

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY 19TH APRIL, 2023

Morning Sitting

3rd County Assembly

2nd Session

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COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

WEDNESDAY 19TH APRIL, 2023

The House met at 9:30 a.m.

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

PRAYER

PAPER

1. REPORT BY THE SECTORIAL COMMITTEE ON TRADE, ENERGY AND INDUSTRIALIZATION ON THE STATUS OF TRADE LOANS IN BUNGOMA COUNTY

Hon. Ken Wanyama: Thank you Mr. Speaker. I rise to table the report by the Trade, Energy and Industrialization Committee on status of Trade Loans in Bungoma County.

Mr. Speaker: Honourable Members, the report by the Sector Committee on Trade, Energy and Industrialization on the status of the Trade Loans in Bungoma County is hereby tabled and formally becomes the property of the House.

NOTICE OF MOTION

1. REPORT BY THE SECTORIAL COMMITTEE ON TRADE, ENERGY AND INDUSTRIALIZATION ON THE STATUS OF TRADE LOANS IN BUNGOMA COUNTY

Hon. Ken Wanyama: Thank you Mr. Speaker Sir. I rise to give a notice of motion that this House adopts a report by the Sectorial Committee on Trade, Energy and Industrialization on the status of Trade Loans in Bungoma County.

Mr. Speaker: Thank you Hon. Ken Wanyama. Honourable Members, a notice of motion having been dully issued by the Sector Committee on Trade, Energy and Industrialization on the status of Trade loans in Bungoma County, I hereby direct the Clerks at Table to share this report to the Honourable Members, as it is going to form business on our Order Paper in the course of next week.

MOTION

1. REPORT BY THE SECTORAL COMMITTEE ON ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS ON THE STATUS OF THE CONSTRUCTION OF KANDUYI - SANG'ALO JUNCTION C33 ROAD TO DUAL CARRIAGE WAY CONTRACT NUMBER BGM/CNTY/OT/184/2018/19

Mr. Speaker: The Vice Chair has the honor of moving the report on behalf of the Committee, you require enough water, it is a lengthy report. Kindly proceed.

Hon. Polycarp Wandabusi: Thank you Mr. Speaker Sir, I rise to move a motion on Roads, Transport and Infrastructure and Public Works on the status of construction of the Kanduyi -Sang'alo junction (c33) road to dual carriage contract number BGM/CNTY/OT/184/2018/19. We have table of contents, list of abbreviations and acronyms.

INTRODUCTION

PREFACE

The Roads, Transport, Infrastructure and Public Works Committee was established on 26th October, 2022 in accordance with the County Assembly of Bungoma Standing Order 179. The Committee in a meeting held on 17th January, 2023 vide **Minute RPW 6.16.01.2023** resolved to carry out a fact-finding exercise on the status of the Kanduyi- Sang'alo Junction (C33) road to dual carriageway in Bungoma County.

In this regard, the Committee through the office of the Clerk of the County Assembly wrote a letter to the CECM for Roads, Transport, Infrastructure and Public Works (**REF. BCA/CC/SECT/9 VOL III (38)**) requesting for a status report to guide the fact- finding activity. The information was received on 20th of January, 2023 vide letter **CG/BGM/RPW/CA/VOL III/060**.

The information requested and received from the CECM was guided by the following parameters:

1. Budgetary allocation, payments and pending payments since inception of the project
2. Details of the contractor awarded.
3. Program for completion of the project.
4. Extension period, reasons for extension and variations
5. Bills of Quantities.
6. Contract agreement

Committee Mandate

The mandate of the Committee is derived from the County Assembly of Bungoma Standing Order 217 (5) and matters assigned under the Second Schedule which shall be exercised within the limits contemplated under Part 2 of the Fourth Schedule of the Constitution of Kenya, 2010.

The functions of a Sectoral Committee shall be to:-

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Consider quarterly reports of the assigned departments and report to the house within twenty-one sitting days upon being laid
- (c) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (d) Study and review all county legislation referred to it;
- (e) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (f) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (g) To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 208 (Committee on Appointments); and
- (h) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

COMMITTEE MEMBERSHIP

The Committee Membership as currently constituted is as follows;

- | | | |
|------------------|---------|------------------|
| 1. Hon. Franklin | Simotwo | Chairperson |
| 2. Hon. Polycarp | Kimeta | Vice Chairperson |

3. Hon. Stephen	Kaiser	Member
4. Hon. Jerusa	Aleu	Member
5. Hon. Meshack	Simiyu	Member
6. Hon. Hentry	Nyongesa	Member
7. Hon. Johnston	Ipara	Member
8. Hon. Everton	Nganga	Member
9. Hon. Godfrey	Mukhwana	Member
10. Hon. Job	Mukoyandali	Member
11. Hon. Ali	Machani	Member
12. Hon. Charles	Nangulu	Member
13. Hon. Everlyne	Mutiambu	Member
14. Hon. Idd	Owongo	Member
15. Hon. Violet	Makhanu	Member

EXECUTIVE SUMMARY

The dual carriageway project (C33) road is one of the flagship projects initiated in the FY 2018/2019. The works consisted of the construction of the existing Kanduyi to Sang'alo Junction Road bitumen surfaced road to dual carriageway road standard of:

- 7m wide on each side,
- 1.7m wide shoulders on each side,
- A raised island of 1.4m wide at the middle,
- Three number roundabouts located at formally Kiwanja Ndege Junction, Keringet junction and Sang'alo junction
- Three u- turns.

The conditional Notification of award was given on 27th December, 2018 and contractor's Letter of Acceptance was received on 2nd January, 2019. The Agreement was signed on 15th January, 2019. Subsequently, the conditional order to commence the works was issued on 12th July, 2019 but the actual works commenced on 23rd October, 2019 due to the delay in the issue of advance payment to the contractor. The initial contractual completion date of 21st October, 2021 was revised to 21st July, 2022 following the award of an extension of nine (9) months.

SCOPE OF WORKS.

The works consisted of dualing of the existing bitumen surfaced (A1) road into an 18.8m wide dual carriageway inclusive of 1.7m shoulders on both sides with three U-turns and three roundabouts.

Pavement Structure

The pavement structure for the dual carriageway (C33) road was as follows:

- Benching to widen the road
- 300mm sub-grade layer built with natural gravel in two layers of 150mm each.
- 150mm sub base using stabilized gravel of base quality improved with 3.5 percent cement compacted to 95 percent of AASHTO T-180
- Asphalt concrete binder course 0/20 to carriageway and shoulders.

Drainage Structure

The drainage had two structures namely;

- Closed U-Drain- within town area.
- Open (Trapezoidal) Drain system-outside town area.

