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## **CHAPTER ONE**

### **PREFACE**

**Hon. Speaker,**

Pursuant to the provisions of the County Assembly of Bungoma S.O 217(5) (d) which mandates sectoral committees to study and review all county legislation referred to it. The Committee on Public Administration and ICT considered and prepared a report on Policy on the Short Term Contractual Policy For Bungoma County Public Service.

The policy was tabled before this House on 21<sup>st</sup> November, 2023 and consequently referred to the Committee for consideration and reporting back to this House pursuant to S.O 217(5) (h) of the Bungoma County Assembly Standing Orders.

**Hon. Speaker,**

The committee sought for views from the public through the notice on The standard newspaper on Thursday 22<sup>nd</sup> February 2024 (Annexed) where members of the public were invited to submit written memoranda on the policy on or before Thursday 29<sup>th</sup> February, 2024.

It is therefore my pleasant duty and privilege, on behalf of the Sectoral Committee on Public Administration and ICT to table this report on The short term contractual policy for Bungoma County Public Service and its recommendations to the Assembly for Consideration.

**Thank you,**

Signed..........Date. 25/04/2024.....

**Hon. Tony Khaoya Barasa (MCA Lwandanyi Ward)**

**Chairperson, Sectoral Committee on Public Administration and ICT**

#### **1.1 MANDATE OF THE COMMITTEE**

**Hon. Speaker,**

The Committee on Public Administration and ICT is constituted under Standing Order 217 (1) of the County Assembly of Bungoma Standing Orders and whose mandate pursuant to standing order 217(5) shall be to -

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, coordination, control and monitoring of budget;
- b) Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;
- c) Study the programme and policy objectives of 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 House to approve, except those under Standing Order 208(Committee on Appointments); and
- h) Make reports and recommendations to the House as often as possible, including recommendation of the proposed legislation.

The Committee executes its mandate in accordance with the Second schedule of the Bungoma County Assembly Standing Orders which provides that it shall deal with all matters related to:

Public Administration including County, Sub-County, Ward and Village Administration, public service; broadcasting of the proceedings of the House; public participation; provision of library, publications and research services in the County Assembly, including improvement of the library and research services; utilization of the facilities provided by the library and research services, including use of information and communication technology; and all matters related to Office of the County Attorney.

## **1.2 COMMITTEE MEMBERSHIP**

**Hon. Speaker**, Committee on Public Administration and ICT comprises of the following members:

- |                            |                  |
|----------------------------|------------------|
| 1. Hon. Tony Barasa        | Chair person     |
| 2. Hon. Caleb Wanjala      | Vice chairperson |
| 3. Hon. Stephen Wamalwa    | Member           |
| 4. Hon. Joseph Nyongesa    | Member           |
| 5. Hon. Jack Wambulwa      | Member           |
| 6. Hon. Busolo Sudi        | Member           |
| 7. Hon. Francis Chemion    | Member           |
| 8. Hon. Simotwo Franklin   | Member           |
| 9. Hon. Grace Sundukwa     | Member           |
| 10. Hon. Cornelius Makhanu | Member           |
| 11. Hon. Timothy Chikati   | Member           |
| 12. Hon. Stephen Kaiser    | Member           |
| 13. Hon. Jeremiah Kuloba   | Member           |
| 14. Hon. Job Mukoyandali   | Member           |
| 15. Hon. Brigid Katasi     | Member           |

### **1.3 LEGAL FRAMEWORK**

**Hon. Speaker**, in the context of legislation, a policy is a document which outlines what a government aims to achieve for the society as a whole. All policies start off as an idea. It may be the idea of a member of the executive wing of the County Government, a bureaucrat, legislator, a stakeholder group or an individual citizen. The provisions of Article 185 of the Constitution of Kenya 2010 on legislative authority of county assemblies are very clear and the same state that;

1. The Legislative Authority of a county Assembly is vested in, and exercised by, its County Assembly.
2. A County Assembly may make any Laws that are necessary for or incidental to, the effective performance of the functions and exercise of the powers of the County Government under the fourth schedule.
3. A County Assembly, while respecting the principles of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive Organs.
4. A County Assembly may receive and approve plans and policies for:
  - a. The management and exploitation of the counties resources; and
  - b. The development and management of its infrastructure and institutions.

