want to also thank you CECM for standing to serve as per the calling.

My questions were eight, and the issue of the Company, the name and the CR12 for proof. I thank Honorable Speaker, you can see a disparity somewhere, as the Speaker has pointed out. They may have used some proxies to sign on behalf of the owners of that company, because we need to know and the directors of the company should proof beyond any reasonable doubt that actually they are the ones. They cannot be hiding some documents like identification cards, which go along way into proving ownership and they try to in a very cheeky manner avoid to proof that they are indeed the owners of that company. In essence I am trying to say I am not satisfied that whoever is the director is the director. CECM you have to go deeper and find out the owners of this company.

Number 2, the issue of the period, because from the contract as well explained by the CECM, the contract was to take six months and they signed this contract in April 2020. It means the project should have been completed. The CEC you understand if it was April then they should have completed the same in 2020, but this is 2023.

On instruction to tenderers, under general; it reads *the Employer has defined in the appendix to conditions of t contract invite tenderers for works contract as described in the tender documents. The successful tenderer will be expected to complete the works by the intended completion Date specified in the tender documents.* what stopped the department from terminating the contract given that it is the contractor who was violating the contract. Three years have lapsed, this May 2023, honestly are we taking this forward then?

The CEC has said, contractor rushed to the site the other day on Monday, and is trying to rush with some issues. CECM, I know it is a ploy so that you cannot terminate the contract. Are the people of Soysambu enjoying the fruits of this County, if you put on gloves and handle contractors in such a manner? I'm not happy with that and maybe the CEC should come forward and explain if indeed again you entered into an agreement that you extend the contract period? Because what have you done to that level that the contractor can abandon the site three years then without any reason comes casually and goes back to the site. Is that fair? Is that procedural? Can we encourage that as a County? Honorable CEC please clarify.

I was happy that the Quantity Surveyor was here with you and I'm told he was taken away; I want to believe that he is listening. Honorable members, we should demand value for the money. The structure at Misanga, the contract was six million although they awarded 5.8 million but the structure is very small and is consuming up 6 million. What factors can make us believe such a structure can cost a tax payer 6 million? I don't know if you have been given explanations, as to why it is justified that value for the money of the people of Bungoma is actually achieved.

Another one on structures the issue of BRC mesh from the ground, such structures coming up, I don't know if your people have gone to the ground and done evaluation to ascertain that this contractor adhered to the laid down BQs or he was skipping some steps, so that he can maybe make a lot of profit out of it. As we speak yes the contractor is on site and I could not stop him because if I did, the CECM will come here and say that the contractor went back on site but the area MCA chased him away. Tell this house when the contractor is completing works at Misanga and Makutano, so that if not *tutakuita hapa na CECM mimi ndiye nitakuwa naandika barua...*

**Mr. Speaker:** Honorable Deputy Speaker?

**Hon. Stephen Wamalwa:** Honorable Speaker, I'm sorry and I withdraw. If it is not, then it is me who will be leading the charges in this Assembly for your neck.

**Mr. Speaker:** Before I invite Hon. Violet who wants to say something, Honorable CEC on page 1 of your response, the contract was not discontinued. Come and clarify an issue. Look at page one of your response on the top page; the contract was not discontinued, what happened?

**CECM Health:** The contract was not discontinued by the Chief Officer Par se but the contractor had abandoned site...

**Mr. Speaker:** Just read as indicated here.

**CECM Health:** The contract was not discontinued by the Chief Officer Par se but the contract died naturally because of lapse of contract period as per Section 33 of the contract condition.

**Mr. Speaker:** The contract died naturally, then when did it resurrect?

**CECM Health:** When our team visited the site in preparation for this response, they discovered that the contractor is back on site.

**Mr. Speaker:** That is when it resurrected?

**CECM Health:** Yes.

**Mr. Speaker:** What about Section 33 of the contract conditions, just seek clarify, I will allow you to speak. Section 33part 2 of the contract condition, have they attached? We have been looking at termination is not there, I was even imagining that we are talking about the Contract Act, but my brother Hon. Sudi can tell you the contract Act has two pages only. So look at those loose ends. Hon. Violet,

**Hon. Violet Makhanu:** Thank you, Honourable Speaker. I listened to Stephen and it reminded me something that I want the CEC to note. According to my understanding, we could be having many projects that are in the same state in this County, an example for where I come from. I don't want to come up with a statement that will bring the CEC here but I want him to note that there are so many projects that are unfinished and contractors deserted the sites. There is a maternity wing in Mihuu that was started in 2017 and it is 6th year and it has not been completed. I have gone to the ministry severally until I gave up; this contractor called Samfra Contractors Limited did a very shoddy work in my ward in the name of maternity wing and he disappeared.

I'm surprised that somebody deserted the site for over three years, and then when he learned that the contract is being terminated, he runs back to the ministry to plead to be allowed to get back to the site. What is that contractor going to do that site? One we should expect a very shoddy work because he will want to ensure that he finishes the work to be paid.

For my case, I have been requesting to be terminated for some time but now nothing is happening, and when the process of termination gets initiated then the runs to the minister requesting to get back to the site. What happens? That is a very big temptation to Hon. Violet Makhanu the MCA for Mihuu. I may not want to reach there but I'm just trying to imagine what would happen that day because it has been a thorn in my flesh. I have answered so many questions concerning that maternity wing and many others.