OBJECTIVES OF THE VISIT

The Objectives of the Committee during the visit were;

1. To ascertain whether the status of the project was consistent with the implementation status indicated in the status report and quarterly/ annual reports as submitted by the Department.
2. To ascertain whether the contractual documents (BQs) were adhered to and whether the project specifications were met.
3. To familiarize with project challenges (if any) that could hamper the implementation of subsequent projects by the department.

METHODOLOGY

In preparation of this report, the committee was guided by;

1. The status report as submitted by the CEC Member and visited the site to verify the information on the report.
2. A consultative meeting with the department to clarify on some of the issues flagged out by the Committee.

3. The Committee also made reference to records of evidence adduced and documents received by the Committee, legislation on Public Procurement Procedures that guided the interrogation of this project; and which formed the basis of observations and recommendations as outlined in the report.

ACKNOWLEDGEMENT

The Committee is grateful to your Office and the office of the Clerk of the County Assembly of Bungoma for the support received as it discharged its mandate.

The Committee appreciates representatives from the transport and the business community from Township, Musikoma and Khalaba Wards for their time and views provided during the fact-finding exercise. The information they shared with the committee has shaped the findings in this report.

The Committee is equally grateful to the Honorable Members and the Secretariat for their relentless efforts during the compilation of this report.

Honorable Speaker,

I wish to confirm that the recommendations of the Committee in this report were unanimous. It is now my pleasant duty and privilege, on behalf of the Members of the Roads, Infrastructure, Transport and Public Works Committee to present the report to this Honorable House for adoption.

The report is signed by Hon. Franklin Simwoto, the Chairperson.

CHAPTER TWO

COMMITTEE FINDINGS FROM THE SUBMITTED DOCUMENTS

Budgetary allocation, payments and outstanding payments

The department submitted that since the FY 2019/20 they had received a total of KSh. 1,223,655,464.57 for the project as tabulated below.

Financial year	Budgetary Allocation	Variation (from supplementary budget)	Approved Estimates
2018/19	70,000,000.00	68,244,297.00	138,244,297.00
2019/20	271,912,595.00	(168,661,828.00)	103,250,767.00
2020/21	343,500,000.00	-	343,500,000.00
2021/22	350,000,000.00	230,000,000.00	580,000,000.00
2022/23	300,000,000.00	(300,000,000)	-
TOTAL SUM	1,171,088,970.00		1,164,995,064.00
	Borrowed -2019/20		58,660,401
TOTAL	1,223,655,464.57		

Records obtained from the County Assembly as per the approved budgetary appropriations towards the project indicate a sum of Ksh. 1,164,995,064. The Committee observed an increase of Ksh.58, 660,401 which the department paid without the approval of the County Assembly.

The Committee further established that the matter was explored by the Public Accounts Committee of the Second Assembly and the necessary steps were picked from the recommendations in the report and remains an active matter being pursued by the relevant agencies.

PAYMENTS AND OUTSTANDING PAYMENTS

The contractor has been paid a sum of Ksh.1, 050, 623,027.57 for certificate numbers 1,2,3,4,5 and 6 as tabulated below.

DATE	CERTIFICATE NO.	RECOVERY	CERTIFICATE AMOUNT	AMOUNT PAID
4/10/2019	1		138,244,297.58	138,244,297.58
10/2/2020	2		58,660,401	58,660,401
10/2/2020	2		103,250,766	103,250,766
22/09/2020	3		193,191.450	193,191.450
22/12/2020	4		150,447,814	150,447,814
15/10/2021	5	40,000,000	252,156,395	212,156,395
11/1/2022	6		137,873,605	137,873,605
1/3/2022	6	40,000,000	155,042,649	155,042,649
-	7	58,244,297.58	81,735,192	(58,244,298)

IPC No. 6 was split into two vouchers during payment as shown in the table, whereas IPC No. 7 with a sum of Kshs. 58,244,298 was not paid to the contractor but recovered to clear the pending balance of advance payment totaling Kshs. 138, 244,297.58

This brings the outstanding sums on the certified payments to Ksh.438, 275, 620 from; balance from certificate number 8 of Ksh. 130,990,451, certificate number 9 of Ksh. 198,687,805 and claim number 1 of Ksh.108, 597, 364.

Advance Payment and Recovery of Advance Payment

Sub-Clause 60.12 of the Contract Agreement states that;

‘At the request of the Contractor, the employer MAY make an interest free advance payment to the contractor for the cost of mobilization in respect of the Works, in a Lump Sum of any amount not exceeding ten (10) percent of the contract price named in the letter of Acceptance and letter of Award”

The Committee observed that an advance payment of Ksh. 138,244,297.50 was made as indicated in payment certificate number 1 basing on the above clause. Recoveries were made of Ksh. 40M, 40M, and 58m on Certificate numbers 5, 6 and 7 respectively.

Project Contractor

The works for construction of Kanduyi-Sang'alo Junction (C33) road to dual carriageway was awarded to M/S. Zhongmei Engineering Group Limited through a letter dated 27th December, 2018 with its registered office at No. 76 Nanlian Road, Nanchang, Jiangxi, China. The Managing Director of Kenya branch of Zhongmei Engineering Group Limited the bearer of the passport No. G346040119; or Mr. Cheng Xiayu the Deputy Managing Director of Kenya Branch of Zhongmei Engineering Group Limited and the bearer of the passport No. E50370980 or Mr. Dai Longpei. The local representative of the Company is Mr. Patrick Wangalwa Oundo.

The company is incorporated in China and was issued a certificate of compliance in Kenya on 3rd November, 2009. The registered office for the company is plot no. 7 G F1, Devsons Court, Argwings Kodhek Road, Hurlingham in Nairobi.

Extension period, justification for extension and variation order

Extension period

The initial project completion period was two years from the date of inception. However, there were three significant factors that affected the completion period;

1. Delayed payments of IPC 1 to IPC 4

In total there was a cumulative delay in payment of IPC's totaling to 122 days.

2. COVID-19 pandemic

With the emergence of COVID-19, there was a government directive released on 27th March 2020 that ran through to 6th June, 2020 (72 days), which led to extension of working hours due to curfew.

3. Adverse weather conditions

Adverse rainfall around Bungoma and majorly in Western part of Kenya between December, 2019 to Nov 2020 affected the pace of works more so the earthworks. The calculation (using the contractual formulae) showed the delay was 236 days.

The department submitted that these three factors brought a cumulative project completion delay of about 385.16 days.

The Committee further observed that the contract time lines had lapsed on July of 2022; however, the CECM submitted that the project had been partially handed over to the employer as of 14th July, 2022 (annexure 4).

That the contractor currently operates on the Defect Liability Period (24 months) to finalize on the pending works.

Justification for extension and variation order

The Variation of price was attributed to;

- Provision of the extra lanes on both sides at chainage 0+000 Kanduyi junction road and C33 to allow smooth traffic.
- Introduction of roundabout at Kiwanja Ndege junction which was not part of the initial design.
- Introduction of 3No.u turn section.
- An additional layer of AC-50mm thick.
- Provision of the surface dressing after laying of the AC.
- Change in design to use graded crushed stone for the base layer
- Increase of quantities for the road kerbs which is an integral component of the dual road.
- Increase on the quantities for street lighting.

