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COUNTY GOVERNMENT OF BUNGOMA



COUNTY ASSEMBLY OF BUNGOMA

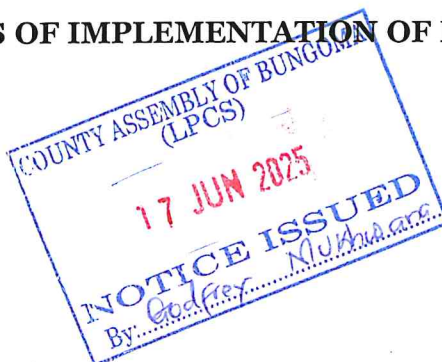
OFFICE OF THE CLERK

THIRD ASSEMBLY

FOURTH SESSION

COMMITTEE ON ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS

REPORT ON THE STATUS OF IMPLEMENTATION OF HOUSE RESOLUTIONS IN 2022 AND 2023



Clerk's Chambers

County Assembly Buildings

P.O BOX 1886 - 50200BUNGOMA, KENYA

MAY, 2025

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CHAPTER ONE

1.1. PREFACE

Honorable Speaker,

Standing Order 205(2) provides that, within sixty days of a resolution of the House or adoption of a report of a committee, the relevant County Executive Committee Member under whose portfolio the implementation of the resolution falls shall provide a report to the relevant Committee of the House in accordance with Article 183(3) of the Constitution.

However, the CECM for Roads, Transport, Infrastructure, and Public Works has not provided a report on the status of implementation of the committee reports adopted by the House. Consequently, the Liaison Committee scheduled this activity for all sector committees to follow up on and report on the implementation status of the respective reports considered by the House in 2022 and 2023.

During the period under review, the following reports and legislative items originating from the Sectoral Committee on Roads, Transport, Infrastructure, and Public Works were adopted by the House and subsequently, the resolutions conveyed to the CECM.;

- i. Report on the status of construction of the Kanduyi – Sang’alo Junction (C33) Road to Dual Carriageway Contract No. BGM/CNTY/OT/184/2018-2019
- ii. Report on the Bungoma County Government nine months’ financial statements for the period ending 31st March, 2023; with respect to the Department of Roads.
- iii. Report on the status of implementation of Ward Based Projects FY 2021/2022 as at October, 2023
- iv. The Bungoma County Transport Act, 2015
- v. Bungoma County Property Hire and Lease Act, 2017
- vi. The Bungoma County Parking Management Act, 2017

The respective County Executive Committee Members were invited for the consultation sessions with their Sectoral Committees via a letter referenced **CAB/ADM/6VOL.V (93)**. The Committee on Roads, Transport, Infrastructure and Public Works conducted its interrogation on **13th May, 2025 at 11:00 a.m.** within the County Assembly Precincts.

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

1.2 Mandate of the Committee

Honorable Speaker,

The mandate of the Committee is derived from Part II of the Fourth Schedule of the Constitution of Kenya, 2010 and further as contemplated under Standing Order No. 217 (5) of the County Assembly of Bungoma Standing Orders.

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.

2. In accordance with the Second schedule of the Bungoma County Assembly Standing Orders, the Committee is mandated to deal with all matters related to County Transport; Including County roads, street lighting, traffic and parking, public road transport; firefighting services and disaster management and County Public Works Services.

1.3 Committee Membership

Honorable Speaker,

The Committee on Roads, Transport, Infrastructure and Public Works as currently constituted comprises the following Members:

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

1.4 Acknowledgement

Honorable Speaker,

On behalf of the Honorable Members of the Sectoral Committee on Roads, Transport, Infrastructure and Public Works, I wish to convey my gratitude to all Members of the Committee for their invaluable input throughout the proceedings, up to the conclusion of this report.

The Committee is equally grateful to the County Executive Department for availing the requested information on the status of implementation of House Resolutions in good time, appearing in person to clarify on issues that were outstanding; contents which have been relied upon in the production of this report.

The Committee further appreciates the offices of the Honorable Speaker and Clerk of the County Assembly for the support received as it prepared this report.

It is therefore my privilege to table this report for consideration and adoption by this Honorable House.

Signed  Date 12/06/2025

(Hon. Franklin Simotwo, MCA-Chepyuk Ward)

Chairperson, Sectoral Committee on Roads, Transport, Infrastructure and Public Works

CHAPTER TWO

2.1 ADOPTED REPORTS IN THE YEARS 2022 AND 2023

2.1.1. Report on the Status of Construction of the Kanduyi – Sang’alo Junction (C33) Road to Dual Carriageway Contract No. BGM/CNTY/OT/184/2018-2019

Honorable Speaker, the Report was adopted by this House on 19th April, 2023 with recommendations therein.

The report was forwarded to the Department of Roads Transport, Infrastructure and Public Works as per the Bungoma County Assembly Standing Order No. 205 and in accordance with Article 183 (3) of the Constitution.

During the consultative meeting, the status of implementation of the recommendations in that report that formed the resolutions upon adoption by this Honorable House was submitted by the Department as below.

Resolution No. 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.

Response from the Department

The Dual Carriageway Project was completed as per the Contract Agreement and Scope of Works and handed over to the County Government of Bungoma on August 6th, 2024. The County Government is yet to clear outstanding financial obligations owed to the contractor. (**Annexure 1; Project status report**)

Committee’s Observation

The project has been handed over to the County Government of Bungoma

The project is intended to be handed over to the Kenya National Highways Authority (KeNHA). However; the condition of completion and full settlement of all outstanding payments to the contractor by the County Government has not been met.