I want to request that it is high time our CEC goes back to maybe to the records. So just find out about the projects that are being done in our respective wards whether they are completed or not, if incomplete then give status report of projects in his Ministry, citing the number of years it has stalled, so that instead of coming here respond to one project and return to look for information for another then you come back again, when you can do it at once and give way forward. But for the one in my ward, I want it terminated as early as possible so that we are able to fix facility to enable my good people from Mihuu enjoy the intended services.

**Mr. Speaker:** Members, I had given some guidance some time back on responses. The CEC came to deal with the issue of Soysambu/Mitua and the issues are cutting across because, if I allow Hon. Kawa speak next he is going to speak about Machakha Dispensary that stalled and if I allow Hon. Millie she is going to talk about Kitunyi school.

*(Loud consultations)*

The CECM came to respond to a statement from Hon. Stephen Wafula a member for Soysambu/Mitua. If I allow other members to ask for their areas then it becomes tricky because he has not prepared for the same. I want to listen to Hon. Millie but I think we must find a way for the CEC to cure this problem, because every Honourable MCA having a similar problem in his/her Ward and when they see the CEC here, they feel that he must give us the solutions to this problem.

**Hon. Millie Masungu:** Thank you, Mr. Speaker. I will not talk about my stalled projects in Bunjosi dispensary and Misikhu. I will support and sympathise with the Honourable Deputy Speaker because if the people of Soysambu/Mitua had looked at this project, they would have voted him even out but we thank God they did not see that.

As House we allocate enough money for a spacious building that can accommodate the services but eventually when you come on site or when contractors come on site they build a structure in a form of a maize store or a kitchen in my home.

So I am requesting that the CEC should check on the Public Works department to give standard drawings so that we have value for the money on construction in health department. It has taken almost three years for a structure to be completed and be functional. I am wondering was this contract cutting across three or more financial years or it was just meant for a single financial year to be completed.

I want to urge CEC to go back to his procurement team and the CEF team to be serious on the money allocated by Honorable members so that projects are completed in time, because this is taxpayers' money and they expect service on such projects.

I'm equally disappointed because all Honourable members are going through similar problems. I am speaking of Maternity wing in Misikhu Ward, Maternity wing in Bunyosi dispensary and Kituli dispensary maternity wing all are stalled. What is the problem?

*(Laughter)*

**Mr. Speaker:** Honourable Members, if I am going to give a microphone to Hon. Henry, it will be the same story for Hon. Millie and others who have spoken. Members, this statement was sought by Hon. Stephen

*(Loud consultations)*

Honourable members, I am giving direction because at the end of the day, we have one more CEC and your report on selection. I have observed that this problem is across cutting in many wards, but the CEC came prepared for Soysambu/Mitua and now Hon. Kawa is talking of Milani and Machakha, so members Hon. Kawa wait first.

*(Laughter)*

So members allow CEC to answer to issues raised by Hon. Stephen because he had raised issues which needs to be addressed.

**CECM Health:** Thank you, Honourable Speaker. I have to give more response according to what the Deputy Speaker has raised. We have noted the confusion of the directors because of the CR12 and who signed the contract that they are different; we are going to clarify that.

The duration of six months, it is required by law that the contractor should have sought extension of contract, if he felt that the time given was not enough or there were variations in time which was not sought. We are going to take necessary measures to ensure that the due process is followed until complete that project.

On the structural designed, we have noted what members have raised, we are coming up with regulations to standardise all drawings for dispensaries, Health centres and level four Hospitals facilities so that we have uniformity across the County.

We have taken measures to ensure that there is close supervision, we have devolved our project implementation teams, we now have sub county teams that will be doing supervision on a regular basis to ensure that the contractor is put on check.

On stall projects, we have taken measures to terminate those contracts where the contractor has absconded sites without notice to the project manager, we have given them warning letters and we are waiting for feedback. The ministry has undertaken measures to ensure that we complete all stalled projects in the coming financial year's budget.

Whether the contract is cutting across financial years? The answer is no because the contract was running for six months in the financial year 2019/ 2020.

**Hon. Stephen Wafula:** Honourable Speaker, I want to appreciate the responses from the CEC. But there's one aspect that has not been mentioned, which is so close to my heart; because the contract has overstayed, what undertaking are you giving, when will the contract be completed and handed over for use?

**Mr. Speaker:** CECM,

**CECM Health:** Thank you, Honourable Speaker. With all measures taken into consideration, we are hoping that the contractor will be able to finish before the end of this financial year, so that we don't lose money. We will make sure that it's done.

**Mr. Speaker:** Thank you, CECM. Let me have information from Hon. Ipara.

**Hon. Johnstone Ipara:** Thank you, Honourable Speaker. I sympathise with the Honourable Stephen Wamalwa, when he talks of a contract that died long time ago, because when you go to terms of contract, this was a purely a term contract and a term contract can only be extended when the contractor has requested it and may be as Honourable Millie was saying we may presume this contract was a standing contract, a standing contract exceeds four financial years, because it involves a lot of works. So I want it clarified, because this House abides and maintains the rule of law. So we must first of all, as the law keepers ensure that we are told the right things.

**Mr. Speaker:** CEC, confirm before I make my ruling on the same.

**CECM Health:** Thank you, Mr. Speaker. As I said earlier, this was a term contract which was to last six months and it was not cutting across various financial years.

**Mr. Speaker:** CECM, I have just tried to limit contributors to same, but if I allow it will take us up to 11p.m. We have a recess running from now up to the 6<sup>th</sup> of June, go out in all 45 Wards and come up with status report on pending projects, and when we resume I will give a day to share with these Honorable members, it will be 2p.m up to 11p.m.