#### **1.4 PUBLIC PARTICIPATION**

**Hon. Speaker,**

The Constitution obligates the State and all State organs to ensure adequate public consultation on all public policies, legislation or any decision that is likely to impact on the people of Kenya. Failure to factor in the mandatory requirement of public participation exposes the legislative instrument or policy framework to constitutional challenges of legitimacy, hence making it actionable for unconstitutionality in a court of law.

The requirement of the Committee to conduct public participation on the policy is a constitutional imperative from Article 196(1) (b) of the constitution which provides that the County Assembly shall;

b) Facilitate public participation and involvement in the legislative and other business of the Assembly and its committees.

In compliance with the above laws, the committee sought for views from the public through the notice on The standard newspaper on Thursday 22<sup>nd</sup> February 2024 (Annexed) where members of the public were invited to submit written memoranda on the Short Term Contractual Policy For Bungoma County Public Service on or before Thursday 29<sup>th</sup> February,2024.By close of business Thursday 29<sup>th</sup> February,2024 the Committee had not received any memoranda from the public.

## **CHAPTER TWO**

### **2.1 CONSIDERATION OF THE SHORT TERM CONTRACTUAL POLICY FOR BUNGOMA COUNTY**

#### **Background information**

Bungoma County is one of the forty seven counties created by the constitution of Kenya. The county government of Bungoma is mandated to perform various functions as outlined in schedule four of the constitution. Consequently the county government of Bungoma is obligated to offer quality and efficient services to its citizens. Currently the county government is made of over 6,480 employees who offer services through ten departments. In recent years, the demand for its service has been increasing creating a need for seasonal or short term jobs of skilled and unskilled works.

Short term contractual employment is one way in which the county government of could adopt to engage employees to perform tasks for a definite time period ranging from 6 month to 3 years. Short term contractual employment has the same features, such as employer's expectations, remunerations, and salary, as regular employment. However, the short term employment has a fixed start and end dates. The advantage of this form of employment is that it offers the county government some flexibility in its staffing options and it can be extended if the need their services still exist.

There are 806 casual or contracted employee within the county government of Bungoma who have been engaged to perform critical tasks such as cleaning, clerical offers, cooks among other tasks. However, the engagement of these short term contracted employees has been disjointed and unstructured due to the lack of a clear policy framework to guide the process. There are various challenges that are faced by the county government when dealing with issue of short term employment. Some of the challenges include:

- a. lack of standards for recruiting the short term employee, since each county department or agencies engage them on its terms



- b. delayed payments leading to low morale among the short term employees and frequent strikes
- c. Absence of clearly defined terms and conditions of service for the short term contractual workers causing anxiety due to uncertainties over their security of tenure.
- d. poor remuneration leading to rampant unethical practices among workers

## **OBJECTIVES OF THE POLICY**

### **Hon. Speaker,**

The overall objective of this policy is to provide a mechanism for engaging on short term contractual to the citizen of Bungoma County. The specific objectives are to;

- a. Ensure a well-coordinated and structured short contractual employment programme
- b. Develop standards and procedures for engaging workers on short term contractual terms
- c. Provide for efficiency and effectiveness in the management and implementation of the short term contractual employment programmes
- d. Provide a framework for monitoring, evaluation and reporting for improvement and sustainability of the short term contractual programme.