The contract sum for this project is **Kshs1, 382,699,139.29** revised upwards to **Kshs1, 725,699,139.29**. The completion certificate however indicates a project sum of **Kshs1, 724,219,375.60**. To date, a sum of **Kshs1, 334,990.10** has been paid to the contractor. Submissions by the Department put the pending bill together with the claims on this

project at Kshs465M. This includes the pending payment/ balance due of Kshs330, 816,891.64 and an outstanding claim of Kshs108M. There are however notable inconsistencies in the overall contract sum for the Kanduyi – Sang’alo Junction (C33) Road to Dual Carriageway project in the numerous submissions/ reports from the Department to the sector Committee.

Status of Implementation

Resolution partially implemented

Committee’s Recommendation

That, the County Government should hand over the road project to the National Government in its current state

That, the County Government should allocate sufficient funds to the Project to enable settlement of outstanding balances and expedite project handover to the KeNHA

That, for ease of budgeting and prioritization of project funds allocation, there should be reconciliation of figures on the project’s contract sum to reflect the actual totals.

Resolution No. 2

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

Response from the Department

The completion certificate indicates that out of the overall Contract Sum of **Ksh. 1,725,699,139.29**, the County Government owes the Contractor **Kshs. 354,217,247.77**. The outstanding amount is fully captured in the list of pending bills for prioritization in resource allocation.

Committee’s Observation

The 2025 CFSP proposed an allocation of Kshs113M towards settlement of pending bills on this project.

The Annual Budget for FY 2024/2025 allocated Kshs105M to settle part of the pending bills for the project. From this amount, only Kshs30M had been paid to the contractor by the time of compilation of this report. The Department following a Treasury advisory structured the payments certificates into amounts of Kshs30M and below to facilitate the

settlement of the pending payments. However, only Kshs30M was released while Kshs75M from this year's allocation remains outstanding on the payment certificate.

This situation raises concern regarding the County's ability to settle pending bills, particularly where budgetary allocations have been made but corresponding payments are not forthcoming. Further, stagnated payments of payment certificates contravene the conditions of contract; resulting into continued depletion of county resources towards settlement of arising claims.

Status of Implementation

Partially implemented

Committee's Recommendation

That, the balance of Kshs75M from the allocated amount of Kshs105M under the current FY 2024/25 should be released towards settlement of the pending bill on the road project

That, the Department should prioritize allocation of funds for payment of pending bills on the project to forestall incidents of accruing claims

Resolution No. 3

THAT, the relevant County Department of Trade, Energy and Industrialization should move with speed to settle the traders who have encroached sections of the Dual Carriageway to allow easy flow of traffic and reduce the number of accidents due to encroachment.

Submission from the Department

In collaboration with the Departments of Trade and Lands, a number of traders were successfully relocated to the newly constructed Chebkube Market. However, efforts to facilitate the relocation of the remaining traders have not borne fruit, largely due to political interference. The Departments have enlisted services of enforcement officers from the Department of Public Service Management and Administration to ensure full adherence to the directive against encroachment on road reserves.

Committee's Observation

The push back from political leaders which the Department cited to have interfered with joint efforts between the two departments in settling traders that have encroached on the road reserves was not substantiated.

Status of Implementation

Not implemented

Committee's Recommendation

The Committee recommends that the inciting politicians, if any, should be brought to book and be held accountable for the actions. This will enable full implementation of this resolution. Further the County Government should identify alternative locations conducive for business operations and relocate the overflowing traders.

Resolution No. 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 KeNHA

Response from the Department

The Department allocated Kshs105, 000,000 in the FY 2024/2025 for the project where Kshs104, 999,999 was processed and Kshs30, 000,000 paid. The pending amount will be prioritized in the FY 2025/2026 as part of eligible pending bills captured in the Program Based Budget Estimates for FY 2025/2026 that was submitted to the County Assembly.

Committee's Observation

That there is slow absorption of funds allocated towards sorting out the issue of pending bills on this project. In the current financial year 2024/25, Kshs105M was allocated for the project out of which only Kshs30M has been paid to the contractor.

That, from the submitted annual budget estimates to the County Assembly for FY 2025/26, an additional Kshs113M has been proposed for allocation towards settling pending bills on the project and thus insufficient to cover the accrued pending bills.

The conditions for the project takeover by KeNHA, that is, completion and financial settlement to the contractor has not been met by the County Government.

Status of Implementation

Not implemented.

Committee's Recommendation

That the Department should liaise with the County Treasury to ensure that all appropriated monies are absorbed as appropriate as this will lessen the probability of

contractors lodging unnecessary claims that continue to diminish the county's resource basket.

2.1.2. Report on the Bungoma County Government nine months' financial statements for the period ending 31st March, 2023 with respect to the department of Roads

Honorable Speaker, the Report was adopted by this House on 5th October, 2023 with recommendations therein.

The report was forwarded to the Department of Roads Transport, Infrastructure and Public Works as per the Bungoma County Assembly Standing Order No. 205 and in accordance with Article 183 (3) of the Constitution.

The status of implementation of the recommendations in that report that formed the resolutions upon adoption by this Honorable House was submitted by the Department as below.

