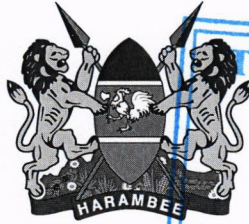


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PARLIAMENT

THE SENATE

TWELFTH PARLIAMENT (FIFTH SESSION)

THE STANDING COMMITTEE

ON

EDUCATION

Handwritten notes: DATE 23/9/2021, TABLED BY Chair, Education, Kavata Mwangi

Handwritten notes: sen, MIG, Education, Kavata Mwangi

REPORT ON THE CONSIDERATION OF THE PETITION ON DELAYED PAYMENT TO SUPPLIERS OF COMMODITIES TO PUBLIC SECONDARY SCHOOLS DURING THE FIRST TERM OF THE ACADEMIC YEAR 2020

Clerk's Chambers, Parliament Buildings, P. O. Box 41842-00100, NAIROBI.

Rt. Hon. Speaker
You may apply for tabling
21/09/21

September, 2021

Approved
22/9/2021

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ABBREVIATIONS AND ACRONYMS

MoE Ministry of Education

KICD Kenya Institute of Curriculum Development

PREFACE

The Standing Committee on Education is established under standing order 218(3) of the Senate Standing Orders. The Committee is mandated to consider all matters related to education and training.

Mandate of the Committee

Pursuant to the provisions of the Second Schedule of the Senate Standing Orders, the Standing Committee on Education is mandated to consider all matters relating to education and training.

1. Build capacity of Committee Members to undertake their roles in line with Article 96 of the Constitution;
2. Develop and facilitate the development of legal frameworks, policies and guidelines in the Education Sector (including but not limited to Early Childhood Development Education (ECDE) and Tertiary education (youth polytechnic);
3. Provide oversight of the Education Sector (Including not limited to ECDE and Youth polytechnics;
4. Facilitate budgetary resources toward the Education Sector (ECDE and youth polytechnic); and
5. Any matter that relates to education and training.

Membership of the Committee

- | | |
|--|---------------------------|
| 1. Sen. (Dr.) Alice C. Milgo, MP | - Chairperson |
| 2. Sen. (Dr.) Agnes P. Zani, CBS MP | - Vice-Chairperson |
| 3. Sen. Fred Outa, MP | - Member |
| 4. Sen. Mwangi Githiomi, MP | - Member |
| 5. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
| 6. Sen. (Prof.) Imana Malachi Ekal | - Member |
| 7. Sen. Seneta Mary Yiane, MP | - Member |
| 8. Sen. Falhada Dekow, MP | - Member |
| 9. Sen. (Dr.) Gertrude Musuruve, MP | - Member |

EXECUTIVE SUMMARY

Mr. Speaker Sir,

The Petition on the delayed payment to suppliers of commodities to public secondary schools during the first term of the academic year 2020 by Mr. Elkana Kitur was reported to the Senate on 30th September, 2020 by Sen. Samson Cherarkey, MP.

The Petitioner sought to draw the attention of the Senate to delayed payment of suppliers who supplied commodities to public secondary schools during the first term of the academic year 2020.

The salient issues raised in the Petition are that in 2020, the petitioners supplied commodities worth millions of shillings to public secondary schools. However, the abrupt closure of schools to curb the spread of Corona-virus Disease occasioned loss of livelihood for the school suppliers.

The Petitioners argued that by the time of the school closure on 15th March 2020, they had already supplied commodities worth millions of shillings to public secondary schools which was yet to be paid. They further argued that most suppliers depend on loans from financial institutions to run their business and these loans continues to attract interest and penalties.

The petitioners further complained that they have severally sought redress with the Ministry of Education regarding payments of outstanding amount of money owed to them by public schools. However, their efforts have been futile.

Mr. Speaker Sir,

The Petitioner requested the Senate to intervene through the Standing Committee on Education and-

- a) recommend immediate payment of outstanding debts owed to public secondary school suppliers by the public secondary schools;
- b) recommend inclusion of public-school suppliers in the economic stimulus program being rolled out by the Government; and
- c) ensure that the petitioner's plight is addressed.

Mr. Speaker Sir.

Pursuant to the provisions of the standing order 232 (1) of the Senate Standing Orders, the Petition was committed to the Standing Committee on Education for consideration.

In considering the Petition, the Committee took into consideration the submissions and supporting documents by the petitioners and reports from the Ministry of Education.

On behalf of the Standing Committee on Education and on my own behalf, I wish to sincerely thank the Petitioners, Sen. Samson Cherarkey, MP and the Ministry of Education for their submissions during the consideration of this Petition.

Mr. Speaker Sir.