## **RATIONALE FOR THE POLICY**

The main challenge facing the county government of Bungoma is the large number of casual workers who are engaged in various departments and agencies. The process of engaging these workers has been unstructured and uncoordinated leading to several litigations and a heavy financial burden to the county government. In addition lack of standards has led to the engagement of workers without proper planning. The county government of Bungoma is keen at streamlining the process of engaging short term contractual employees so as to enhance their contribution to the development of the county. This policy will therefore provide a mechanism for engaging and managing short term employees in Bungoma County by specifying standards and procedure for engaging short term contractual employees, terms and conditions of service as well as the obligations of the county government and employees.

## **Monitoring, Evaluation, Learning and Reporting**

The Department of public service management, administration and ICT will develop a monitoring and evaluation framework. The Monitoring and Evaluation Framework (M&EF) will provide quality performance information for decision making. The framework shall standardize the data collection, analysis, and storage and dissemination process.

### **Monitoring**

The department of public service management, administration and ICT shall conduct quarterly monitoring to ascertain implementation of the policy.

### **Evaluation**

The CECM shall ensure evaluation of this policy is undertaken after every three years. The findings of the evaluation shall inform the review and update of the policy.

### **Research**

In order to promote evidence-based interventions, the department shall put in place structures for conducting thematic and operational research as and when required.

## **COMPLIANCE WITH THE POLICY AND STANDARDS & POLICY REVIEW**

### **Compliance**

This policy shall be applicable to all stakeholders to ensure effective implementation of this programmes. Compliance in this Policy implies adhering to guidelines, standards, operating procedures and regulations. Standards set out in this Policy document will guide the implementation processes that are applicable across the County Government structures. Compliance requirements and obligations shall therefore include:–

- a) Reporting obligations according to agreed formats;
- b) Abiding by the principles of the policy
- c) Abiding by the agreed quality, quantity, time and standards. (These shall be defined and agreed with stakeholders)

### **Non-Compliance**

Non-compliance to this Policy shall be managed in accordance with the relevant legal and regulatory provisions.

### **Review of Policy**

This Policy will be reviewed through a participatory process after every 3 year so as to capture relevant developments and emerging practices and approaches. There shall however be a continuous review process of the Policy.

## **CHAPTER THREE**

### **COMMITTEE OBSERVATIONS**

**Hon. Speaker,**

The Committee having scrutinized the policy made the following observations

1. The policy is self –executing.
2. The committee notes with concern the non-implementation of the previous policies and various legislation by the executive and reiterates that the County assembly cannot legislate in vain, but it does so requiring full implementation of the policy.
3. Clause 3.4 of the policy provides that the short-term contractual employment opportunities shall be open to citizens of Bungoma County only which is contrary to article 27(4) of the constitution of Kenya and the employment Act 2007.

### **COMMITTEE’S RECOMMENDATIONS**

**Mr. Speaker,**

The committee notes that Short term employment is a devolved function of the County Government and that the policy is based on a County need therefore the committee recommends that the House approves the policy with the following comments;

1. That the title of the policy be changed to ***‘The Bungoma County Short – term Contractual employment policy’***
2. That the department should take deliberate and appropriate steps and strategies to fully implement this Policy since its self-executing and further legislation required in the course of implementation shall be considered.
3. That the County Government should take a pro-active approach of mobilizing more funds to facilitate the implementation of this policy.
4. That Clause 3.4 of the policy be amended to make the short-term contractual employment opportunities open to all Kenyan citizens so as to comply with article 27(4) of the constitution of Kenya and the employment Act 2007.








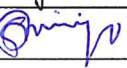



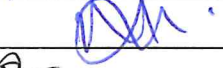

## **CONCLUSION**

**Hon. Speaker,**

The Committee is cognizant to the fact that the Short Term Contractual Policy for Bungoma County Public Service will provide a mechanism for engaging and managing short term employees in Bungoma County. Therefore the committee recommends that this House considers this policy.

## ADOPTION SCHEDULE

The Members of the Sectoral Committee on Public Administration and ICT hereby adopt and append their signatures to this report with the contents herein.