Resolution No. 1

That the County Treasury should report on the cumulative amount of revenue received by each Department for ease of interrogation and general oversight.

Response from the Department

To be reported by the County Treasury

Committee's Observation

That the County Departments submits revenue reports directly to Treasury who bear the responsibility to extract and report to the County Assembly.

Status of Implementation

Not applicable to the Roads Department

Resolution No. 2

The Department should prepare and submit the budget implementation reports on a quarterly basis for purposes of sector committee interrogation and timely in-depth oversight.

Response from the Department

The Department by practice and in compliance with legal requirements prepares quarterly budget implementation reports and submits to the County Treasury for Compilation and subsequent submission to the County Assembly.

Committee's Observation

Budget implementation reports that present budget execution status are received in the County Assembly in the form of financial statements and expenditure reports pursuant to Section 166(4) of the PFM Act 2012

166 (4) Not later than one month after the end of each quarter, the County Treasury shall—

(a) Consolidate the quarterly reports and submit them to the County Assembly;

Status of Implementation

Implemented

Resolution No. 3

The Department must declare an accurate and detailed report on all pending bills to the County Assembly for proper budgeting and scrutiny by the Committee.

Response from the Department

The Department declared all pending bills to the County Assembly in the submitted PBB Estimates for FY 2025/2026.

Committee's Observation

That the County Departments submits pending bills reports directly to Treasury who then are tasked with the responsibility to compile and report to the County Assembly. The Department submitted that the Department has a pending bill of Kshs1, 251,581,368 as confirmed from the Program Based Budget draft estimates for the FY 2025/26. The accuracy of the reported status is subject to verification.

Status of Implementation

Implemented

Resolution No. 4

The Accounting Officer MUST comply with the provisions of Regulations 93(5) and (6) of the Public Finance Management Regulations, 2015 in respect to management of Imprests.

Response from the Department

The Accounting Officer has purposed to comply with the legal framework on management of imprests with minimal cases of delayed surrender of imprests.

Committee's Observation

The Committee notes with concern that the Department holds a long outstanding imprest of Kshs.488, 961 dating back to May, 2023 advanced to a former Director whose proof of surrender for the period under review has not been submitted.

The Committee has made recommendations in the financial statements and expenditure reports that the Accounting Officer needs to be subjected to the provisions of Section 156 of the Public Finance Management Act and PFM Regulation 93(7) for failing to recover this long outstanding imprest. The latest recommendation on this matter was made in the report of the Committee on the consolidated financial statements for the period ended 31st December, 2024 which the County Assembly pronounced itself upon.

Status of implementation

Not implemented

Resolution No. 5

The Accounting Officer should forward the development projects' status as at the reporting date of the budget implementation reports for purposes of offering checks and balances to the Executive.

Response from the Department

Status of Implementation of Development Projects is usually part of the budget implementation reports which are prepared and submitted quarterly to the County Treasury for Compilation before submission to the County Assembly

Committee's Observation

That the County Departments submits development projects' status reports directly to Treasury who then are tasked with the responsibility to compile and report to the County Assembly while reporting on budget implementation status. The Department has made reports regarding Ward Based projects, the Dual carriageway project and the Misikhu Brigadier road project which the Committee has scrutinized and reported on.

Status of Implementation

Implemented

Resolution No. 6

The County Executive should pursue through the Council of Governors measures that will address the matter of timely exchequer releases to the counties, for effective service delivery.

Response from the Department

The Council of Governors through the Inter-Governmental Budget and Economic Council (IBEC) has consistently championed for timely exchequer releases to the counties.

Committee's Observation

The situation persists and is outside the purview of the CECM and the Department

Status of Implementation

Not implemented

2.1.3. Report on the Status of Implementation of Ward Based Projects FY 2021/2022 as at October, 2023

Honorable Speaker, the Report was adopted by this House on 29th November, 2023 with recommendations therein.

The report was forwarded to the Department of Roads Transport, Infrastructure and Public Works as per the Bungoma County Assembly Standing Order No. 205 and in accordance with Article 183 (3) of the Constitution.

The status of implementation of the recommendations in that report that formed the resolutions upon adoption by this Honorable House was submitted by the Department as below.

Resolution No 1

The County Government of Bungoma through the County Executive Committee Member for Roads, Infrastructure and Public Works should ensure Ward Based projects awarded contracts are completed within the required time frame. Further, ensure that the contractors who have not completed the works go back to the site and complete the works; failure to which, necessary action should be taken against them including blacklisting.

Response from the Department

The Department has purposed to enhance project completion index within contract periods through timely procurement of budgeted projects and undertake legal measures against contractors who do not complete contracted works within timelines.

Committee's Observation

The Committee observed that inadequate supervision by the Department of Roads has resulted into instances where contractors have either abandoned project sites or executed substandard works. The Department submitted evidence of termination notices and warnings issued to errant contractors on various Ward Based projects (**annexed**).

Status of Implementation

Implemented

Resolution No 2

The County Government of Bungoma through the County Executive Committee Member for Roads, Infrastructure and Public Works should establish an evaluation and monitoring mechanism to ensure that all contracts under Ward-Based Projects are executed to the required standards for the benefit of the people living in the rural areas.

Response from the Department

A departmental Monitoring and Evaluation Mechanism has been established to enhance adherence to contracted standards and timelines. The Departmental M&E unit is headed by the Economist and supported by the Ward Based Projects Officer for all Ward Based Projects.

