

COUNTY ASSEMBLY OF NAKURU

THE HANSARD

Thursday 11th August, 2016

Assembly Building

The House met at 2.40pm

[The Temporary Speaker (Hon. Eunice Muriithi) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

FLAGGING OFF THE COUNTY ASSEMBLY TO KICOSCA/CASA GAMES

The Temporary Speaker (Hon. Eunice Muriithi): Thank you very much honourable Members, as you are all aware, we are going to KICOSCA/CASA games and I hope you are all practicing.

There is Communication from the office of the Speaker and the office of the Leader of Majority inviting you to the County Assembly at around 11.00am for an official flagging off of the County Assembly team to the KICOSCA/CASA games. So all of you are invited and especially those who are participating in various disciplines.

STATEMENT

DEBTS OWED TO WATER COMPANIES

Hon. Joel Maina: Thank you Madam Temporary Speaker, pursuant to Standing Order 47(2) (c) I rise to request for a Statement from the Chairperson of the Committee on Finance concerning unpaid debts owed to the water companies by the county Government.

Madam Temporary Speaker, the water companies in our county have been, and continue to operate under very difficult circumstances due to financial constraints. It must be noted that these companies play a very crucial role to an extent that, any small disruption in water distribution will bring the county to complete halt. However, from the records, the defunct local authorities accumulated hefty bills which were never cleared, it's worrying to realize that when the county government came to operation, it continued with this regrettable trend.

Madam Temporary Speaker, it cannot be gainsaid that the cost of distributing and maintaining water is a very expensive affair and considering that some of these companies get very little or at times non- financial support at all from the county budget. Most of the County government institutions, departments and offices are the greatest beneficiary of water supply by the existing water companies. It's ridiculous that the very county government institutions do not honor their obligations of paying water bills in time.

Madam Temporary Speaker, I am afraid, if the County government doesn't come up with proper strategy of clearing these debts, we risk stalling the water companies operations. I therefore ask the chairperson Committee on Finance to give a breakdown of:

1. The amount of money owed to the following water companies
 - a) NAIVAWASCO
 - b) NAWASCO
 - c) NARUWASCO
2. What plans does the county government have in terms of when the debts will be cleared and future plans to avoid accumulating such debts

The Temporary Speaker (Hon. Eunice Muriithi): Thank you very much honourable Karuri. It is clear that the Statement is being sought from the Chairperson Finance and Finance Committee Members present kindly let the Chairperson know that we shall be expecting a Report two weeks after the KICOSCA games break. Thank you.

STATEMENT

STALLED SLAUGHTER HOUSE CONSTRUCTION IN ELBURGON

Hon. Irene Chebichi: Thank you Madam Temporary Speaker, on behalf of the Chairman Agriculture, I would like to respond to a Statement sought by honourable Florence Njoroge that was sought on 5th May, 2016 regarding the stalled construction of a slaughter house in Elburgon.

Madam Temporary Speaker, honourable Florence Njoroge representing Elburgon Ward sought a Statement from the Chairperson of the Committee on Agriculture, honourable Joseph Waithaka concerning the stalled construction of a slaughter house in Elburgon, which was allocated two million shillings (Kshs. 2,000,000) in the Financial Year 2014/2015.

Madam Temporary Speaker, in response to the above, the Committee wrote to the County Executive Committee Member for Agriculture to forward a detailed report on the Statement to that effect.

Further, in response to the above correspondence, the CEC for Agriculture, Livestock and Fisheries, Chief Officer and the director of Livestock attended a meeting with the Committee on Agriculture to give a report on the said stalled slaughter house construction.

Madam Temporary Speaker, the Report from the Executive on the above Statement is as follows:

That the initial Bill of Quantities developed by the Department of Agriculture, Livestock and Fisheries early in January 2015 indicated that Elburgon Slaughter House required approximately five million, three hundred and seventy eight thousand, tree hundred and thirty six and seventeen cents (Kshs. 5, 378, 336.17) for completion at the time.

The MCA representing Elburgon Ward allocated two million shillings (Kshs. 2, 000, 000) to the project from the Ward Development Fund. The initial allocation was then scaled down to two million shillings (Kshs. 2, 000, 000) in line with the ward development Funds allocation.

Madam Temporary Speaker, Jonewa General Supplies and Construction Company Limited of P.O. Box number 1487-20100, Nakuru, together with other companies applied for tender to construct the said slaughter house after being advertised. After winning the tender, the company's application was approved via a tender result notification letter dated 20th February, 2015 for the completion of Elburgon Slaughter House at Elburgon Ward at a cost of Kshs. 1, 999, 275.00.