S/N	Name	Designation	Signature
1	Hon. Tony Barasa	Chairperson	
2	Hon. Caleb Wanjala	V/Chairperson	
3	Hon. Stephen Wamalwa	Member	
4	Hon. Joseph Juma	Member	
5	Hon. Jack Wambulwa	Member	
6	Hon. Sudi Busolo	Member	
7	Hon. Grace Sundukwa	Member	
8	Hon. Francis Chemion	Member	
9	Hon. Stephen Kaiser	Member	
10	Hon. Timothy Chikati	Member	
11	Hon. Cornelius Makhanu	Member	
12	Hon. Jeremiah Kuloba	Member	
13	Hon. Franklin Simotwo	Member	
14	Hon. Job Mukoyandali	Member	
15	Hon. Brigid Katasi	Member	

## **ANNEXURES**

1. Adoption minutes
2. Gazette Publication
3. Copy of the short term contractual policy for Bungoma County Public Service

# Public debt swallows 98 per cent of revenue

► President William Ruto's administration in tight corner financially going by January figures.

► The Treasury relied mostly on loans to fund government expenditures.

BRIAN OTIENO, NAIROBI

Nearly all the money collected from taxes in January went to servicing debt, the greatest indication of the extent of the cash crunch facing President William Ruto's administration. Data from the National Treasury shows the government spent 98.77 per cent of revenue to repay public debt, the highest amount in recent months.

According to the Statement of Actual Revenues and Net Exchequer Issues, a document published monthly in the Kenyan Gazette by National Treasury Cabinet Secretary Njuguna Ndung'u, the government spent Sh163.5 billion out of the Sh165.57 billion collected as taxes to pay public debt. The figures exclude money raised from government services, which form part of non-tax revenue.

This means the Treasury mostly relied on loans to fund all government recurrent development expenditures, including paying salaries and disbursements to

## FINANCE SNAPSHOT

Month	Tax Revenue	Public Debt Repayment	Debt Service as % of Tax Revenue
Jan-24	165,574,037,119.95	163,541,348,693.55	98.77
Dec-23	203,500,267,105.90	83,656,949,932.50	41.11
Nov-23	162,600,014,932.75	91,403,929,804.15	56.21
Oct-23	170,482,641,635.25	78,450,297,551.00	46.02
Sep-23	196,684,370,157.35	80,183,456,844.20	40.77
Aug-23	162,513,233,332.80	105,202,370,889.10	64.73
Jul-23	155,067,280,703.20	161,837,064,926.10	104.37
Total	1,216,421,844,987.20	764,275,418,640.60	62.83

Source: Statements of Actual Revenues and Net Exchequer Issues from August 2023 to February 2024

counties, among other needs, as it was left with a paltry Sh2 billion in revenue, further placing the nation down a dangerous slope of over-reliance on borrowing.

The statistics represent a sharp increase from the 41 per cent debt-service-to-tax-revenue ratio recorded in December last year. In December, the government spent Sh83.66 billion to service debt, of the Sh203.5 billion collected from taxes.

In November, Sh91.4 billion went to repaying debt. The country collected taxes amounting to Sh162.6 billion, meaning 56.21 per cent of revenue went to servicing debt.

The last time the Treasury spent this

much to finance debt in the current financial year was last July when the public debt service exceeded the total tax revenue. Back then, the government warned of salary delays for public servants, citing a technical hitch.

The average debt-service-to-tax-revenue ratio between June 2023 and January stood at 62.82 per cent, an alarming statistic that the president recently said has caused him sleepless nights.

During the period, the State raised Sh1.2 trillion in taxes, paying loans worth more than Sh764 billion.