*(Applause)*

So together with your team go around all 45 Wards so that when you are responding you know what is happening across the County. I will give you good time, up to 20<sup>th</sup> of June at 2.30p.m. There will be no motion; members will listen to CECM Health.

*(Applause)*

Honourable CEC you remember when you came for the vetting here, you said on a short notice, I will be available to serve the people of Bungoma with all my energy. So on 20<sup>th</sup> June, it is your day with the 45 MCAs. Thank you and have a good afternoon.

*(Applause)*

Next order,



**RESPONSE IN RESPECT TO THE IMPLEMENTATION OF CEF ROAD  
PROJECTS IN KIMAETI WARD FOR FINANCIAL YEAR 2019/2020, 2020/2021  
AND 2021/2022**

*(CECM Roads is ushered to the House)*

**Mr. Speaker:** Welcome CEC Roads, kindly be seated.

Honourable members as the procedure once again I repeat; we allow the table clerks to read afresh statement then invite the CEC to give me his response, then anything arising from the response can be sought a through clarification from the owner of statement and I to confirm Honourable Jack Wambulwa is present ready for the response.

Kindly give the CEC some water so that he feels comfortable, there are no juices here. Let him take water. kindly wait first statement be read out first

Response in Respect to the Implementation of CEF Road Projects in Kimaeti Ward for Financial Year 2019/2020, 2020/2021 and 2021/2022

In response, the CEC is expected to respond to;

1. The names of the roads and its contractors
2. The BQs and contract sum for the said roads
3. payment status of these roads
4. The completion certificates and payments on the same roads.
5. The measures put in place by the department to have all the roads under CEF programme in the road to be completed within the timeframe as provided into contract agreements.

**Mr. Speaker:** Proceed CEC from the dispatch.

**CEC Roads:** Thank you, Honourable Speaker. We are reading a statement with regards to Kimaeti Ward Based Projects for 2019 /2020 and 2021 /2022. The Department of Roads received requests made by the Honourable Member for Kimaeti Ward on implementation of projects in Kimaeti Ward for the period stated above under the Ward Based programme and below are the responses of the issues raised;

### **Project Background**

The projects under clarification comprised of six roads, done under two contracts implemented in two financial years. The projects were prioritised to open up the ward through improved connectivity to main roads, access to public installations like schools, markets, hospitals, administrative offices and other social installations like churches as well as basic amenities to spur economic growth in the targeted areas.

### **2019/2020 Road Projects**

It is important to note that there was no allocation under the Ward Based projects for the year 2019/ 2020 as per the attached forwarding memo dated 10<sup>th</sup> July 2019 from the Special Purpose unit, which I have attached. During that year, we had an allocation to Education totalling Kshs 3.582 million to AVA Launch Investments Limited, on the same construction

of Bitobo dispensary by Lifica K Limited at Kshs 3,034, 408 and then they were drilling of boreholes at Syombe and Kimaeti by Waser East African System at 4.3 Million and then we also had an extension of Myanga water projects by MS Ndakaru Engineering Logistics Company at 2.5 million totalling to Kshs 13.5 million.

As indicated, we did not see any projects that were done under roads, although the same year under that ward there were projects under RLMF and framework.

#### **Issue Number One; The names of the roads and its contractors**

The department established a total of six projects that were undertaken in the ward over the said period as follows;

1. Myanga Syombe -Sichekeni road done by Dachi contractors in the year 2020/2021.

The product was gravel; quantity was 4.8. Its 100% done. It is closed.

2. Masielo Secondary -Napara road still done by Dachi limited. The product was gravel, the quantity is 1.8 kilometres, 100% done and the project has been closed.

3. We had four projects which were combined into one contract. One of them was Mwambu - Maseno road done by Deljo enterprises, the product was gravel for one kilometre, and 90% done but the contractor is out of site.

Kimaeti - Syombe road, still Deljo enterprises limited, the product was gravel, 4 kilometres, 80 % done, the contractor is out of site .

Kitingia - Sikhila road, Deljo enterprises, and the product was gravel, 3.2 kilometres. 80% the contractor is out of site.

Kitabisi - Wekelekha road which the same contractor Deljo was grading 2 kilometres 70 % done and the contractor is out of site.

#### **Issue number 2; the bill of quantities and contract sum for each of the said roads and payment status.**

For the first one under Dachi limited, the contract sum was 6,886,572; amount paid so far is 6,885,180 which is 99% with zero balance. Status is 100%.

On the second project which was combined by Deljo 2021/2022 was 14,060,592, the amount paid so far is 12,416,640 at a percentage status of 88% payment the balance is 1,643,952. The project status is at 85%.

The copies of the BQs are hereby attached.

#### **Issue number 4, completion certificates and payments of the same roads**

As indicated, the first tender by Dachi was inspected and established that the contractor met all contractual obligation on which payments were fully made. Payment certificates and completion certificates are hereby attached.

On tender number 2 by Deljo, the contractor abandoned site after payment of the first certificate where the contractor had only executed up to 90% of the contracted works. A copy of the payment certificates is hereby attached.

On analysis of the contracted works, the department established that the pending works between 10-15% on the project consist of 91 meter culverts, distributed on the three roads as follows;

Mwambu –Maseno, 17 metres, Kimaeti -Syombe,64 metres, Sihila-Kitingia road at 10 metres totalling to 91 metres. That is 12 culverts costing a total of 1.194 million Kenyan shillings.