Program for completion of the project

From the documents and oral submissions by the department, the Committee noted that the department was in the process of handing over the project to KeNHA. Upon submission of a detailed status report on the project, the KeNHA advised the County Government to settle all dues owed to the contractor for the works done; and committed to take up the remaining works that were key to the project, and were not included in the original contract.

In this regard, the department submitted the following list of works that were not captured in the original contract:

- Interchange at Kanduyi,
- Extension of closed drains to cover the whole stretch,
- Foot bridges,
- Construction of outfalls drainage system to river Khalaba and

- Construction of all access roads joining dual carriageway

Variation of Contract

A letter by the Chief Officer in charge of the department of Roads, Infrastructure and Public Works to the Director, M/S Zhongmei Engineering Construction Limited dated 27th May, 2022 gave the details of notification of award for variation of contract for the construction of Kanduyi-Sang'alo Junction (C33) road to a dual carriage way vide Contract No. BGM/CNTY/OT/184/2018-2019).

Sec. 139 of the PPADA, and Regulation 132 of the PPADA Sec. 2020 provides that, a variation of contract requires an application giving a justification to the Contract Implementation Team (CIT) or the Evaluation Committee which then reports to the head of procurement for a professional opinion; then the Accounting Officer gives an approval basing on the opinion and awards the variation in writing. This information was duly submitted to the Committee.

Bills of Quantities

Upon perusal of the submitted documents and consultations with the County Department officials, the Committee made the following observations on the Bills of Quantities.

a. Bill 1.09 -Alteration of services

This bill was mainly meant for relocation of KPLC power lines/poles, water supply lines and sewer systems. The initial cost was anticipated to be Ksh.10M. However, this increased with about Ksh. 7.38 million. There was still some extra labour works and payments which were paid under bill 1.13 involving water and sewer relocation.

b. Bill 4 -Site clearance & Topsoil stripping

This bill consisted of clearing site including removal of hedges, bushes, trees(except those designated to remain by the engineer) and of removal of topsoil or other organic material, and mineral soils unsuitable for forming the road sub grade. There was a saving of about Ksh.39 Million because there was little works done since the road was already in use.

c. Bill 5 –Earthworks

This included removal of top soil before scrapping and grading the site to expose the underlying ground. The project was initially meant to be 6.5Km. However, after doing the setting out, 6.5Km were behind Sang’alo junction. Design wise and in consideration of the safety of the road users there was no way a dual would end a few meters to a major junction. The road was therefore redesigned to introduce Sang’alo junction as a roundabout to allow smooth transition from dual carriage to single carriageways towards Mumias and Sang’alo directions thus an increase in scope of works from earthworks, pavement and drainage works.

The department further submitted that it was not only uneconomical for motorists to drive from Keringet round about all the way to Sang’alo round about, and from Kanduyi to Kiwanja Ndege round about, hence the introduction of three (3) U-Turns at Bluewaves , Cereals and KCC. To do this, two (2) extra lanes were introduced in those locations. This further increased the scope of works by Ksh. 44.38M.

d. Bill 7-Excavation and filling for structures

This bill brought about extra 19.1 million. The extra quantities were due to increased structural works (U-Drain length, No. of culverts and stone pitching).

d. Bill 8 -Drainage works and culverts.

Honorable Speaker, the department submitted that there was an increase in the number of access culverts brought about by public demand and majorly the growth of town as the dual project commenced. For instance the initial quantity of the 600mm culverts was estimated to be 600 meters (about 90 culverts), however, the Committee observed that 340 culverts were installed (equivalent to 2,153 meters) of 600mm access culverts. For the 900mm culverts the department initially anticipated about 90 culverts (600 Meters) but ended up being 1,252M equivalent to 120 culverts - both cross, access and along the outfall drains). No works was initially anticipated for outfall drains but later this was done following poor drainage system which increased and streamlined water collection along the outfalls.

The 1200mm diameter culverts increased from Ksh.60M to Ksh100.3M. With the increase of culverts, C20/20 for culverts head walls, wing walls and approach slab increased from 400m³ to 1,445m³ bringing about Ksh15.67 million increment. With the raised and widened road, no former culverts were realigned to the new road design thus they needed to be removed. The BRC A142 was never included in the BQ thus had to be included. The factors above raised the bill 8 by Ksh78.25 million.

f. Bill 12 -Natural Material Sub base and Base

This consisted of granular or bituminous materials which act as a structural part of the pavement. With the increased road length in bill 5, there was an increment of Ksh4.58 million.

g. Bill 13 -Base course - GCS

Initially, the project had DBM as base course. The base course was changed to GCS following pavement design review. This further increased the GCS protection and cement quantities.

h. Bill 16 -Bituminous product

With the removal of DBM, Ksh255M was underutilized in this bill.

i. Bill 17 -Concrete works

This increased due to increase in drainage works as stated in bill 8 above and rigid pavement constructed on the 3rd and 2nd U-turns (U-Drains, culverts)

j. Bill 20- Finishes

This Increased due to increased quantity of kerb stones. The initial quantity was 2600 meters. So far the Contractor has laid about 4.2 Km median kerb, that equivalent to about 8400m length of kerb stones. The road needs about 13,410M of kerb stones (only for the median Island).

k. Bill 26-Street lighting

The Committee observed that no street lighting works has been done or paid to date. The Contract had a street lighting component from inception.

CHAPTER THREE

COMMITTEE FINDINGS ON SITE

The Committee found as follows;

THAT, Most of the main works in reference to the provisions in the bills of quantities were completed, thus:

- Site clearance and top soil striping
- Earth works and road widening
- Sub base activities
- Base item
- 600mm diameter Culvert installation
- Box culverts
- 1200mm diameter culvert installations
- The u-drain provided was completed less 30 meters at Keringet area
- Several road access approaches have not been done.
- The connection of the C33 road at Sang'alo junction to the Dual carriage way was poorly done.
- The rigid pavement for U-turns at the EACC-Daima Plaza building and at KCC area are not complete thereby unfriendly to the road users.
- Several sections of the road drainage are partially silted.
- Some culverts are completely blocked due to siltation.
- There is encroachment at the market area, and other road sections along the road stretch by business community and other road users resulting to poor drainage system. Motorists are unable to fully utilize the road due to the congestion caused by traders, illegal/non designated parking by public transport vehicles and other transporters.
- Stone pitching is yet to be finalized on the stretch from the hospital approach roundabout to the northern corridor at Kanduyi junction contrary to the report submitted by the department of roads which indicates 100% completion.

SOCIAL AND ENVIRONMENTAL IMPACT ASSESSMENT OF THE PROJECT.