During the of this Petition, the Committee observed that-

- i. There is limited public access to the information of the goods or services procured by the Ministry of Education, the contract values, and the suppliers' particulars including owners, directors and beneficial ownership;

- ii. There are discrepancies and irregularities on the amount of resources and books requisitioned and supplied and the actual number of learners in different learning institutions;
- iii. It is not clear whether the contracts entered with different suppliers provide explicit payment terms such as length of payment and penalties for delayed payments; and
- iv. The procurement and distribution of school books and resources through the KICD does not address the plight of the suppliers who had been contracted by individual schools and the MoE prior to 2018 and might have resulted to numerous pending bills.

Mr. Speaker Sir,

Based on these observations, the Committee therefore recommends that-

- i. The Ministry of Education should submit to the Senate through the Standing Committee on Education, a quarterly report on capitation fund disbursement for each school, total student enrolment for each school and payment performance for the goods and services procured, providing evidence of prompt payment and procedures followed;
- ii. The Ministry of Education and the Kenya Institute of Curriculum Development (KICD) should publish and avail to stakeholders a clear and easily accessible guidance on payment procedures and ensure there is a system for dealing with complaints and disputes;
- iii. The National Treasury should ensure timely release of funds to different government agencies and especially the Kenya Institute of Curriculum Development (KICD) as per their procurement plans; and

- iv. The Public Procurement and Oversight Authority should regularly provide oversight of the procurement process by the Ministry of Education and its agencies to ensure compliance with required procedures.

Mr. Speaker Sir.

As I conclude, I wish to take this opportunity to thank all the Members of the Committee for their immense contribution during consideration of this Petition that culminated in this report.

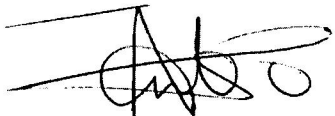
The Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate for the necessary support extended to it in the conduct and execution of its mandate.

The Committee further wishes to record its appreciation for the services rendered by the staff of the Senate that enabled the production of this report.

Mr. Speaker, Sir

It is my pleasant duty, on behalf of the Standing Committee on Education, pursuant to standing order 232(2), to present a Report of the Standing Committee on Education on the consideration of the Petition on the delayed payment to suppliers of commodities to public secondary schools during the first term of the academic year 2020.

I thank you, Mr. Speaker

Signed..... 

20/09/2021

Date.....

SEN. (DR.) ALICE C. MILGO, MP
CHAIRPERSON, STANDING COMMITTEE ON EDUCATION

**ADOPTION OF THE COMMITTEE REPORT ON THE DELAYED
PAYMENTS TO SUPPLIERS OF COMMODITIES TO PUBLIC
SECONDARY SCHOOLS DURING THE FIRST TERM OF THE
ACADEMIC YEAR 2020**

**We, the undersigned Members of the Senate Standing Committee on Education, do
hereby append our signature to adopt the Report on the Petition on the delayed
payments to suppliers of commodities to public secondary schools.**

Sen. (Dr.) Alice C Milgo, MP

- Chairperson



Sen. (Dr.) Agnes Zani, MP

- Vice-Chairperson



Sen. Mwangi Githiomi, MP

- Member

Sen. Fred Outa, MP

- Member




Sen. (Prof.) Kithure Kindiki, EGH, MP - Member

Sen. (Prof.) Imana Malachi Ekal, MP - Member

Sen. (Dr.) Gertrude Musuruve, MP - Member



Sen. Seneta Mary Yiane, MP - Member



Sen. Falhada Dekow, MP

- Member

CHAPTER ONE

1. PETITION ON THE DELAYED PAYMENTS FOR COMMODITIES SUPPLIED BY KENYA PUBLIC SECONDARY SCHOOLS' SUPPLIERS AND EXHIBITORS

1.0 Background

1. On 30th September, 2020, Sen. Samson Cherarkey, MP reported a Petition to the Senate on behalf of Mr. Elkana Kitur concerning delayed payments for commodities supplied by Kenya Public Secondary Schools' Suppliers and Exhibitors, to public secondary schools, (Annex I).

2. The petition sought to draw the attention of the Senate to the following issues of concern-
 - 1) that the Government of the Republic of Kenya had introduced various measures to curb the spread of COVID-19 Pandemic in the country which have enabled contain the spread of the disease;
 - 2) that the Government of Kenya has initiated numerous measures to cushion small and medium enterprises from the effects of the COVID-19;
 - 3) that on 15th March, 2020, the Government abruptly closed all schools countrywide in a bid to control the spread of COVID-19;
 - 4) that early in the year the petitioners supplied commodities worth millions of shillings to public secondary schools.
 - 5) that the closure of schools occasioned loss of livelihood for the school suppliers as this is the main business;

- 6) that the suppliers who had already supplied the commodities to public secondary schools during the first term of the academic year 2020, are yet to be paid; and
- 7) that the subject matter of the Petition is not pending before any court of law.