The gazetted document shows despite the Treasury raising 67 per cent of its expenditures through tax revenue over the

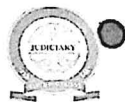
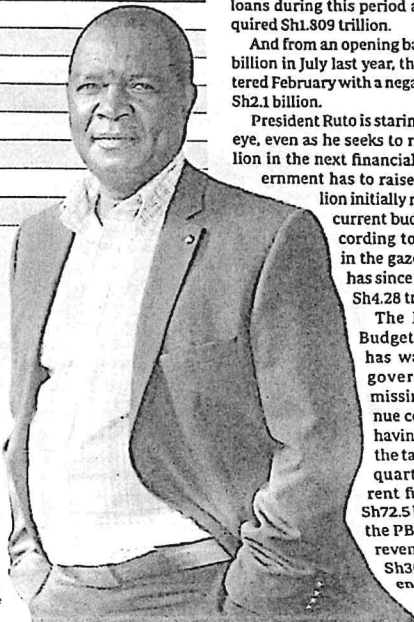
last seven months, it has been unable to meet budgetary needs. The government raised Sh1.806 trillion from revenue and loans during this period against the required Sh1.809 trillion.

And from an opening balance of Sh2.6 billion in July last year, the Treasury entered February with a negative balance of Sh2.1 billion.

President Ruto is staring a crisis in the eye, even as he seeks to raise Sh4.2 trillion in the next financial year. His government has to raise the Sh3.6 trillion initially required for the current budget, which, according to Prof Ndung'u in the gazette statement, has since been revised to Sh4.28 trillion.

The Parliamentary Budget Office (PBO) has warned that the government risks missing its tax revenue collection target, having failed to meet the target for the first quarter of the current financial year by Sh72.5 billion. Last year, the PBO predicted total revenue misses worth Sh300 billion for the entire year.

bowino@standardmedia.co.ke



## THE JUDICIARY

OFFICE OF THE CHIEF REGISTRAR OF THE JUDICIARY

### TENDER NOTICE

The Judiciary invites sealed bids under the Open Tender method from eligible bidders for the following:

S.No.	Tender Number	Description of Works	Tender Security Amount (Kshs.)	Pre-bid meetings	Tender opening date and time
1.	JUD/01/045/2023-2024	Supply, Installation, Training, Testing and Commissioning of Court Recording and Transcription System – Audio Visual Installer at The Judiciary Law Courts Under Framework Contract for a Period of Three (3) Years	500,000.00	26 <sup>th</sup> February, 2024 at 10.00 am Vide link: <a href="https://shorturl.at/ehTP3">https://shorturl.at/ehTP3</a>	06.03.2024 at 10.00 am
	JUD/01/046/2023-2024	Supply And Delivery of ICT Equipment (Desktops, Laptops, Tablets and Projectors) Under Framework Contract for a Period of Two (2) Years	200,000.00	26 <sup>th</sup> February, 2024 at 2.00 pm Vide link: <a href="https://shorturl.at/ehTP3">https://shorturl.at/ehTP3</a>	06.03.2024 at 2.00 pm
	JUD/01/047/2023-2024	Supply, Installation, Training, Testing and Commissioning of Court Recording and Transcription System – Audio Visual Integrator at The Judiciary Law Courts Under Framework Contract for a Period of Three (3) Years	500,000.00	27 <sup>th</sup> February, 2024 at 10.00 am Vide link: <a href="https://shorturl.at/ehTP3">https://shorturl.at/ehTP3</a>	07.03.2024 at 10.00 am
	JUD/01/048/2023-2024	Supply, Delivery, Testing and Commissioning of Active Network Devices (Switches and Access Points) Under Framework Contract for a Period of Two (2) Years	200,000.00	27 <sup>th</sup> February, 2024 at 2.00 pm Vide link: <a href="https://shorturl.at/ehTP3">https://shorturl.at/ehTP3</a>	07.03.2024 at 2.00 pm

Interested and eligible bidders may view or obtain the tender documents by downloading from the Judiciary's website [www.judiciary.go.ke](http://www.judiciary.go.ke) or the Public Procurement Information Portal (PPIP) website: [www.tenders.go.ke](http://www.tenders.go.ke). Any request for clarifications must be made in writing at five (5) days before the tender closing date. All Clarifications and addenda will be posted on the Judiciary and PPIP websites. Bidders are urged to attend virtual pre-bid meetings as scheduled above.