Section 17 of the Environmental (Impact assessment and Audit) Regulations, 2003 states that; the proponent shall in consultation with the authority; seek the views of persons who may be affected by a project.

The role of the public consultation and involvement in Environmental Impact Assessment process is to ensure there is quality, comprehensiveness and effectiveness of the assessment and ensure the public views are adequately taken into consideration in the decision making process.

In this regard the Committee took an initiative of meeting representatives from the transport and business community at Chepkube market in Township Ward to assess the social impact of the project to the community and observed as follows;

Representative from the Transport Sector

The Committee met the Chairperson of the transport sector Mr. Martin Juma who submitted that; there was a positive impact of the project on the transport sector in Bungoma County and highlighted the following;

Improved road safety

The road has reduced congestion of vehicles especially around Chepkube market hence reduction in the number of accidents and vehicles breakdown on the road.

Improved living standards

That the project has created employment opportunities to the locals, this includes professional services of designers, environmental experts, land surveyors etc.

Training of road users

That road users and traders around the area were sensitized and briefed on the causes and risks that are likely to occur at the working place and on safe practice within the construction site.

Revenue to the County Government

That through payment of relevant permits, taxes, rates and fees, there has been an increase in revenue collection to the County Government.

Challenges faced by the transport sector.

- a) There is lack of knowledge by the road users; for instance driving on the wrong sides of the road.

- b) The road is not marked and no provision for parking, pedestrian pathways within town and foot bridges.
- c) There is insufficient information to the public whether the project is complete or not.
- d) There is increased risk of accidents especially by motorcycle riders in highly congested areas like Chepkube market.

b) Representative from the Business Community

The Committee met Mr. Benard Makokha the Chairperson of Chepkube Market Traders at his premises and he submitted the following;

- a) That the traders along the road at Chepkube market are ready to relocate to the market stalls once completed by the department of Trade Energy and Industrialization.
- b) That the land provided for construction of the market stalls is not enough to accommodate all the traders. The available provision can only accommodate a maximum number of 200 traders at any given time.
- c) That the County Government should consider purchasing land to construct a market that will accommodate all traders.
- d) That accidents are on the rise due to encroachment of the dual carriageway sections meant for motorist transport

Committee's Observations

The committee observed the following;

1. **THAT**, the dual carriageway project was substantially complete and was currently in use by motorists and other road users.
2. **THAT**, the project contract timelines had lapsed and that the project now operates within the defects liability period of 24 months since July, 2022.
3. **THAT**, the contract has already explored 13.5% of the contract sum in variations on the project. A sum of Ksh191 million was approved by the accounting officer as price variation, while there is a contractor's claim 1 of Ksh108 million in lieu of time variation.
4. **THAT**, the County Government of Bungoma owes the contractor a sum of Kshs438, 275, 620 on valued works on the project i.e. from certificates 7, 8 and 9.
5. **THAT**, the outstanding payments owed to the contractor are attracting interest as per the conditions of contract (Clause 60.1) and that the employer is at risk of being charged for defaulting on payment.

6. **THAT**, a sum of Kshs300 million that was proposed in first supplementary budget for the project was later reduced to Kshs106 million; an amount which has not yet been released to the department to enable the department pay the contractor for valued works on the project.

7. **THAT**, the KeNHA is willing to take over the project and upgrade it to the Highway standards; provided that the County Government honours the conditions that it has set out.

8. **THAT**, quantities in some of the bills namely; 1.09, 5, 8, 12, 13, 14, 17, 20 and 26 increased due to changes in prices of commodities brought about by the global inflation.

Committee's Recommendations

The Committee recommends as follows.

1. **THAT**, the Department should ensure that the contractor completes the dual carriageway project and fully hands it over to the County Government within the stipulated contract time lines.

2. **THAT**, the Department should ensure that all outstanding payments to the contractor are fully paid to avoid accrual of interest on delayed payments and instances of litigation for defaulted payment by the contractor.

3. **THAT**, the relevant County Department of Trade, Energy and Industrialization moves with speed to settle the traders who have encroached sections of the dual carriage way to allow easy flow of traffic and reducing the number of accidents due to encroachment.

4. **THAT**, the Department should allocate more funds in the subsequent financial years towards the project to cover for the challenges arising from global inflation so as to fast track the project completion and to enable a smooth handing over to the KeNHA.

CONCLUSION

On behalf of the Committee on Roads, Infrastructure, Transport and Public Works, I urge this Honourable House to adopt this report with the recommendations herein. There is an adoption schedule.

Mr. Speaker: Members who are consulting I think you are more than loud enough. We are even overhearing your discussion, so kindly please. Hon. Kimeta, wind up...

Hon. Polycarp Wandabusi: Mr. Speaker Sir, there is an adoption schedule. The Members of the roads transport infrastructure and Public Works Committee hereby adopt and append Signatures to this report. The Members are; Hon. Simotwo Franklin...

Mr. Speaker: They were read out before...

Hon. Polycarp Wandabusi: I wish to call upon Hon. Franklin Simotwo to second the motion.

Mr. Speaker: Thank you very much Hon. Kimeta Polycarp for moving the motion on behalf of the Committee. I think we are having more from the said Committee. I am not asking Hon. George Makari to make any comment about the previous Committee on roads but Hon. Joseph Nyongesa; because it may annoy some Honourable Members here. Hon. Simotwo, proceed .

Hon. Fraklin Simotwo: Thank you, Mr. Speaker for allowing me this opportunity to second the report, but allow me to appreciate the mover of the motion of the day who has done it eloquently to this House. Before I second, I would wish to have a few comments over the same. Looking at the report, you have seen where we have commented over the traders in Musikoma and Chepkube; there is a serious encroachment of traders on this dual carriage road.

We are looking at the recommendations of the Committee and we recommended that the County Government of Bungoma through the Department of Trade should fast track and make sure that these traders are moved to a safe area where they can do their business. The area that the traders operate in has to be fit, still there are a lot of challenges and that is the reason why we have traders coming back to the dual carriage way.

In a nutshell, the department in charge of trade should make sure that those traders are accommodated in their area of operation.

Again, you have seen that the area which has been proposed for the traders to be moved to. It is a small area and looking at the number of traders, the land should be expanded to make sure that all of them can fit and have their businesses operating. Secondly, the issue of the dual carriage as seen from the recommendations of the Committee; there is a quick proposal for the national government through the KeNHA to take over the project. When looking at the project, still we have some works underway. So, it is prudent that the County through the Department of Roads to fast track the works so that we hand over the project to the National Government.

You have seen from the report that they want to interject on some works; the flyovers and other technical issues. So, it is important that as a County Government, through the Department to hasten the works and ensure an immediate hand over the project to KeNHA for more specified works as you seen from the report.