**Issue number 5; Measures put in place by the department to have all the roads under the CEF program in the Ward be completed within the timeframe as provided in the contractors agreement.**

On the incomplete project cited under the tender that is on the 15<sup>th</sup> of 2021/2022, the department has withheld monies reserved as retention amounting to 1,241,664 together with the contract balance of 1,643, 952 totalling to Kshs 2.8 million that has been planned to facilitate completion of the project through fresh procurement process.

Going forward, the department has enhanced internal control systems for monitoring the project implementation activities to improve compliance with the terms of engagement with contractors especially on;

1. Scope of work, Introduction of a clear chain of command that has introduced engineers in each region to supervise works officers and through fortnight meetings with engineers, a continuous review of these scopes of works and recommend for action.

Contract period

Part A.

Enforcement of the contract period terms by issuing orders to commence to contractors, detailing actual contract start dates and expected end dates.

Part B.

Continuous review of contract progress in fortnight meetings and issuance of disciplinary notices defaulting contractors has been initiated.

On quality of work, the department has operationalized the material testing unit with a dedicated vehicle to move officers around all active projects to ensure compliance with standards. The department has also enforced continuous supervision mechanism on all projects by assigning officers to all project quality assurance.

**Mr. Speaker:** Thank you. Allow me invite Hon. Jack to respond in brief. Hon. Jack, proceed please.

**Hon. Jack Wambulwa:** Thank you, Honourable Speaker. First of all, I want to appreciate yourself and the House for allowing this way of responses and I want to take this opportunity to thank our Majority Leader for having stood in for me during the first response by the CEC. My questions were very simple and clear and as you may look at the way this information has been given to me; One, the roads have been mentioned and they are not telling us the kilometres so that we can trust how much was allocated per road.

Two, looking at the allocation given in my ward during this year's budget; that the two companies were involved, you can see there is a blanket award of contract to these contractors. You wonder why because the CEC is now telling us that somewhere in between one of the contractors abandoned the site and the said wherever job that was given, she could not be able to finish.

Am told she even wrote a letter to be given part payment but what worries me most is that how do you pay somebody first payment, pay the retention before even visiting the sites. I wanted to see the payment certificates. I am told they are attached, I do not have any payment certificate here on my response, I do not know whether it was intentional or what could be the problem. What do I mean by that?

That the departmental engineers colluding with the contractors to make sure that this payment is processed on time without involving the oversight teams who are actually the ones making the allocation, then in the end, they make payments. For how long are we going to watch as people swindle Bungoma County Government monies at the expense of *Mwananchi* without being involved?

I think the contractor did not have the capacity, why is it that they never divided these jobs into several contractors for us to meet the requirements on time and make sure that these allocation gets well utilised.

I do not have any copy of the BQ on my response. How intentional, I do not know whether it is our secretariat or it is the CEC to read to me then I will just trust that. I do not have any payment certificates, how it was paid, they do not want me to know, I do not know whether the CEC was ready to give me a response that will satisfy me.

Finally, I want to be brief that these are cartels within the department of roads, if we don't wake up as Honourable members...

**Mr. Speaker:** Hon. Tony, what is the issue?

**Hon. Tony Barasa:** Honourable Speaker, a few minutes ago, you allowed one of the officers to go outside. I am seeing the CECM here. I do not know, is it the accounting Officer or Chief Officer.

**Mr. Speaker:** Personally, you were out when I was introducing him, so I think you keep silent.

**Hon. Tony Barasa:** Thank you, Mr. Speaker. Well guided.

**Mr. Speaker:** When they walked in you were not in and I was able to see the CEC accompanied by the technical officers from the department. I allowed him in.

**Hon. Tony Barasa:** I am guided Honourable Speaker, but I remember in health, we also had a technical person and he went out.

**Mr. Speaker:** That was a procurement officer. I sent out and then before they came in, they sent an officer to ask for permission to come in. The other one, they just walked in together. Sorry Honourable Jack Wambulwa for that brief interjection. Kindly proceed!

**Hon. Jack Wambulwa:** Thank you, Honourable Speaker. If you look at this response you can tell that there are cartels in the ministry of roads and these cartels are doing shoddy jobs at the expense of the local *Mwananchi*. In the end, when the blames come they how does the MCA come into this approval of the contractor to be paid 100%? I am told even the same contractor is currently not in the country. She is in Dubai. How are we going to trace that contractor?

If we look at the Dachi contractor, he was paid 100% before he even filled the culverts. Culverts were left open, some of them are breaking and when you make a follow up, he is already paid. How do we trace these contractors? Who is the mess? We said new broom should sweep better. I think it should be the opposite. May be it should be the older broom knows where the dirt is.

How I wish...

**Mr. Speaker:** It's very true. Brooms have eyes.

*(Laughter)*

**Hon. Jack Wambulwa:** How I wish my good friend the CEC, you should come up with measures and proposals that will make this House not lose any money. You should have told us what measures you have put in place to make sure that in future such kind of thing shall not happen. You are going silent over the same.

**Mr. Speaker:** Hon. Jack, I think you are going out of what is required. You raised issues to be addressed.

**Hon. Jack Wambulwa:** Yes Honourable Speaker.

**Mr. Speaker:** But what you are saying?

**Hon. Jack Wambulwa:** What measures, it's very clear in my statement.

**Mr. Speaker:** You are online, proceed!

**Hon. Jack Wambulwa:** Yes Honourable Speaker, as I sum up, all I want to request is that, the CEC should assure me how soon and when.