Madam Temporary Speaker, with all the forgoing, the Ministry was not aware that the company had sub-contracted another person to do the job. The Hon. MCA was briefed of the approval of Jonewa General Supplies and Construction Company to do the works during the procurement process.

Madam Temporary Speaker, the ministry later came to learn that the company awarded the tender, sub-contracted a third party who did all the construction work and was never paid a single cent for the work done by Jonewa General Supplies and Construction co. These developments brought misunderstandings on the payments between the ministry and the Elburgon MCA.

Madam Temporary Speaker, the Ministry of Agriculture, Livestock and Fisheries would like to categorically state that JONEWA GENERAL SUPPLIES AND CONSTRUCTION CO. LTD is personally known to the Elburgon Ward MCA, and in fact in the acceptance letter after the awarding, was signed by a Mr. Athanas Kibaara as a director in the said winning company. A copy of which is attached overleaf. This is a proof of indication that Mr. Kibaara and the sub-contracted contractor were working hand in hand to ensure the completion of Phase I of the slaughter house.

Madam Temporary Speaker, that in February 2015, Mr. Kibaara visited the ministry's procurement Offices to make a plea for interim payment so as to raise sufficient monies for completion of the phase. This interim payment was to be commensurate to the works done which was to be assessed by the ministry first.

After much deliberation, the Ministry's team visited the construction site on 18th June, 2015. In their report, the assessment team arrived at One million shillings (Kshs. 1, 000, 000) as adequate compensation for the works done. This figure was agreed upon as the interim payment. This left an outstanding balance of about one million shillings (Kshs. 1, 000, 000) of which a bill of quantity of the pending work of the said amount is ready and in the process of procurement.

As for the concerns raised by the MCA for Elburgon on the quality of the construction works, the procurement department would like to submit the following observations:

- i. That the construction site was visited by the CEC- MOALF, CO- MOALF, Hon. Florence Njoroge , County Director Veterinary Services, Eng. Stephen Waitthaka and the slaughter house committee members.
- ii. That the Hon. Ward Representative for Elburgon retains an important oversight role in the said project construction and its eventual completion. It is in this exercise of the above role that she appended her own signature on completion
- iii. Certificate that was eventually used to pay the contractor the interim payment. Without her signature, the office of the chief officer for Agriculture would not have successfully effected payment of the same.
- iv. That the contract stands revoked as per the provisions of the Public Procurement and Disposal of Assets Act of 2015.

The summary of the MOALF report indicate the following:

- I. The contractor (JONEWA G.S. & C CO.) be summoned officially; which was done through a letter sent through Wells Fargo Courier on 18th February 2016. He has never responded to the official summons.
- II. Subsequent to the summons, JONEWA G.S & C.CO. Sent a Mr. Raphael Ngugi to MOALF offices. When the said Raphael was appraised on the situation and its implications, he also disappeared and has never responded to calls made to his mobile number.
- III. The site visit team agreed that failure to respond to summons would lead to contract revocation as per the Public Procurement and Disposal of Assets Act of 2015. This was done on 6th April, 2016 (letter attached) following advice from the supplies Chain Management Officer at the County Headquarters.

With me, is the attached tender results notification letter, acknowledgement letter by the director of the company and the minutes of the site visit to Elburgon Slaughter House that was attended by several people and they signed against it. That is the summary of the Statement sought by honorable Florence from the committee, thank you very much.

The Temporary Speaker (Hon. Eunice Muriithi): thank you very much honorable Irene, honorable Florence.

Hon. Florence Njoroge: I am not satisfied with the whole Statement, I am basing my dissatisfaction on three issues; it is misleading for the Committee to write that the MCA to have allocated two million, everybody in this honorable House knows that I am not an implementer and we are not the one who award money to projects, ours is the role of oversight, representation and legislation.

Whereas I have the important role of oversight over the same project, the Committee Members on the report had noted with a lot of concern that even after appending our signatures, the walls cracked. We have the engineer who in this case is the professional who is supposed to oversight and know whether after the completion of that work the walls will withstand for future use.

This means the Engineer did not do his work according to his profession, the Committee states that the contract stand revoked as per the provisions of Public Procurement and Disposal of Assets Act of 2015, that company is still being issued with tenders and my worry is that if they continue to do the same work in other areas, then we are headed in the wrong direction and there is no work by that company that will stand the taste of time.

There is another misinformation by the Committee about Mr. Kibaara being the director of the company, Mr. Kibaara was a sub-contractor who was given that work and he has not been paid. All the materials used to pay the first phase has not been paid.