Again from the report we have pending payments from the Department. I think this one should be cleared immediately because if we delay, it will attract litigation and if we default in paying the contractor, then the County Government through the Department of Roads will be charged because of defrauding the contractor. So I think it is in our plan that we have made an effort of recommend that the contractor should be paid so that we avoid any litigation issues that may lead

to paying the contractor a certain amount of interest. If you look at the sum on this document, we have come out clearly that this road has really made some improvement in terms of transport, in terms of safety, because it has helped decongest the area within Bungoma.

We have also seen in our report and in fact finding that our people of Bungoma especially the motor riders and other motorists have not gotten the rules because this is a dual carriageway and we observed that few people don't have the knowledge; some people use the wrong lanes. So, it is important that through our recommendation and as have you seen that our people should be sensitized that the dual carriageway is designed in a way that you should not use an overlapping lane and you should stick to a correct lane once you are driving. So, those are some of the things that we really looked into, but in a nutshell this dual carriage has improved even in terms of what we call revenue collection. The dual carriage has also brought some order along the road. Otherwise I wish to second this report.

Mr. Speaker: Thank you Hon. Simotwo the seconder of the motion that was ably moved by Hon. Polycarp Kimeta. Honourable Members allow me now propose a motion for the Honourable House to debate over.

(Question proposed)

Hon. George Makari you go first. Since you are so many applicants, I will stick to these requests as they come in. We will all speak... we still have up to 1:30 p.m.

Hon. George Makari: Thank you Hon. Speaker. First of all allow me applaud the Hon. Kimeta and the entire Committee of roads for a very good report. I would wish to support the report and then there are a few highlights that I will point out. First of all, I think it is the first time the Committee on Roads is bringing a report as early as now. In the last Assembly they only had one report in five years and we need to clap for them for...

(Applause)

...this is very good improvement. They also chose the person that is moving the report and is very eloquent. I hope we can also clap for them for that

(Applause)

I remember when this road was being launched at Musikoma junction going to Mateka and I remember that time we were with Hon. Majimbo and Hon. Maguda as the Municipality's MCAs around that area. Then we launched it at around that junction of Musikoma secondary going towards Mumias and the ACK church; but when they began, they now moved like around 500 metres and began at Sang'alo Junction; and in fact our people began asking us that now you came

here and launched the road, look where it is beginning from. That is beside the point. I have seen here a lot of pending bills; the County Government is in arrears of Ksh600 million. I don't know even the Chairperson of roads is here and if this money...the Roads Department has it to clear these arrears and to pay the contractor.

I would wish to say this project is very good. In fact it has decongested the town, yes. But where they say there is improvement in revenue, that one is a no. Where? Can you attest where the improvement of revenue has come from? In fact the revenue has dropped in Bungoma. When the Finance Committee read here a report that the estimated collection is Ksh700 million, 565 million from the Department of Health while the rest of the collection was almost Ksh190 million... You want to tell me the whole of Bungoma County can collect 190 million after removing health facilities? It is not possible! So where they say there is improvement, unless they do some research and bring to the House. This is the first time I have seen a road six kilometres being undertaken at a cost of Ksh1.6 billion. Is it 1.6 or 1.3? We have here contractors for roads...Hon. Mukhwana is a contractor if you...

Mr. Speaker: I am not aware there is a contractor in this House... maybe out there! In this House he is called Godfrey Mukhwana.

Hon. George Makari : But if you do your research well behind the tents, you will find that he is a very good contractor. Now calculate Ksh1.6 million divided by six kilometres; it comes to Ksh266, 766,666 a kilometre. A tarmac of 6.5 Kilometre costing 266 million per kilometre! Even the National Government does not do that!

As much as this was a very good project, but the amounts involved are mind boggling. That is not the standard. Even though it is a good project and we have not thrown in the variations that are there again pushing this figure way above Ksh1.6 billion. So as much as we support this report, the idea of the dual was good, in fact I suggest that the earliest this thing is handled by the Kenya National Highways Authority the better; so that these other pending bills of Ksh600 million... and remember they have said the more we do not pay the more the penalties will be there. Is the County Government going to actually manage to pay all that money? I doubt.

Thank you as I support.

Mr. Speaker: Thank you Hon. George, Hon. Sudi! Members you have been able to request, I will be following that order of the request.

Hon. Isaiah Sudi: Thank you Hon. Speaker for giving me chance to add my voice on a report that has been well read by the able Member of the County Assembly for West Nalondo who is also my grandchild. I am very proud of you. You have done it very well. If you also listen very carefully, you know when this project started, they promised the people of Bungoma that it will have the cyclists' provision, walk ways and after listening very carefully, it is like the feasibility

study was not done because there are so many variations that came in between after the project had started.

We hurriedly implemented the project and that is why as Hon. Makari had put it, it is not cost effective despite its value to the people of Bungoma. Because if a kilometre can cost almost Ksh300 million, look at it and as a County; and when you look at our resource envelope, then it cripples other activities of the County.

The Committee observed that the street lightings have not been done and they were part of the contract from inception. The street lighting were there and unfortunately in their recommendation they have not recommended that the contractor does it before he hands over to KENHA; because that is an anomaly. I think when we pass it, as much as we support, it should have that amendment, because if you drive on that road at night, you will see the need for street lighting and it is a component that you had already been paid for and the contractor has not implemented. So we must recommend that...

Mr. Speaker: Hon. Sudi Busolo, I think you are off record. They are yet to pay for street lighting and so they cannot pay for what is yet to be done. It is very clear in the report please!

Hon. Isaiah Sudi: Mr. Speaker, can you go through it and if I am wrong I will be corrected. It said that it was part of the contract since inception.

Mr. Speaker: But when is the certificate raised? I thought after completion of what is supposed to be done.

Hon. Isaiah Sudi: But you see I am saying it should have been the recommendation that the street lighting should also be done so that... How do you complete that road? You hand it over minus street lighting which was part of the initial contract? Where did this money for street lighting go?

Mr. Speaker: Do you have the report with you? Look at page 20.

Hon. Isaiah Sudi: My gadget is off, I will go through it.

Mr. Speaker: Because they are very clear that the Committee observed that no street lighting works have been done or paid to date. Are we together?

Hon. Isaiah Sudi: Okay Mr. Speaker, I stand to be corrected.

Mr. Speaker: Thank you, proceed! That is a very strong component that they need to have observed also that it should have been paid so that it is done. Because when you drive along that road at night you will seriously need those.

Hon. Sudi, I thought these matters of contracts, you do the work and raise a certificate... so you want it to be raised before it is done?

Hon. Isaiah Sudi: But the contractor should do it then he raises a certificate, or you want him to raise a certificate before he does...

Mr. Speaker: That is what you are trying to say!

Hon. Isaiah Sudi: No, you are not getting me right Mr. Speaker. I am saying the contractor should also be advised to do the street lighting so that we the users of the road enjoy the good road that has been done by the County Government of Bungoma. You see I have tried to drive at night at one time and I saw the need for those lights. Otherwise, if you look at the corporate responsibility of the company, it was supposed to do stone pitching along the roads leading to Khalaba River as part of the contract; but if you walk there, you will see it is not there. When it rains, the people down the Khalaba River are really facing a rough time.