**Mr. Speaker:** He assures the House not you.

**Hon. Jack Wambulwa:** To assure the House how soon is remaining work going to be completed, and looking at the allocation left towards the same that is supposed to do the culverts, let us talk of about 12 lines be done on the three roads then we have the remaining two and a half kilometres done on the road at the total cost of 1.9 Million, even if it was to be 2.5 million, can that allocation be able to do the road? That is my concern, unless there are any other miracles that the CEC is going to assure me that the culverts will be fitted and the roads will be done, let him confirm to the House.

**Mr. Speaker:** Thank you, Hon. Jack. Allow me invite the CEC to give a brief response.

**CEC Roads:** Thank you, Honourable Speaker for allowing me time to respond. I will go straight into the issues that were raised...

**Mr. Speaker:** Honourable members, allow me be able to have the CEC heard in silence please.

**CEC Roads:** The Honourable member raised a number of issues. One of them is the issue around batch procurement. This is a norm and it is usually done even if you look at the water projects that were done in the previous year, they combined the drilling of Syombe borehole and Kimaeti borehole by MS Waser agencies. It helps in reducing the logistical cost. So it is easier to combine a number of roads to be able to do this assignment.

In terms of abandoning the site, we have clearly stated that the contractor abandoned site. Once a contractor abandons site, we normally write default notices to such entities and we have followed up. These were our last year's projects; we have communicated to the said contractor and they have responded by saying they want payment for the work done and not on the culverts and as a department we have also instituted measures. You cannot as a contractor come up and determine what you want to do on works that is breach of contract. When you have been told to do dosing, gravelling, grading and culverts, you cannot wake up tomorrow and decide I do this and leave out others and that is what we have told the contractor. It cannot happen and that is why we have stopped their retention money, because they had written to us to request for retention money on work done and we have told the contractor, you have breached contract, we are not going to pay you that retention plus the contingency amount.

On the kilometres of the road, we have clearly stated on the quantity. The first road was 4.8 kilometres, the second road is 1.8 kilometres, the third one is one kilometre, fourth is 4 kilometre, fifth is 3.2 and the last road Kitabisi-Wekelekha which is 2 Kilometres.

When it comes to copies of BQ and payment certificates, these ones were duly submitted and attached. I am not sure why they were removed on the response that you were given. If you look at our response from page 7 that is where the BQs have been attached and they were duly submitted and then the payment certificates emanate from page 10 onwards.

When it comes to measures put in place, I have clearly tabulated from page 2 of the document that is on scope of work, contract period, contract implementation and enforcement of

contract period terms. We have talked about continuous progress in terms of oversight meetings and supervision.

We have talked about quality of works and our material testing department and disciplinary measures that we normally do when it comes to contractor defaulting. We have clearly stipulated the measures that we will undertake when such things happen.

When it comes to payment, for Dachi it was paid 100%. If you measure the quantities as stipulated on site if you look at the measurement sheets, he did gravel, the requisite number of culverts, grading and dosing. Probably the Honourable member is talking about the quality of work which is another conversation but if you measure works done you go to site you will find those quantities that were actually paid.

For Deljo, we concur that the culverts were not done in all the roads and they have clearly stipulated that they are not moving forward in doing the culverts and if you look at the payments that were done, we have so far paid 88% and the work done is 85%. If you calculate from the 12,000,000 the amounts that were allocated in the BQ for culverts was 1.1 that was sufficient to do culverts in all those roads and if you take plus the retention money and the contingency money, 2.8 is sufficient for us to do all the culverts and finish part of the work that was remaining on Kitabisi road around a kilometre.

**Mr. Speaker:** Thank you, Honorable members. I will ask Honourable members having issues with their respective wards; bring them substantively as your statements, so that it is put on our Order Paper, for instance from Hon. Lusenaka then to the last motion.

Member for Khalaba and Chwele Kabuchai, if you have something to say again then bring your statement, I will be able to allow you to speak please!

**Hon. Jack Wambulwa:** After his response, he talked of breach of contract. How I wish this House was notified time she wrote to saying she was not continuing? This was after I raised an alarm. She was almost being paid the balance. It is when I raised an alarm that is when they stopped payment of retention fees that the CEC was talking about. I am very sure even if they are going to contract any other contractor; it is going to be a challenge.

Two, about Dachi, unless you did not get me Bwana CEC, I talked of culvert backfilling, if you made the culverts and you have not backfilled, is that work complete? The work is not complete and it's obvious that if we went to site together with you today, the culverts were never backfilled. Dachi are the contractors who are the deep state in the previous regime.

*(Applause)*

Same as Deljo so we cannot allow these cartels to go scot free just because the CEC wants to please me with a response by telling me he did a good job. There is no good job that was done. I still demand to be given the BQs; certificates of payments and even that approval by the engineers were given the approval that work is complete 100%. I need that to be satisfied as a representative of Kimaeti.

**Mr. Speaker:** Thank you, Hon. Jack. CEC take note of what he is asking, forward to the Clerk and pass it over. If there are grey areas to be raised again, I think we will come back to you. Allow us to go to the next item on our Order Paper please.

Yes, Honourable Sudi!

**Hon. Isaiah Sudi:** I wish you could have told the CECM because the problem of Honorable Jack cuts across all Wards, because most of the works are poorly done, like in my Ward; Culverts were not backfilled and the contractors were paid. I wish you would rule that he does they you instructed the other CECM for Health, so that we also get satisfied.