I was expecting with a lot anxiety that the Committee was deliver on its work and give me a substantive answer but now may be you will give a direction on the next course of action because the community who hold that project as their livelihood are still wondering and were waiting for this committee so that this project can be completed so that they can use the facility but I am not satisfied, Thank you

The Temporary Speaker (Hon. Eunice Muriithi): Thank you, it seems that you are also privy to some information as far as this Report is concerned and the expectation that you had. I will resubmit the Report back to the Committee on Agriculture, Livestock and Fisheries sitting together with honorable Florence and we will be expecting an answer after three weeks, honorable Irene.

Hon. Irene Chebichii: Because you have given a condition that we have to finish in three weeks and incorporate honorable Florence and visit the site again and meet the Engineer with the Committee we kindly ask for three weeks

The Temporary Speaker (Hon. Eunice Muriithi): The three weeks is granted, next order please.

STATEMENT

INGOBOR WATER PROJECT

Hon. Beatrice Wambugu: I rise to respond to a Statement sought by honorable Joseph Langat from Kapkures Ward.

On 23RD 2016, an honorable Member sought a Statement from the chairperson on the Committee on Environment, Energy, Water and Natural Resources regarding Ingozor Water Project in Kapkures Ward

Madam Temporary Speaker, in response to this, the committee wrote a letter to the Chief Officer, Ministry of Environment, Energy, Water and Natural Resources requesting for a response on the same. The Chief Officer responded by submitting a report as requested.

Background

The Ingobor water project was started in the year 1996 by the beneficiaries of the project. The project is in Kapkures Ward – Nakuru West constituency. It serves a human population of about 3000 people and 1000 livestock units.

Through contributions by members, a borehole was sunk in the projects compound in the year 2001. The borehole was equipped with a submersible pump SP5A-44 which could not pump to a masonry storage tank located 884m away and hence a booster pump was installed in the year 2003. Over the years, electricity bills have continued to rise due to consumption of power by the two pumps. In a bid to save on electricity bills, it was proposed that a submersible pump capable of delivering water to the existing masonry storage tank be installed.

The said pump namely, GRUNDFOS SP 5A-60 was identified at the Davis and Shirtliff showroom at a unit price of Kshs. 440,000. M/S Raypar Enterprises Ltd. Had been awarded the contract to equip Ingobor water project in the Financial Year 2013/14 at a cost of Kshs. 1,999,831.56. (see Annexure)

Two BQs had been prepared by the Resident Engineer, one for piping/pipe laying and the other for equipping at a cost of Kshs. 373,804.20 and Kshs. 1,421,284.20 respectively totaling to Kshs. 1,795,088.40(Engineer's Estimates). However, the amount would not be enough for piping and installation.

It must be noted that equipping using the Grundfos pump was complete but piping is yet to be completed. Upon the tabling of the Budget and release of funds, the installation and piping would be given first priority.

As I conclude, I wish to assure the Honorable Member for Kapkures Ward that the Committee on Environment, Energy, Water and Natural Resources will follow up the matter until its conclusion and implementation.

MOTION

THE HOUSE ADJOURNS TO ENABLE MEMBERS PARTICIPATE IN THE

FOURTH EDITION OF THE KICOSCA/ CASA

The Deputy Speaker (Hon. James Tuei): Thank you Madam Temporary Speaker, Pursuant to Standing Orders No 31 (3) this House adjourns from today 11th August 2016 and resume on 23rd August, 2016 to enable Members participate in the fourth edition of the annual KICOSCA/CASA games scheduled to take place from 14th to 21st August, 2016 in Thika town in Kiambu County. I beg to move this Motion. Thank you.

The Chief Whip (Hon. Leonard Korir): Thank you Madam Temporary Speaker, I beg to second and I also want to say that for sure we have been practicing and I know Members are well prepared to go to Thika on 14th. As you informed the House earlier that tomorrow we will be

here at around 11:00 am for flagging off, I am assuring Members of the journey to Thika. Thank you.

(Question proposed)

Hon. Hillary Korir: Thank you Madam Temporary Speaker, first I want to acknowledge that this Hon. House has everything in mind to think that they are going for KICOSCA, but I would like to state that since we started practicing a few weeks ago we have been finding it difficult when it comes to playing equipment and attire. We are using equipment and attire which was issued last year. It has been very difficult especially for me, like yesterday I found myself playing without shoes because it was so hot and standing for a long time and trying to hit the darts board was a big problem.

Again for us who have been practicing on darts, we have not been given a better darts board so we have been struggling. I wish this to be revised in the coming season for the Members to have ample time for preparations and motivation to go and bring trophies here. Thank you.

Hon. Beatrice Wambugu: Thank you Madam Temporary Speaker, I am very grateful that now we are going for sports and am also very grateful that as we do the sports I know some of us will be able to shed off some weight which is very good. We are also told that too much work without play makes Jack a dull boy, but not forgetting the issues that transpired last year in Eldoret.