All the same, on the issue of the market; because we have an old market here in Bungoma which is empty; if that new market can accommodate 200 traders, why can't we also talk to our traders so that they occupy the already existing market which is completely empty? It is not in full use. I wish to request our colleague Members from that area to advise the business people around Chebkube that some be assigned spaces in our old market. Otherwise, the project is very noble, but as a County if we do not play our cards well, the contractor will even attach our County Revenue Account because of the Ksh400 million plus and it is accruing interest every month. It is very risky for this County.

We need to terminate the contract and make an agreement with the contractor so that it does not accrue the interest. We need to stop it so that we hand it over because we did a function that was not for the County. Even the KeNHA should be talked to so that they take up even our liabilities; because we put money that was not meant for a national function and used it on a national function. Our people are going to suffer with no drugs in hospitals as we pay the contractors the overheads that we created ourselves.

Mr. Speaker: Thank you Hon. Sudi, Hon. Majority!

Hon. Joseph Nyongesa (Leader of Majority): Thank you Mr. Speaker. Allow me also appreciate the mover of the report Hon. Kimeta. I also want to appreciate the Members. As Hon. George said, actually in the last regime, we had some challenges, but we are seeing some improvement and we urge them to continue improving because the Department of Roads is very key in our County. If Members can be active so that at least we have such reports, then as an Assembly we shall appreciate.

The project and the idea was well thought, but we are seeing a lot of waste of our funds on these projects because paying a fine of Ksh106,000,000 to a contractor just because of lack of timely payment is a great loss to us. In future, we better chew what we can swallow, because we are receiving a lot of money, but there is a lot of misuse; let us prioritize projects that the County can improve.

I have gone through the report though partially, but I have noticed a lot of contradicting statements and maybe the mover could allow me to proofread so that when he replies, he can decide to expunge some.

On the issue of training of road users, the Committee has said that the road users and traders around the area were sensitized and briefed on the causes and risks that are likely to occur at the working place and on the safe practice within the construction site. Come to challenges, on the first bullet they are saying, there is lack of knowledge by the road users; for instance driving on the wrong sides of the road. I wonder if at all they were sensitized and here they are saying they have no knowledge. I wonder whether the Committee proof read the report; because you cannot train somebody and then you are telling me that they have no knowledge on how to use it. Those are some lapses where Members should be keen in future.

There is another issue here on road safety. That the road has reduced congestion of vehicles; especially around Chebukube market, hence reduction in the number of accidents and vehicles breakdown on the road. Come to challenges, there is increased risk of accidents especially by the motorcycle riders, due to congestion. I do not understand this report; unless they can open up or it also goes to our secretariat. They are not so keen on what they are writing because now, which one do we now follow as a House.

Otherwise, as we support but generally the key challenges, especially the people living along the Khalaba River are really in trouble when it rains; and if at all they will hand over to KeNHA; let them ensure what *Mheshimiwa* (Hon) Sudi has said can also be accepted as part of our liabilities. Because imagine looking for almost Ksh600 million just to pay the contractor so that we can handover. Then it means that most of our projects will stop. Otherwise, we support the report but let Members be keen with what they bring in the House.

Mr. Speaker: Thank you. Hon. Cornelius!

Hon. Cornelius Makhanu: Thank you Mr. Speaker Sir, I would also like to take this opportunity to thank the Committee on Roads through their Chairman and my brother the Vice Chair who read this report Hon. Kimeta. He who resides in my Ward; even together with the Chair, they both reside in my Ward. I am happy they are heading the Roads Committee. I would also like to thank Hon. Sudi, he has talked about Khalaba. This road starts and ends in Khalaba Ward. So as much as this road has decongested our town, people of Khalaba are crying, I do not know if they were involved from the inception. I wish that this Committee as they went for fact finding, they could have invited me to be there; but all the same, they have written the report.

All the waters from that road end in Khalaba and I do not know why when they were doing those drainages they either neglected and wherever they did; but the few that they did, they made it worse... I do not know how to describe. People are crying, they are trying to manage those waters... I guess maybe when they propose these variations; they will have to look into it.

Two, a project of that magnitude costing about Ksh.1.6 billion is a very big contract and in normal circumstances, we have what we call Corporate Social Responsibility from the contractor. We have seen other areas where a contractor will also give back to the community and improve some amenities within that locality. In Khalaba, nothing has happened. We have even short roads which connect from the dual carriage way... even to schools. I have two schools and those roads are short they are not even 100 metres... they were neglected!

The school management has been coming complaining. At one time I even talked to one of the workers of the contractors, a Chinese. I understand they had some agreement that they would make these roads to these schools; that is Kanduyi DEB and Mukhaweli Primary. He said you people have not paid me, how can I work on that road; there is nothing they are giving back to our community. I would wish that this contractor considers those two roads for the schools or at least just improve them; not even to tarmac, but to just improve.

Three, there is a sewage line within that road around cereals area and in the middle of that road. The covers of those manholes are higher than the road itself, so when you drive along that road even at night, it is a danger to our motorists. If this contractor can improve that area to ensure that these manholes cannot obstruct motorists driving on that road...

Otherwise, I wish that they improve on it and again along that six kilometre road, there is no foot bridge anywhere. As I have told you, we have schools in between; we have the Catholic Church and many people cross from there. Whoever came up with the design of this road could have provided for foot bridges for our people to cross without any problem. Otherwise, I wish that next time when there will be any other fact finding before the road is complete, they should involve me so that we also involve the people around that area so that they own the project. Otherwise, this project is not owned by the community around that area.

Mr. Speaker: Thank you. Hon. Caleb!

Hon. Caleb Wanjala: Thank you Mr. Speaker for giving me an opportunity to contribute on the on-going debate. First of all, I would like to congratulate the Vice Chair for Roads for moving the report. I am really just concerned on the issue of variation. You realize that in this project, the amount paid to variation is even much more than the amount that is required to complete the project and so I do not know which criteria they used on this issue of variation. You realize that even when the real project is not complete, the contractor moved in on the variation much more than the real contract. So mine is just to say that there has to be a policy that will guide us on this issue of variation; otherwise you realize that the County Government is spending a lot of money on variations, not only on this road project, but most of the mega projects we have in this County.

At the same time, also from the report, there are monies which were paid without proper procedure. I do not know how we will recover the money that was paid unprocedurally yet the

same contractor wants us to pay for the delayed payment for the works done. At the same time from the report they say that the locals were given an opportunity to work; but surprisingly, the Honorable Member who is just a stone throw away, or whom this road affects directly that is Hon. Makhanu is crying here that his people were not given an opportunity to work on the same road. So I think mine is just to make sure that as a County, we do not lose a lot of money on the said of variation. There has to be a clear guideline on that.