**Mr. Speaker:** Honorable Members, if we go that direction with the request that has come from the Deputy Majority Whip; CECM, Honorable Members are having challenges in their Wards; Incomplete work and full payment on incomplete projects. So since we are going for a recess of one full Month, we urge that you go back to your department. The only challenge we are facing from what I'm getting from Hon. Jack Wambulwa, you will be asking the same cartel to give you the feedback. So you get the feedback from all the 45 Wards of the pending status of the roads that were done, incomplete, poorly done so that we get the report here.

I would like to grant you a full day in the afternoon; you come and share with us and 45 MCA's. It will be a day meant for you and nobody else. It will be on 27<sup>th</sup> of June, a day reserved for you. You have nearly one month and that is 6 weeks to prepare, that day we will have enough water on that day for you to drink because there are no juices given in this House.

Members allow me so that we go to the next item on our Order paper.

### **RESPONSE IN RESPECT TO THE CONSTRUCTION OF LUMORO-LUTASO-NAMIREMBE ROAD**

In the response, the CECM is to respond on;

1. Contract sum for construction of Lumoro-Lutaso-Namirembe road under RMLF for financial year 2021/2022
2. Scope of work of the project, Bill of quantities
3. The name of contractor and the contract signed be attached
4. Contract period and if the contract still existing or lapsed. If lapsed, the steps that the department has taken.

**Hon. Anthony Lusenaka:** Thank you, Mr. Speaker. Today morning we had a meeting with the CECM and the contractor and plus officers from works and we agreed to give the contractor one week to complete the job and we agreed and I think he did it in writing, so failure to that by next week Saturday, the contract will be cancelled.

**Mr. Speaker:** That is a very good work between the roads department and the concerned Honorable Lusenaka. I think that makes our work easier but we can't leave it open that way. We will give you a mention in future to confirm compliance and that is 27<sup>th</sup> of June. We will



confirm the same status of your agreement that the work has been done, so that we are able to move on. When we come back on 27<sup>th</sup> June, you also come with Honorable Lusenaka specific issue.

Thank you CEC for honouring our invitation to come and share the status of your responses to the Honorable Members here. We appreciate and we are very grateful, we don't take it for granted because you had something else to do. Thank you, have a good afternoon.

*(Applause)*

## MOTION

### REPORT BY THE COMMITTEE ON SELECTION ON BALANCING OF THE HONORABLE MEMBERS TO COUNTY ASSEMBLY COMMITTEES

**Mr. Speaker:** Hon. Tony, I see you have the honour to present committee on Selection report.

**Hon. Tony Barasa (Member, Selection):** Thank you, Mr. Speaker. I wish to move Report on Selection on Balancing of the Honorable Members to County Assembly committees.

#### **Executive Summary**

Pursuant to provision of Standing Order No. 174 (1) THAT "There shall be a select committee, to be designated Committee on Selection consisting of the Leader of Majority party or Coalition of Parties who shall be the Chairperson, the Leader of the Minority party or Coalition of Parties, Coalition of Parties whips and Seven other members who shall be nominated by the County Assembly Parties and approved by the County Assembly taking into consideration the interests of the independents

#### **Committee Membership**

|                             |                   |
|-----------------------------|-------------------|
| 1. Hon. Joseph Juma         | Chairperson       |
| 2. Hon. Anthony Lusenaka    | Vice- Chairperson |
| 3. Hon. Meshack Wekesa      | Member            |
| 4. Hon. Milliah Masungu     | Member            |
| 5. Hon. Busolo Sudi         | Member            |
| 6. Hon. Tony Barasa         | Member            |
| 7. Hon. James Mukhongo      | Member            |
| 8. Hon. Franklin Simotwo    | Member            |
| 9. Hon. Jerusa Aleu         | Member            |
| 10. Hon. Everton Nganga     | Member            |
| 11. Hon. Ali Machani Mutoka | Member            |
| 12. Hon. Godfrey Mukhwana   | Member            |

#### **Committee Mandate**

The Committee's mandate, functions and limitations are stipulated in Standing Orders Nos. 174, 175, 176 and 177 that the Committee on Selection shall:

Nominate members to Select Committees save for the membership of the County Assembly Business Committee, Appointments, and Speaker's Panel with the County Assembly Parties:

Give consideration to the need for gender balance and shall so far as may be practicable, ensure that no more than two-thirds of Members of a Committee of the County Assembly, including a Committee established through a resolution of the County Assembly shall be of the same gender.

Ensure that the membership of each Committee reflects the relative majorities of the seats by each of the County Assembly Parties in the County Assembly;

### **Acknowledgement**

On behalf of the members of on Selection Committee i wish to appreciate your office and that of the Clerk to the County Assembly for the necessary support accorded during the execution of its mandate.

I further extend my gratitude to the secretariat for their technical support in coming up with this report.

Pursuant to the provision of the Standing Order No.174 (V) and 177 (3), I now wish to table this report and urge this Honorable House for adoption.

Signed by Honorable Joseph Juma Nyongesa Leader of Majority and Chairperson of Selection Committee

Strategic objective of the Committee...

**Mr. Speaker:** That one you can leave it out; there is nothing new on it.

Nomination of members to Committees is executed by County Assembly Parties and a member shall not be a member of a committee of the County Assembly, unless the nomination of such Member into the Committee is approved by the County Assembly.