Bids shall be quoted in Kenya Shillings and shall include all taxes that will remain valid for One Hundred and Twenty (120) days from the tender closing date. Tenders must also be accompanied with a tender security as indicated above valid for 150 days from tender closing date in the form of a financial institution approved and licensed by Central Bank of Kenya (CBK) or by an Insurance Company registered and approved by the Insurance Regulatory Authority (IRA). Addressed and payable to the Chief Registrar of the Judiciary. Tenders MUST ensure copies of the tender documents are duly paginated sequentially.

Sealed tender documents are to be enclosed in plain sealed envelopes, clearly marked with the tender number and name and deposited in the Box provided at the Main gate, Supreme Court entrance, City Hall Way, Nairobi and addressed to:

THE CHIEF REGISTRAR OF THE JUDICIARY  
ATT: DIRECTORATE OF SUPPLY CHAIN MANAGEMENT SERVICES  
P.O BOX 30041-00100,  
NAIROBI, KENYA

Tenders will be opened immediately thereafter in the presence of the designated tenderers, late tenders shall be rejected.

WAINA, OGW, 'ndc' (C)  
REGISTRAR OF THE JUDICIARY



## COUNTY ASSEMBLY OF BUNGOMA

Telephone: 0202651905/0208000663  
E-mail: [info@bungomaassembly.go.ke](mailto:info@bungomaassembly.go.ke)  
Web: [www.bungomaassembly.go.ke](http://www.bungomaassembly.go.ke)

P.O. BOX 1886-50200  
BUNGOMA, Kenya

### INVITATION FOR SUBMISSION OF MEMORANDA ON POLICIES AND GUIDELINES UNDER CONSIDERATION

The under-listed policies and guidelines have been tabled in the County Assembly and committed to various committees:

COMMITTEE	POLICIES
1. Gender, Culture & Social Welfare	1. Bungoma County Disability Mainstreaming Policy 2023 2. Bungoma County Children Protection Policy 2023 3. Bungoma County Group Registration Policy 2023 4. Bungoma County Culture and Heritage Policy 2023 5. Bungoma County Gender Mainstreaming Policy 2023
2. Youth and Sports	1. Bungoma County Youth Policy 2023 2. Bungoma County Sports Policy 2023
3. Agriculture, Livestock, Fisheries, Irrigation, and Cooperative Development	1. The Bungoma County Agricultural Sector Policy 2023 2. The Bungoma County Agribusiness Policy 2023 3. The Bungoma County Agriculture Soil Management Policy 2023 4. The Bungoma County Food Safety Policy 2023 5. The Bungoma County Agriculture Land Lease Guidelines 2023 6. The Bungoma County Guidelines for implementation of Agricultural input support programme 2023
4. Public Administration and ICT	1. The Bungoma County Internship Policy 2. The Short Term Contractual Policy for Bungoma County Public Service

Article 196(1) (b) of the Constitution of Kenya, and Section 87 of the County Governments Act, provides for Public participation and involvement in the legislative and other business of the Assembly and its Committees.

In compliance with the above laws, the Committees invite members of the Public to submit written submissions that they may have on the aforementioned documents. The Policies and guidelines can be accessed from the County Assembly website at <http://www.bungomaassembly.go.ke>

Written memoranda may be forwarded to Clerk of the County Assembly, P.O Box 1886-50200 Bungoma; hand-delivered to the Office of the County Assembly Clerk, Main County Assembly Building, Bungoma, or emailed to [info@bungomaassembly.go.ke](mailto:info@bungomaassembly.go.ke) so as to be received on or before Thursday 29<sup>th</sup> February, 2024 at 4.30p.m.

They can also be submitted via mail to:

Clerk of the County Assembly  
P.O Box 1886-50200  
BUNGOMA

CHARLES W. WAFULA,  
CLERK OF THE COUNTY ASSEMBLY,  
COUNTY GOVERNMENT OF BUNGOMA.