Committee's Observation

The Committee observed that lack of a structured evaluation and monitoring mechanism has led to poor implementation of some of the contracts under ward-based projects.

That, Monitoring and Evaluation Officers should be facilitated to perform their duties with utmost professionalism

That the Department should transfer works officers who operate from the headquarters to respective project sites (sub county offices); to allow department to undertake site visits as appropriate and enable production of accurate reports and present project quotes that reflect actual quantities. This will forestall instances of collusion with rogue contractors.

Status of Implementation

Not implemented

Resolution No. 3

The County Government of Bungoma through the County Executive Committee Member for Roads, Infrastructure and Public Works should

ensure that road reserves are well protected and bushes cleared to ascertain the correct width of the road.

Response from the Department

A GIS based Surveillance mechanism is necessary with collaboration with the Department of Land, Urban, Physical Planning, Housing and Municipalities. This will require allocation of relevant resources to facilitate GIS mapping of all county roads and resources for bush clearance and community sensitization.

Committee's Observation

That the Department has failed to conduct routine checks on existing rural roads; a practice that could enable the documentation of a database compiling all rural roads and the road reserves.

That routine bush clearing is an essential component of setting the boundaries for rural road reserves and preventing instances of encroachment.

That GIS mapping of all county roads will pave way for clear demarcations and established road reserves for all county roads.

Status of Implementation

Not implemented

Resolution No 4

The County Government of Bungoma through the County Executive Committee Member for Roads, Infrastructure and Public Works should carry out due diligence on the capability of the contractors before being awarded contracts so that total completion of all of the ward-based projects is realized.

Response from the Department

The Department will enhance compliance to Public Procurement and Asset Disposal Act, 2015 in the process of procuring works for all approved projects.

Committee's Observation

The Department submitted that some of the blacklisted contractors use proxy companies to bid for contracts; making it difficult to apply the necessary provisions of law.

This action further defeats the purpose of debarment/ blacklisting by using proxy means where the contractors have controlling interests without being a Director/ shareholder.

Status of Implementation

Not implemented

Resolution No 5

The Department should at all times ensure that project implementation involves members of the public. This shall create project ownership, appreciation and utilization of the projects.

Response from the Department

The Department commits to enhance participation of members of the public in project execution especially in monitoring and evaluation of road projects.

Committee's Observation

The Committee observed that public participation as aspect of project execution has been overlooked.

There is a need to develop sector-specific regulations to guide public participation during project implementation, as well as to enact appropriate laws that clearly assign responsibilities to the relevant departments. This is especially important in municipalities, where overlapping roles are a common risk.

Status of implementation

Not implemented

2.2 ACTS PASSED IN THE YEARS 2022 AND 2023

2.2.1 The Bungoma County Transport Act, 2015

Honorable Speaker, the sector Committee considered the status of implementation of this Act and has submitted a comprehensive report for consideration by this Honorable House.

2.2.2 The Bungoma County Property Hire and Lease Act, 2017

Honorable Speaker, the Department has not hired out any of its equipment, machinery or property since enactment of the Act. The Act is not attached to a specific department and thus difficult to ascertain responsibility.

2.2.3 The Bungoma County Parking Management Act, 2017

Honorable Speaker, the County Executive Committee Member responsible for Physical Planning is mandated by the Act to designate parking places within the County, hence responsible for reporting on status of implementation of the Bungoma County Parking Management Act, 2017.

CHAPTER THREE

3.0 COMMITTEE'S GENERAL OBSERVATIONS AND RECOMMENDATIONS

3.1. Committee's Observations

Honorable Speaker,

The Committee observed as follows;

1. There are inconsistencies in the reported contract sum and financial balances related to the dual carriageway project and other multiyear projects across multiple reports submitted to the County Assembly. These discrepancies undermine the reliability of financial reporting and hinder effective oversight and accountability.
2. There are instances where sector committee recommendations are not directed to the appropriate departments for implementation. In particular, some reports make recommendations requiring action from the County Treasury are not being relayed appropriately, leading to delayed or non-implementation of such resolutions.
3. Numerous imprests have remained unaccounted for over extended periods. For instance, the imprest advanced to a Director in the Roads Department has been long outstanding despite numerous recommendations made by the Committee on the application of Section 156 of the PFMA and Regulation 93 (7) of the corresponding regulations. This action is in contravention of financial regulations and indicates weak enforcement of accountability measures and increases the risk of misappropriation of public funds.

3.2. Committee's Recommendations

Honorable Speaker,

The Committee recommends as follows;


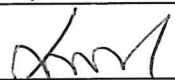
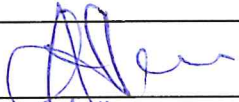


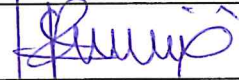
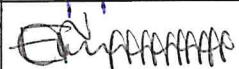
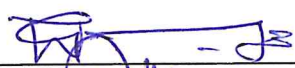

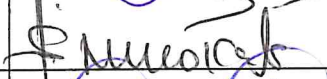
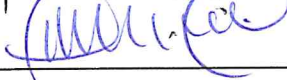

1. A standardized reporting format that reconciles accuracy of the reported figures and establishes the correct financial position on projects should be adopted to ensure consistency across all submissions to the County Assembly.
2. The County Assembly should invoke necessary provisions of the law, that includes sanctions, to Accounting Officers who continue to undermine the recommendations made by sector Committee regarding accountability for unresolved imprests.
3. A formal mechanism should be established to track and relay sector committee recommendations to the relevant departments, including ensuring that actionable recommendations are categorized and assigned to the correct implementing departments under the County Executive.