After reviewing membership to some of the Committees within its mandate and in exercise of the powers conferred to it, the Committee on Selection resolved that the membership to affected committees be as follows;

### **SECTORAL COMMITTEES**

#### **Education and Vocational Training**

1. Hon. Allan Nyongesa
2. Hon. Timothy Chetekei Chikati
3. Hon. Aggrey Mulongo
4. Hon. Ali Machani

5. Hon. George Makari
6. Hon. Benjamin Otsiulah
7. Hon. Stephen Kaiser
8. Hon. John Wanyama
9. Hon. Angeline Rugut
10. Hon. Jack Kawa
11. Hon. Joan Kiro'ng
12. Hon. Abraham Obama
13. Hon. Christine Mukhongo
14. Hon. Mildred Barasa
15. Hon. Jacob Psero

### **Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development**

1. Hon. Alice Kibaba
2. Hon. Allan Nyongesa
3. Hon. Everlyne Mutiambu
4. Hon. Alfred Mukhanya
5. Hon. Franklin Simotwo
6. Hon. Jerusa Aleu
7. Hon. Isaiah Busolo
8. Hon. Bernard Kikechi
9. Hon. Caleb Wanjala
10. Hon. Edwin Opwora
11. Hon. Idd Owongo
12. Hon. Waiti Wafula
13. Hon. Mitrine Nangila
14. Hon. Martin Chemorion
15. Hon. George Tendet

### **Health Services**

1. Hon. Milliah Masungu
2. Hon. Job Mukoyandali
3. Hon. Vitalis Wangila
4. Hon. Anthony Luseneke
5. Hon. Meshack Simiyu
6. Hon. Jackson Wambulwa
7. Hon. George Makari
8. Hon. Grace Sundukwa
9. Hon. Jerusa Aleu
10. Hon. Dorcas Ndasaba
11. Hon. Joan Kiro'ng
12. Hon. Iddi Owongo
13. Hon. Orinze Kundu

14. Hon. Jacob Psero
15. Hon. Tony Barasa

### **Tourism, Environment, Water and Natural Resources**

1. Hon. Anthony Luseneka
2. Hon. Aggrey Mulongo
3. Hon. Vitalis Wangila
4. Hon. Miliar Masungo
5. Hon. Joseph Nyongesa
6. Hon. James Mukhongo
7. Hon. Meshack Simiyu
8. Hon. Bernard Kikechi
9. Hon. Edwin Opwora
10. Hon. Dorcas Ndasaba
11. Hon. Martin Chemorion
12. Hon. Orinze Kundu
13. Hon. Isaiah Busolo
14. Hon. George Tendet
15. Hon. Benjamin Otsiula

### **Gender and Culture**

1. Hon. Mitrine Nangalama
2. Hon. Florence Juma
3. Hon. Alfred Mukhanya
4. Hon. Jeremiah Kuloba
5. Hon. Joseph Nyongesa
6. Hon. James Mukhongo
7. Hon. John Wanyama
8. Hon. Maurine Wafula
9. Hon. Jack Kawa
10. Hon. Sheila Sifuma
11. Hon. Abraham Obama
12. Hon. Mildred Barasa
13. Hon. George Tendet
14. Hon. Eunice Yeko
15. Hon. Godfrey Mukhwana

### **Lands, Urban, Physical Planning and Housing**

1. Hon. Cornelius Makhanu
2. Hon. Jeremiah Kuloba
3. Hon. Mitrine Nangalama
4. Hon. Ali Machani
5. Hon. Edwin Opwora

6. Hon. Waiti Wafula
7. Hon. Everlyne Anyango
8. Hon. Linda Kharakha
9. Hon. Henry Nyongesa
10. Hon. Francis Chemion
11. Hon. Isaiah Busolo
12. Hon. Johnstone Ipara
13. Hon. Mildred Barasa
14. Hon. Barasa James
15. Hon. Eunice Yeko

### **Trade, Energy and Industrialization**

1. Hon. Metrine Nangalama
2. Hon. Alfred Mukhanya
3. Hon. Timothy Chikati
4. Hon. Alice Kibaba
5. Hon. Bernard Kikechi
6. Hon. Polycarp Kimeta
7. Hon. Waiti Wafula
8. Hon. Brigit Katasi
9. Hon. John Wanyama
10. Hon. Linda Kharakha
11. Hon. Sheila Sifuma
12. Hon. Angeline Rugut
13. Hon. Meshack Simiyu
14. Hon. Johnston Ipara
15. Hon. Aggrey Bosire

### **Youth Affairs and Sports**

1. Hon. Allan Nyongesa
2. Hon. Job Mukoyandali
3. Hon. Florence Juma
4. Hon. Cornelius Makhanu
5. Hon. Violet Makhanu
6. Hon. Charles Nangulu
7. Hon. Grace Sundukwa
8. Hon. Caleb Wanjala
9. Hon. Idd Owongo
10. Hon. Catherine Kitui
11. Hon. Doricas Ndasaba
12. Hon. Everlyne Anyango
13. Hon. Abraham Obama
14. Hon. Martin Chemorion

15. Hon. Metrine Nangila Wilson

### **Labour Relation, Members Service and Facilities**

1. Hon. Alice Kibaba
2. Hon. Evertone Nganga
3. Hon. Miliar Masungo
4. Hon. Anthony Luseneka
5. Hon. Jackson Wambulwa
6. Hon. Charles Nangulu
7. Hon. Polycarp Kimeta
8. Hon. Brigit Katasi
9. Hon. Catherine Kituyi
10. Hon. Everlyne Anyango
11. Hon. Metrine Nangila
12. Hon. Henry Nyongesa
13. Hon. Joan Kiro'ng
14. Hon. Jerusa Aleu
15. Hon. Linda Kharakha