Another issue on timelines; variation will always delay the timelines of project completion. At the same time when the project doesn't complete on time, the buck just comes to the County Government. Otherwise, I support the report, but we need to devise some mechanisms on how we can deal with this animal by the name variation.

Hon. Ken Wanyama: Thank you. I also rise to support this report and I want to congratulate my friend Hon. Wandabusi from Nalondo West for eloquently reading the report.

The first issue that was burning I think has been covered by the Majority Leader and so I don't want to belabor the point; but this issue of storm water is really inconveniencing residents of Khalaba and I just wish that as KeNHA takes up this project, they should make sure that the roads going down to Khalaba are graded and proper stone pitching is done. Finally, I just wish to say that I think going forward as an Assembly, we shouldn't allow the Executive to take up these kind of projects.

When you take up this kind of a project, it eats almost 30% to 40% of our annual budget; then what you end up doing is crippling services in other departments across the County. The best example I want to give is in the Education Department. ECDEs and VTCs are actually in a sorry state. When you take a lot of money and heap in one department, it is not fair for the other departments.

Going forward as we do our budgeting and our oversight, let us ensure that there is equitable distribution of resources across all departments.

Hon. Jeremiah Kuloba: Thank you for giving me this chance. First, I would like to thank the Committee on Roads for having brought up a very good report though some improvements have got to be done on the road for example along Mashambani or Cereals; at that corner. That corner is very sharp and we need to get rails installed along that road.

Two, the department of enforcement should be deployed so that the road along Keringet Hotel to Chepkube Market is not used as a bus stop. At the same time, other areas along Chepkube Market, if we have good enforcement at work, the traders on the road and parking of motorcycles can be done away with to avoid accidents. I would also like to talk about the sewer line. We have so many sewer lines on the road which should be done away from the main road. They do block regularly causing the whole place to stink.

They should have moved that sewer line; the manholes should have been put at different points. It is a good project yes, but then the safety of the pedestrians was not put into consideration. We don't have foot paths, foot bridges, motorcycles using their own lane, just like other towns. I have seen like in Kisumu; they have such provision.

About the traders in conjunction with the Department of Trade, you can come up with a way so that we don't see these traders on the road. Otherwise it is a good project which has benefitted especially my people. Just minor improvements have to be done on it. In future, let us not put all our money in one major project like this one while others stall. Lighting should also be done.

Hon. Timothy Chikati: Thank you for giving me a chance to contribute to this important Motion. Allow me to thank the mover of the Motion and the seconder respectively. My humble request is that for a mega project to be successful, something that cuts across five different departments. Start with the Department of Roads itself, the Department of Trade, Lands, Water and Health.

The reason why I am saying this, even though I sit in the Trade Committee; and they are saying that it is the duty of Trade to move the hawkers and the people who are doing businesses, where are we going to move them? We will have to involve the Department of Lands to show us where these people are supposed to be moved to. Again when they are being moved there, they need Water and that is why the Department of Water comes in.

They also need toilets and that is why the Department of Health comes in. In addition to that, Public awareness and Public participation needs to be done. You cannot just wake up in the morning and tell the traders that we are moving you, unless you have identified the land. They need to be given time, they need to be given the reasons why they are being moved and they need to be told why such is happening.

There at the cereals, there is a very sharp corner. If somebody is coming from Kanduyi at a high speed, we don't have barriers on the left side when you are coming from Kanduyi. How I wish they could have also included that and made sure that we have barriers close to the cereals on the left side. Finally, on Lusaka road when you are coming from the mortuary, there is no U- turn there. If you have to go to town, you will all have to go up to the roundabout so that you can go to town. There is a very small space that I cannot call a U- turn close to the railway.

Mr. Speaker: That is an illegal entry. If you are using it, you need to be arrested.

Hon. Chikati: I have no otherwise Mr. Speaker. If they could have included a U- turn at that point, it could have really assisted the motorists. Otherwise I wish to support the Motion.

Hon. Johnston Ipara: Thank you Mr. Speaker. Allow me to laud Hon. Polycarp Wandabusi for presenting that report well; and if there are any reports I have followed in this House, this is one

of the report that I have followed from the beginning to the end, because he was clear and articulated those points clearly.

You have heard every speaker talk about it like they were almost turning this presentation into a trade issue. I want to assure this House that we have already placed a request to the office of the Governor. We have an appointment with him for it is a thorny issue. It is about Chebukube Market. We know the hazard it causes to other road users. Secondly, the reason why I want to support the adoption of this report is that the dual carriage is a game changer in this town. Today if you walk in that part of the town, you will also be happy and you will not be worried about security.

Secondly, that part of the road has also reduced the traffic jam. Previously, I used to pass through that road when I was going to Harambee Market on private matters. It was a terrible place to pass, but today I only use like three minutes. When we talk about improved road network, we also talk about the safety of the road users. I want to assure you that, that part has given us the safety that we require...

Mr. Speaker: Proceed Honorable Member. Members talking at your back are none of your business.

Hon. Johnston Ipara: I know why he is worried. I am saying the reasons as to why I stand to support and identify myself with that. Hon. Balala, don't forget that I am also a member of that Committee.

Mr. Speaker: Hon. Ipara, stick to the point to secure your interests.

Hon. Johnston Ipara: The reason why we are supporting this is that immediately we have other people using our town, it means that we shall earn some revenue from them as they pass through here. They will go to the Hotel; they will go to other places to enjoy themselves as they leave money for us. That will help us; and don't forget when a pedestrian is crossing that road, he is sure of his safety. He only concentrates looking on one side of the road. I know Balala is uncomfortable. Continue being uncomfortable until the end.

Mr. Speaker: Who is Hon. Balala?

Hon. Johnston Ipara: I withdraw that... it is Hon. Machani. Initially, I was also a doubting Thomas as on the cost of the project, but immediately I swung into action to carry some comparisons, I picked one road from Dongo Kundu. When I looked at the cost of Dongo Kundu, It was Ksh11 Billion. I was not satisfied with that. I moved elsewhere to Mulolongo- Westlands. I found that the cost that was used to make that road was Ksh73.5 Billion. With that, I was convinced that we are getting value for money through the dual carriage within Bungoma town. With that, I support the report.

Hon. Aggrey Mulongo: Thank you for giving me this chance to contribute towards the Roads Committees report. First, I would like to honor Hon. Wandabusi. Give him a clap for presenting this wonderful report.

(Applause)

This is one of the reports that are perfect in this House. Today, I have sat here, listened keenly and I have seen that whoever came up with that idea of putting up the dual carriage in this headquarters of Bungoma; it was a wonderful idea. I commend him. I have listened and found out that the Committee went directly to the ground. The users themselves and the traders themselves are saying that this is a noble idea, who are we to say no?