CHAPTER FOUR

4.0 ANNEXURES

4.1 Adoption Schedule

We the undersigned Committee members hereby append our signatures in agreement with the contents of this report.

No.	Name	Designation	Signature
1	Hon. Franklin Simotwo	Chairperson	
2	Hon. Polycarp Kimeta	Vice Chairperson	
3	Hon. Everlyne Mutiembu	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. Stephen Kaiser	Member	
14	Hon. Iddi Owongo	Member	
15	Hon. Violet Makhanu	Member	

4.0 ANNEXURES

4.2 Submissions from the CECM, Roads, Transport, Infrastructure and Public Works

- i. Project status report for the Kanduyi- Sang'alo Junction (C33) Dual Carriageway Road Project
- ii. Completion Certificate for the Kanduyi- Sang'alo Junction (C33) Dual Carriageway Road Project
- iii. Termination notices for Ward Based Projects Contracts.

Employer:

County Government of
Bungoma

Employer's representative:

County Secretary
County Government of Bungoma
P.O Box 437-50200
Bungoma - Kenya

Engineer:

The Chief Officer,
Roads, Transport
P.O Box 437-50200
Bungoma - Kenya

Contractor:

Zhongmei Engineering Group Ltd
P.O Box 104507 – 00100
Nairobi - Kenya



Project Name:

CONSTRUCTION OF KANDUI-SANG'ALO
JUNCTION TO DUAL CARRIAGE ROAD
PROJECT

(C33)

Contract No:

BGM/CNTY/OT/RPW/184/2018/2019

PROJECT STATUS REPORT

MARCH, 2025



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EXECUTIVE SUMMARY

The works consisted of the construction of the existing Kandui to Sang'alo Junction road (C33) bitumen surfaced road to a dual carriage way road standard of 7m wide dual carriageway 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 and three U-Turns.

The Conditional Notification of Award was given on 27th December 2018 and the Contractor's Letter of Acceptance was received on 2nd January 2019. The Agreement was signed on 15th January 2019. The conditional order to commence the works was issued on 12th July 2019 but the actual works commenced on 23rd October 2019 after the receipt of part of the advance payment by the Contractor on 22nd October 2019. The initial Contractual Completion date of 21st October 2021 was revised to 21st July 2022 following the award of an extension of 9 months following the approval of Contractor's claim number 1.

Table 1: Summary of project Scope of Works and their Status July 2024

Item No.	Description	Unit	Quantity of Works	Completed Works	% of Total Completed
1	Site Clearance/ Topsoil	Km	6.705	6.705	100.00%
2	Earthworks/ Widening	Km	6.705	6.705	100.00%
3	Sub base	Km	6.705	6.705	100.00%
4	Base (stabilized GCS)	Km	6.705	6.705	100.00%
5	Binder course (AC)	Km	6.705	6.705	50.00%
6	Box Culverts	M	59.85	59.85	100.00%
7	Cross Culverts (1200 mm)	M	100.30	100.30	100.00%
8	Cross Culverts (900 mm)	M	148.80	148.80	100.00%
9	Access Culverts (600 mm)	M	2056.80	2056.80	100.00%
10	Access Culverts (900 mm)	M	784.00	784.00	100.00%
11	Road Markings	M2	4,238.50	4,238.50	100.00%