### **STANDING COMMITTEES**

#### **Delegated County Legislation Committee**

1. Hon. Allan Nyongesa
2. Hon. Florence Juma
3. Hon. Aggrey Mulongo
4. Hon. Metrine Nangila
5. Hon. Godfrey Mukhwana
6. Hon. Dorcas Ndasaba
7. Hon. George Tendet
8. Hon. Martin Chemorion
9. Hon. Wafula Waiti
10. Hon. Angeline Rugut
11. Hon. Aggrey Bosire

#### **Implementation Committee**

1. Hon. Jeremiah Kuloba
2. Hon. Alice Kibaba
3. Hon. Aggrey Bosire
4. Hon. Alfred Mukhanya
5. Hon. Job Mukoyandali
6. Hon. Vitalis Wangila
7. Hon. Aggrey Mulongo
8. Hon. Catharine Kitui

9. Hon. Abraham Obama
10. Hon. Frankline Simotwo
11. Hon. Maureen Nafula

#### **Public Accounts and Investment Committee**

12. Hon. Everton Nganga
13. Hon. Alfred Mukhanya
14. Hon. Anthony Lusenaka
15. Hon. Everlyne Mutiembu
16. Hon. Timothy Chikati
17. Hon. Metrine Nangalama
18. Hon. Bernard Kikechi
19. Hon. Stephen Kaiser
20. Hon. John Wanyama
21. Hon. Violet Makhanu
22. Hon. Jerusa Aleu

#### **Powers and Privilege Committee**

1. Hon. Vitalis Wangila
2. Hon. Ali Machani
3. Hon. Miliar Masungu
4. Hon. Tony Barasa
5. Hon. Orize Kundu
6. Hon. Jack Kawa
7. Hon. Eunice Yeko
8. Hon. Joseph Juma
9. Hon. Bridgit Katasi
10. Hon. Maureen Wafula
11. Hon. Metrine Nangila

#### **Adoption Schedule**

The members of the committee have appended their signatures adopting this report. I can confirm that the adoption schedule was fully signed. I call upon Hon. Anthony Lusenaka to second the report.

**Hon. Anthony Lusenaka:** Thank you, Mr. Speaker. I rise to second the Motion as moved by Hon. Tony. As Selection Committee we tried to balance, I know maybe we cannot do 100% but I just want to request the Members in this House that let us work with what we have as we look for better ways of harmonizing the report again because changes keep on coming and let us accept whenever they come.

Otherwise, I just want to appreciate the Members who have been serving in those Committees before the changes and urge the new Members maybe joining the new Committees that let us work as a team to propel this House to the next level. I don't have much to say but to request this House that we support the report as it is.

**Mr. Speaker:** Thank you, Hon. Lusenaka. Honorable Members, a Motion has been moved and seconded that this House adopts the report by the Committee on Selection on balancing of Members to the County Assembly Committees. I propose.

*(Question proposed)*

Honorable members, look at the Membership of the Committee on Powers and Privileges; there is a problem and I hope you have been able to take note of that. The Membership is basically 13. Look at the membership and be able to act on it accordingly. If the mood has remained the way it is, then allow me proceed and put a question to the said mood of the House.

Honorable Members, a Motion has been moved and seconded and that the House adopts the report by the Committee on Selection on balancing of the Honorable Members to the County Assembly Committees.

*(Question put and agreed to)*

The report is adopted accordingly and consequently the Membership to the said Committees takes effect right away. The Deputy Clerk - Legislative, you are asked to proceed and be able to notify the changes in various areas. I urge members that arising from our today's meeting in Liaison Committee, you will have your timetable of the local Committees retreats and sittings, so it will be as per today's approved list.

If you are in Powers and Privileges and you are supposed to go for a trip and the Membership is changed, don't come please. I only want the new Members to join me in our retreat. If you are not my Member please don't come. I hope Hon. Millie Masungu is aware we are going together this time round.

**Mr. Speaker:** Members, allow me to make this correction. That Hon. Metrine Nangila is not a Member to the Committee on Powers and Privileges. The first ten people were called out as members and the last person is the Speaker who is the Chair. The Chair was omitted so I have just come to the Committee myself.

## **BILLS**

### **THE BUNGOMA COUNTY GOVERNMENT SECOND SUPPLEMENTARY APPROPRIATION BILL 2023 FOR THE FINANCIAL YEAR 2022/2023**

A Bill by the County Assembly of Bungoma to authorize the issue of a sum of money out of the revenue fund and its application towards the service of the year ending 30<sup>th</sup> June 2023 and



to appropriate that sum and a sum voted on account by the County Assembly for certain Public Service purposes. *1st reading.*

**Mr. Speaker:** Honorable Members, the Bungoma County Government Supplementary Appropriation Bill 2023 for the financial year 2022/2023 having been read for the first time. In compliance with Standing Orders I, commit the same to the Committee on Budget and Appropriation for processing together with Supplementary budget and report back to the House.

Honorable members, from the Order Paper, that was the last item. We are adjourning as per our calendar heading to long recess which takes us up to 6<sup>th</sup> of June, 2023.

Liaison Committee has planned Committee activities for various committees and even House leadership has planned activities for members to mingle, so we shall have enough activities during the recess. We formally adjourn our sittings and resume on 6<sup>th</sup> of June, 2023 in our 2:30 p.m. sitting

*(House adjourns)*