If it means improving on it, we are supposed to come up as a House and support. Let us not be puncturing every report that comes before us.

Mr. Speaker: Hon. Mulongo I have not heard anybody opposing the report, so stick to the line of supporting it. There is nothing wrong pointing out anything in the report.

Hon. Aggrey Mulongo: I am saying that this is a dual carriage 13 Kilometers. It is six Kilometers two times; because they are two ways and that is why it is called dual. It is to and from and not one lane.

(Applause)

You need to understand. I went to Mavoko and the same thing that Hon. Ipara has talked about... When the line is being drawn, it is to and from. So this road is thirteen Kilometers. To a layman like me, it is thirteen. We need to calculate; if it is 60 or 200 Million, so we must multiply it by two.

(Applause)

If one kilometer is equivalent to Ksh65 Million, then it must be multiplied by two. That is why I am saying that let us not puncture everything that comes to us. We must say thank you to some things. This report has now sunken into our minds that we have to budget for more funds to put on that road because of the walk ways. We should now put more funds in budget. Sometimes we need not to be opposing because we are in opposition, we need sometimes to appreciate when something good is done.

I therefore stand here supporting this report fully with my mind and everything.

(Applause)

Mr. Speaker: Thank you Hon. Aggrey, but when age is catching up with you that is how people behave.

Hon. Wafula Waiti: Thank you for allowing me to contribute on the Motion. May I congratulate my colleague who is non-other than Hon. Polycarp for wonderfully moving the Motion. How I wish, looking at the picture posted in this report about encroachers, from the Trade Department Chaired by the Honorable Member who is making noise...

Mr. Speaker: Hon. Waiti, stick to the motion. Consultations are allowed in this House.

Hon. Wafula Waiti: Thank you. The Committee chaired by Hon. Okasida Ipara, that is Trade... how I wish that the Committee of Roads write informing the Department about encroachment; because the traders claim that they are doing their work. Contributing from my point of view, as a quantity surveyor, when you look at the BQs initially, the volume of the road should have been worth 18,000 by two square meters in connection with the volume.

When you look at the end product, you will find that the volume is reduced to the tune at 3,500 per two square Kilometers. How I wish that the department prepares for earlier repairs of the road. So they should go out their way and look for more funds as Hon. Mulongo has said to prepare for the earlier repairs which are coming very soon.

I wish to register this on this floor. Looking at the road we are discussing here today, it passes through a very wonderful County which supported the National Government in terms of voting. When we hear things like shortage of money to a thirteen Kilometer road, we wonder because every other time we hear our head of state compensating those people who were chasing him away during the campaigns to a tune of Ksh5 Billion doing a road. What about this 13 Kilometers?

I wish to register that our National Government should move with speed and get funds allocated to our roads so that we don't suffer the way we are already suffering. If we talk about Ksh600,000,000, it is just like a drop in the ocean. So, I wish to register that we move with speed as a County to get what we were voting for and enjoy life as residents of this county.

Mr. Speaker: Thank you Hon. Waiti Wafula. Allow me ask Hon. Wandabusi, I don't know you are on which microphone? It is ok then you can proceed.

Hon. Polycarp Wandabusi: Thank you Mr. Speaker...

Mr. Speaker: That is not you; that is Hon. Kaiser Steven. It is Hon. Steven replying not you; if you don't have your card, come to the dispatch box here. Then you are looking for Hon. Linda's microphone; you cannot be allowed.

(Laughter)

Hon. Polycarp Wandabusi: Thank you, Mr. Speaker Sir. I wish to respond to some highlights by Honourable Members. I would start by the highlight of Hon. Sudi Kalasinga on variation which was also highlighted by Hon. Caleb. Variation was caused because of delay in payment.

When you look at the current status; the last time the certificate of payment was issued is one year back; so the contractor cannot be in the capacity to maintain the same status and is having the workers on the site as we speak and yet we propose that he should not do variation. Variation was also caused because of the Covid-19 pandemic which reduced the number of workers to be employed, because of the regulations by the government on the working hours. Two, the dollar rate; with the current inflation, the time they signed the agreement the dollar was not...

Mr. Speaker: As you are clarifying very clearly here; are you clarifying variation in terms of funds or variation in terms of the scope of work on the ground.

Hon. Polycarp Wandabusi: I am clarifying on why the variation was done in terms of the amount of money paid. That is what they were asking.

Mr. Speaker: I thought variation in terms of amount rose from the variation of the scope of work on the ground.

Hon. Polycarp Wandabusi: Once you raise the issue of scope the issues, they raised like the adjustment of the road; like Hon. Makari asked why it didn't go to Mateka junction, that road was that road was 6.5km; if we adjust the road to Mateka junction as it reads, we will need to do some variation because of the scope.

Two, there were other things that were reduced on the road like the Culverts; the U-drain culverts and other aspects that were introduced. Initially we didn't have the number of culverts that were put on the road; also, when it came to the lighting system that was highlighted; the lighting system was not initially there but it has been put there now. So, it leads to some variations.

I also wish to also respond to the issue of the Hon. Leader of Majority, Hon. Nyongesa. He said that we spoke about doing sensitization to users of the road. I want to come out clearly with this sensitization to the users of the roads; that not all these users observe the discipline of the roads. This is an individual caution that someone must do to use the road in a right manner. You find that some of the people who use that road drive on the opposite direction; that is not an issue that can be handled with sensitization; it is an issue that should be handled by the enforcement officers who should ensure that the road user use the road as it is supposed to. We have put a number of bumps on the road in areas that are accident prone so that we regulate the usage of the road.

Hon. Makari also spoke of this issue of improvement of the revenue. I want to be very clear that this road has improved revenue collection. Many of the traders are saying they are getting many clients for their commodities; and this improves revenue. The only thing that we need to do is for the revenue department to ensure that it collects the revenue from the traders and the supposed people who are benefiting from this road. We have made the whole town accessible and many people are benefiting from that in the different businesses they are doing.

There was an issue that was highlighted by Hon. Chikati that we need a barrier; such a thing like a barrier if adapted to the project and because it was not in the BQ; will also lead to variations.

Then there was an issue where Hon. Cornelius said that the community was not involved. We noted clearly that there was no clear public participation and we advised on the same that the next time a project is done, there is need to do clear feasibility and public participation from the team.

I think those were the main issues that the members raised; because most of the members were in support of the motion.

Mr. Speaker: Thank you Hon. Kimeta for the reply to the motion before the House. Honourable Members, allow me put a question to the said motion for the House to make its decision over.

(Question put and agreed to)

The report plus its observations and recommendations is hereby adopted by the House accordingly for forwarding to the relevant authorities for implementation.

Honourable Members, looking at our Order Paper, we had one motion which we have just cleared. We will now adjourn our sitting and resume this Wednesday 19th April, 2023 at 2:30 p.m.

(House adjourns)