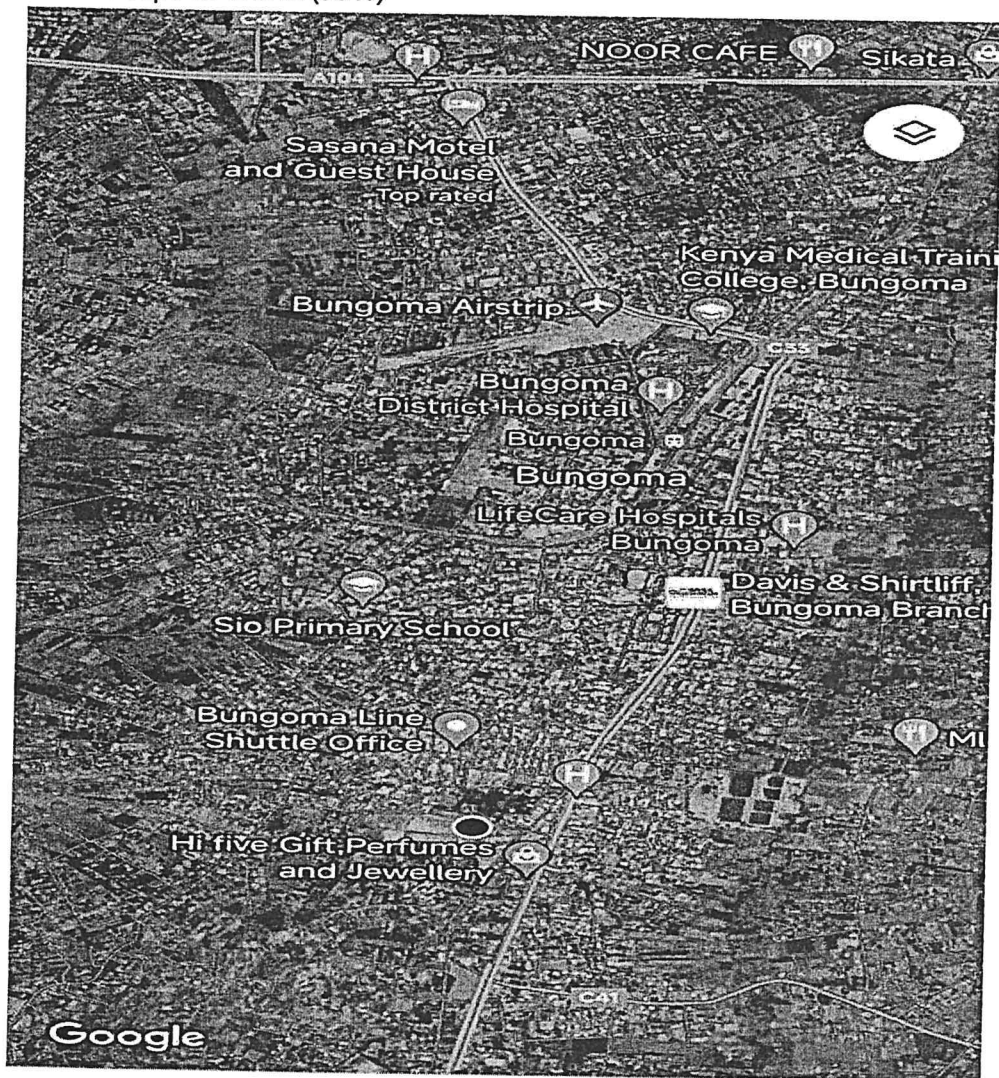
1. PROJECT DESCRIPTION

1.1 Contract Details

Table 2: Works Contract Details

	Details	
1	Location	DUALING OF KANDUYI to SANG`ALO JUNCTION (C33)
2	Scope of works	Construction of C33 Road
3	Employer	County Government of Bungoma
4	Employer's Representative	The County Attorney, County Government of Bungoma
5	Financing	County Government of Bungoma.
6	Contractor	Zhongmei Engineering Group Limited
7	Engineer (Supervision)	The Chief Officer, Roads, Transport, Infrastructure and Public Works, Bungoma County
8	Date of Tender	14th December 2018
9	Notification of Contract Award	27th December 2018
10	Date of Contract Agreement	15th January 2019
11	Issue of Order to Commence	12th July 2019
12	Commencement Date	23rd October 2019
13	Contract Period	24 months
14	Initial Completion Date	22nd October 2021
15	Extension of Time approved by the Employer	Nine (9) months following Contractor's claim No. 1
16	Approved Revised Completion Date	21st July 2022
18	Defects Liability Period [DLP]	24 months
19	End of Defects Liability Period [DLP]	13th July, 2024
20	Taking Over Certificate	13th July, 2024
21	Contract Amount at Award (KShs)	Kshs 1,382,442,975.76.
22	Revised Contract Amount (KES)	KShs. 1,725,699,139.29

Detailed Scope of Works (SoW)



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.

1.2.1. Pavement Structure

The pavement structure for the dual carriage way (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% cement compacted to 95% of AASHTO T-180

2. PROJECT PROGRESS ANALYSIS

2.1 Challenges Experienced During Project Implementation

The following table shows the key project challenges which affected the completion Time.

Table 3 : Challenges Experienced During Project Implementation

S/No	Description	Comments and Mitigation Measures Applied
1	Shortage of Aggregates	The contractor had to share the available limited aggregates in the region with other Contractors thus at times lacking the required aggregates timely. However, this never delayed the project.
2	COVID-19 Pandemic	This was a global pandemic which affected many projects globally this project being one of them. Government directives in relation to curbing the spread of the disease delayed the project.
3	Delayed Payment	At various occasions, the county was unable to pay the Contractor timely due to delay in county funds disbursement by the national government, thus affecting the Contractor's cash flow and therefore delay in production and project progress.
4	Unexpected Heavy rains (Above the normal)	In 2020 and 2021, the rains in Western Kenya were above normal thus further delaying the project implementation.

2.2 Road Works

2.2.1 Main Road

Construction of the main road works was completed and section of the road from km 0+000 to km 6+705 started being fully motorable as early as on June 2022. All sections of the road are now substantially completed.

Table 4 : Summary of Main Road Works Status

S/No	Description	Scope	Allocated %	Total Complete to date	Completed % to date
1	Mobilization	5	5	5	5
2	Site clearance (km)	6.705	10	6.705	10
3	Earthworks-Subgrade (km)	6.705	15	6.705	15
4	Subbase (km)	6.705	15	6.705	15
5	Base (km)	6.705	15	6.705	15
6	Laying of Asphalt concrete	12.150	10	6.705	6
7	Drainage (Side drains, outfalls) (km)	6.705	7	7.290	7
8	Bridges/box culverts	3	3	3	3
9	Culverts				
	a) 1200mm(m)	60	3	3	3
	b) 900 mm (m)	600	6	6	6
	c) 600mm (m)	600	6	6	6
10	Road furniture (Km)	5	5	2.5	2.5
	Total		100	93.5	93.5%

2.3 Drainage & Protection Works

Constructions of cross and access culverts and protection works for main road are fully completed. All access culverts constructed to Engineer's satisfaction and approval.