Personally I am playing badminton and I know that it is a game that sometimes you can fall down. This is to the chairperson on Members welfare, because last year we had a problem getting even a bottle of water and yet we knew that money had been given out. Not forgetting even the first aid kit, we did not have medicine for first aid. We are requesting the Committee on Catering and the chairperson more so because he is in the House that this time round, we want to see some difference.

Last year as I was playing volley Ball, we did not have even security. You remember we had a problem with Uasin Gishu and since we did not have security guards around. I think this time round we will be accompanied by security guards, so that as much as we are players, we also know that we are honourable Members that need to be guarded. So I am hoping you have noted that one, personally Madam Temporary Speaker, I know that Badminton will come here with a trophy. Thank you.

The Temporary Speaker (Hon Eunice Muriithi): I think I saw hon Kiarie flexing his muscle and I was thinking he was doing it at the wrong place lest he knocks someone down. Alright hon Waithaka

Hon Joseph Waithaka: Thank you Madam Temporary Speaker, I also want to support the adjournment Motion but I have some reservations because we have a schedule to travel to Kiambu County on Sunday and so far we have not gotten any communication on whether we are going to travel on foot, by air or matatu. At the same time, I want to urge the honorable Members of this House to behave themselves with decorum when we get to Kiambu. I want to note that last time in Eldoret, some honorable Members misbehaved and they were slapped by honorable Members of Uasin Gishu

(Applause)

And this Assembly got ashamed out of that misbehavior. I want to urge Members of this Assembly to behave well this time round so that we do not get embarrassed as a county. During that last year incident, one of our Members was slapped by the Majority Leader of Uasin Gishu County Assembly when she became unruly and thought she was in her home comfort zone.

Madam Temporary Speaker, I would wish, you kindly give us clarification on when or how to travel; so that we make advance arrangement for accommodation. This is because you realize the whole country is in Kiambu and we have some hours left to make the necessary bookings.

(Applause)

Otherwise I want to urge honorable Beatrice because she is in charge of honorable women MCAs that they should behave with decorum.

The Temporary Speaker (Hon Eunice Muriithi): Thank you very much, we have not passed the Motion but once we are done, I can give direction on what we are going to do. The chair of the welfare will have to comment once we are done with the Motion

Hon Joseph Lang'at: Thank you the Temporary Speaker, I stand to support this adjournment Motion. For Members to attend KICOSCA games. I want to say that the games forms an important part of lifestyle of Members of County Assemblies and it does a lot of good for the health of Members. So I ask Members to take part in the games. Do not take this as a holiday but instead take the opportunity to exercise not only for KICOSCA games. Members are encouraged to practice and do physical exercise. I also want to say that First Aid kits are very important for athletes and various teams.

The Temporary Speaker (Hon Eunice Muriithi): Hon Lang'at try to sum up your contributions.

Hon Joseph Lang'at: I think someone is becoming rude, one should not cut me short. With those few remarks thank you and be blessed

The Temporary Speaker (Hon Eunice Muriithi): I will give each Member one minute. Let us start with Hon Muriithi, kindly make it short so that we can proceed for practice at the field

Hon Wilson Muriithi: Thank you very much for this opportunity. I want to make this House to understand that we have been practicing under very hard conditions. Next time this House should ensure that we are properly taken care of.

The Temporary Speaker (Hon Eunice Muriithi): Thank you very much; hon Agnes

Hon Agnes Salimu: Asante sana Mheshimiwa Spika. Nataka niunge mkono huu njadala na hasa kwa nafasi nzuri ya juma nzima ya kwenda kuonyesha talanta zetu kama kaunti yetu nzima ya Nakuru. Pia mimi niko na maoni ambayo pengine ungeweka katika mipangilio yetu ya wakati ujao. Ningependa kuomba kwamba wakati tunapo jipanga, *uniform* na vifaa vya kuchezea ziwe zimefika wakati unaofaa. Nakumbuka mwaka uliopita hatukupata *uniform* zinazotutosha ilhali wakati wa kweenda kushiriki michezo ilikuwa imefika. Kwa hivyo naomba hayo yatiliwe maanani.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Hon Eunice Muriithi): Honorable Members I would like to bring to your attention that the honorable Member who is responsible for our welfare, is Hon Paul, I would like to give direction that whatever Members have discussed here and since we have passed the Motion to participate in Thika, we should have everything in place by tomorrow to enable Members to travel. Kindly take the advice given, we need to behave in decorum as Nakuru County. Let us not lose our good image and you know we are about to start campaigns. It might destroy us if our pictures are taken of our Members in wrong places, so kindly take care of yourselves and carry ourselves with decorum. I think Hon. Paul is going to take care of that. Thank you we stay adjourned until Tuesday 23rd August, 2016 at 2.30 pm.

The House rose at 3.20 pm