Table 5 : Details of Drainage Works completed to-date

Ite m No.	Description	Unit	Scope	Completed	Remarks
1.	Dia. 600mm Culverts	m	2,122.8	2,122.8	Fully Completed

2	Contractor's Musikoma Camp site	5+620		July 2019	NEMA and OSHS compliant	Operational
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2.7 Sub-Contractor

This project had a list of approved sub-contractors undertaking different activities as per their specialization, all pursuant to the contract specifications.

Table 7 : List of Sub Contractors

SN	Name	Description of Works/Services	Commencement Date	Completion Date	Compliance Status
1	Stesil Enterprises Limited	Construction of drainage structures, 1 retaining wall and rigid pavement	17-Oct-19	Oct 2022	Complies with NEMA and OSHA requirements
2	Getrans Solution Limited	Construction of access Culvert	31-Oct-19	Work Completed	Complied with NEMA and OSHA requirements
3	Bravick Company Limited	Construction of access Culvert	31-Jan-20	Work Completed	Complied with NEMA and OSHA requirements
4	Reacon Energy Contractors	Construction of Stone pitching	18-Feb-21	Left without Completing works	Complied with NEMA and OSHA requirements
5	Continental Group Company Limited	Construction of drainage structures,	13-Mar-2021	Work Completed	Complied with NEMA and OSHA
6	Yardsfield (K) Limited	Construction of Stone pitching	15-Mar-2021	Work Completed	Complied with NEMA and OSHA

3.2.2. Correspondence on site.

A summary of all correspondences either from the Employer, Engineer or Contractor during the project implementation are available in either Engineer's office or Contractor's office.

3.2.3. Technical Meetings

The Project has had numerous technical/Monthly meetings from the commencement date to last month's meeting.

3.2.4. Training of Counterpart Staff/Students

Both the Contractor and the Engineer has jointly trained over 50 student trainees from different tertiary and higher learning institutions from within Bungoma county since the start of the project to date.

3.3 CONTRACTUAL ISSUES

3.3.1. Insurance/Bank Guarantees and Statutory Authorization for the Contractor

During the implementation of the project, the contractor required to get a number of bank guarantees. We ensured that all guarantees were up to date as required by the contract specifications. Copies of the same were issued to the Employer/Engineer.

Table 9 : List of Projects' Bank Guarantees

S/No.	Description of Bank Guarantee/ Insurance policy/ License	Serial No. of Guarantee/ Policy/ License	Issuer	Date of issue	Expiry Date	
					Initial	Extended
1	Advance Payment Guarantee	BGM/CNTY/RPW/184/2018-2019	Bank of China	26 th Mar 2019	1 st Apr 2021	Extended up to 15 th Mar 2022 when the advance payment was fully recovered.

4. ROAD SAFETY AND TRAFFIC MANAGEMENT

4.1 Road Safety Activities (Campaigns)

The Contractor had to conduct regular road safety trainings, education and campaigns among his staff to ensure that they maintained road safety as they worked. The contract did not have a provision in training of other road users thus no such training was conducted.

4.2 Traffic Management during Construction

The Contractor had to divert a number of traffic as the works continued to ensure works run smoothly without interference and also ensuring that the community continued accessing the facility. Signages and dust emissions were done at all stages of the project.

4.3 Accident Records

The Contractor always liaised with the regional police authorities and Bungoma county security reinforcement officers to provide details of accidents occurred on the project road for the benefit of knowing their root causes. No accident was recorded as a result of poor signages or deviations.

8. Taking Over Certificate

The contractor has completed the works as detailed above to the satisfaction of the Engineer and therefore pursuant to Sub Clause 48.1 of the General Conditions of Contract. The contractor handed over the project to the employer at the End of Defect Liability Period dated 13th July, 2024.

Figure 1 : Laying of Asphalt Concrete (Binder course) ongoing near Life care Hospital entrance

Figure 234 : Section of the road photo taken at Pamusd showing the second Uat Sang'alo junction where the road project ends-Turn (though lacking the demarcation kerb stones)

COUNTY GOVERNMENT OF BUNGOMA



OFFICE OF THE CHIEF OFFICER FOR ROADS, INFRASTRUCTURE AND PUBLIC WORKS
WORKS

Tel: 055- 30343

Cell: +254- 701964698

Email: roads@bungoma.go.ke

Former KeRRA Offices Kanduyi

P.O BOX 437 BUNGOMA.

Date: 22nd August, 2024

COMPLETION CERTIFICATE

CONSTRUCTION OF KANDUYI-SANG'ALO JUNCTION TO DUAL CARRIAGEWAY (C33) CONTRACT No.
BGM/CNTY/OT/RPW/184/2018/2019

EMPLOYER.

County Government of Bungoma
Chief Officer ; Roads & Public Works
P.O Box 437
BUNGOMA.

RESIDENT ENGINEER.

Moses Wamalwa
Resident Engineer
P.O Box 437
BUNGOMA.

CONTRACTOR.

Zhongmei Eng. Group Ltd
P.O Box 104507-00100
NAIROBI.

Works Completed	:	Whole length of the road 6.7km including Junctions
Contract Sum	:	Ksh 1,724,219,375.60
Contract Period	:	4 Years
Commencement Date	:	12 th July 2019
Completion Date	:	13 th July 2024
Date of Taking over	:	19 th July 2022
End of Defects Liability Period	:	13 th July 2024

Pursuant to clause 48.1 of the General conditions of Contract, it's hereby certified that the Contractor has completed the works detailed above to the satisfaction of the Engineer. Inspection of these works was carried out 29th June 2024 by representative of the Employer, The Resident Engineer's representative and the Contractor.

CONTRACTOR

Signed.....

Date...22/08/2024

Name: Huang Huacang
Site Agent,
Zhongmei Eng. Group
P.O Box 104507-00100
NAIROBI.

RESIDENT ENGINEER

Signed.....

Date...22/08/2024

Moses Wamalwa
Resident Engineer
Roads and Public Works
P.O Box 437-50200
BUNGOMA.

EMPLOYER

Signed.....

Date...22/08/2024

Edwards Makhandia
Chief Officer; Roads and Public works
P.o box 437-50200
BUNGOMA.

COUNTY GOVERNMENT OF BUNGOMA



OFFICE OF THE COUNTY CHIEF OFFICE FOR ROADS,
INFRASTRUCTURE AND PUBLIC WORKS

Tel: 055- 30343

Cell: +254- 701964698

Email: roads@bungoma.go.ke

Former KeRRA Offices Kanduyi,

P.O BOX 437,

BUNGOMA.

Date: 30th March 2025

Ref: BGM/CNTY/RPW/OT/153/2024-2025.

TO

M/S SUPERIOR PRODUCT AFRICA LIMITED

P.O BOX 949-50100

KAKAMEGA.

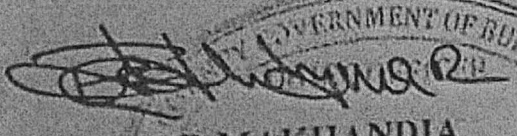
REF: PROPOSED CONSTRUCTION OF KIPKEKE BOX CULVERT IN
KAPKATENY WARD

CONTRACT NO. BGM/CNTY/RPW/OT/153/2024-2025.

SLOW PROGRESS

Reference is made to the above subject matter.

It has come to our attention that without reasonable excuse you have failed to proceed with works in accordance to clause 8 in the fidic conditions of contract. Your attention is hereby drawn to the contract agreement dated 6th January 2025 in relation to the above aforementioned clause, you are therefore given fourteen (14) days from the date of this letter to demonstrate the ability to carry out the works failure to which the Employer will issue a notice to terminate.


EDWARD MAKHANDIA

C.C CHIEF OFFICER- ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC
WORKS

CECM- ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS

COUNTY GOVERNMENT OF BUNGOMA

COUNTY GOVERNMENT OF BUNGOMA



OFFICE OF THE COUNTY CHIEF OFFICE FOR ROADS,
INFRASTRUCTURE AND PUBLIC WORKS

Tel: 055- 30343

Cell: +254- 701964698

Email: roads@bungoma.go.ke

Former KeRRA Offices Kanduyi,

P.O BOX 437,

BUNGOMA.

Date: 30th March 2025

Ref: BGM/CNTY/RPW/OT/039/2024-2025.

TO

M/S SUBREMAX SUPPLIERS LIMITED

P.O BOX 1013-50200

BUNGOMA.


REF: PERIODIC MAINTAINANCE OF CHESELEMI- KAMUKUYWA RIVER
ROAD IN KAMUKUYWA WARD

CONTRACT NO. BGM/CNTY/RPW/OT/039/2024-2025.

SLOW PROGRESS

Reference is made to the above subject matter.

It has come to our attention that without reasonable excuse you have failed to proceed with works in accordance to clause 8 in the fidic conditions of contract. Your attention is hereby drawn to the contract agreement dated 6th January 2025 in relation to the above aforementioned clause, you are therefore given fourteen (14) days from the date of this letter to demonstrate the ability to carry out the works failure to which the Employer will issue a notice to terminate.


EDWARD MAKHANDIA

C.C CHIEF OFFICER- ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC
WOR

CECM- ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS

COUNTY GOVERNMENT OF BUNGOMA



THE MUNICIPAL OF BUNGOMA

Tel:

Cell: +254- 720754325

Email: roadsbgmcounty@gmail.com

Former KERRA Offices Kanduyi,

P.O BOX 437,

BUNGOMA

Date: 12th April 2025

Ref: BGM/CNTY/RPW/ OT/061/2024-2025.

M/S KOCAL ENGINEERING LIMITED
P.O BOX 1013-50200
BUNGOMA.

REF: PERIODIC MAINTAINANCE OF PASPALM- KAMBIN ROAD. CONTRACT
NO. BGM/CNTY/RPW/OT/061/2024-2025.

NOTICE OF TERMINATION

Reference is made to the above subject matter.

You are hereby referred to the contract agreement dated 6th January 2025 and the order to commence the works dated 28th January 2025.

In accordance to the fidic condition of contract sub-clause 15.2.1 (C), intention to terminate the contract if the contractor, **"Without reasonable excuse fails to proceed with the works in accordance with clause 8"**. Your attention is hereby drawn to the Appendix to the form of bid in the document in relation to the above aforementioned clause, you are therefore given fourteen (14) days from the date of this letter to demonstrate the ability to carry out the works failure to which the Employer will initiate the termination process of the contract.

EDWARD MAKANDIA
CHIEF OFFICER
COUNTY GOVERNMENT OF BUNGOMA

C.C.
• CECM- ROADS, TRANSPORT, INFRASTRUCTURE AND PUBLIC WORKS