3. The petitioner humbly prayed that the Senate:

- 1) recommends immediate payment of outstanding debts owed to public secondary school suppliers by the public secondary schools;
- 2) recommends inclusion of public-school suppliers in the economic stimulus program being rolled out by the Government;
- 3) ensures that the petitioners' plight is addressed; and
- 4) makes any other order or direction that deems fit in the circumstances of the matter.

CHAPTER TWO

2. SUBMISSIONS

2.1 Meeting with the Petitioners

4. The Committee invited the Petitioners to a consultative Committee meeting on Monday, 2nd November, 2020 to deliberate on the matters raised in the Petition.
5. The Committee was informed that the petitioners had supplied commodities such as revision books, exercise books, desks and library materials to the public secondary schools during the first term of the Academic Year 2020;
6. The Committee was further informed that in order to service these supplies, the petitioners took bank loans and acquired money from other sources which continues to attract interests and penalties yet they have not been paid;
7. The petitioners alleged that they had been issued with the Local Purchase Orders (LPOs) which do not indicate when the supplies would be paid and the suppliers are usually told that they would be paid when money is available;
8. The Committee requested the petitioners to furnish the Committee with more details such as the list of all the petitioners, what they supplied, the value of the pending bills, the details of the contracts and how long the bills have been pending.

2.2 Meeting with the Petitioners on the Supplementary Issues)

9. The Committee invited the Petitioners to another Committee meeting on Thursday, 8th April, 2021 to provide information and deliberate on the matters raised in the Petition;
10. the Committee requested the Kenya Public Secondary Schools Suppliers and Exhibitors, who are the petitioners, to provide information on the following-
 - i. the comprehensive list of all the members of the Kenya Public Secondary Schools Suppliers and Exhibitors and their contacts;
 - ii. the detailed list of all the commodities supplied by each supplier and exhibitor indicating the name(s) of the institutions where the supplies were done;
 - iii. the detailed list of the value of all pending bills owed to each of the suppliers and exhibitors as at December 2020; and
 - iv. the details of all the contracts entered into between the suppliers and exhibitors and different learning institutions and/or the Ministry of Education.
11. The Committee was informed that Sen. Samson Cherarkey, Senator for Nandi County who had countersigned the Petition would be in attendance and would provide the information sought by the Committee;
12. The Committee was informed by the Petitioners that they were apprehensive about providing their details including the comprehensive list of all the members of the Kenya Public Secondary Schools Suppliers and Exhibitors and their contacts for fear of being victimized and blacklisted by the Ministry of Education

13. The Committee was further informed that the petitioners have been following up on the pending bills both at the individual learning institutions and with the Ministry of Education;
14. Committee resolved to seek information from the Ministry of Education on-
 - i. the detailed list of all suppliers and exhibitors and the value of all pending bills owed to each one of them as at December 2020;
 - ii. the strategies being put in place by the Ministry to settle all pending bills owed to suppliers and exhibitors;
 - iii. a detailed report of the total amount of Government capitation monies that have been disbursed to schools since January 2020, by the National Treasury in line with Ministry of Education guidelines for the implementation of free education.

2.3 Meeting with the Ministry of Education

15. The Committee invited the Cabinet Secretary, Ministry of Education to a meeting to provide information and clarification on issues concerning delayed payments for commodities supplied in public secondary schools on Thursday, 20th May, 2021;
16. During the meeting, the Ministry of Education was represented by Prof. Charles Ong'ondo, the Chief Executive Officer of the Kenya Institute of Curriculum Development (KICD);
17. The Ministry of Education reported that-
 - 1) the procurement and distribution of textbooks to public institutions was delegated to Kenya Institute of Curriculum

Development (KICD) in 2018 and that the KICD has signed various contracts with publishers to distribute books. Since 2018, the government has supplied books worth Kshs 30,360,788,926/-;

- 2) the KICD has been paying the publishers on the basis of grants received from the MoE as shown in the table below indicating a summary of total cash so far received and paid, signed contract and outstanding balances. The Committee was further informed that half of the outstanding balances would be paid during the next disbursement scheduled to take place before schools re-open in July, 2021

CASH RECEIPTS SUMMARY			
	TOTAL CASH RECEIVED (Kshs)	TOTAL CONTRACT VALUE (Kshs)	AMOUNT DUE FROM MoE (SHORTFALL) Kshs)
SUMMARY	A	B	C (A-B)
PRIMARY	7,991,466,155.25	12,327,597,367.09	(4,336,131,211.84)
SECONDARY	15,076,995,079.90	18,033,191,559.86	(2,956,196,479.96)
RECEIPTS TOTAL	23,068,461,235.15	30,360,788,926.95	(7,292,327,691.80)

- 3) there was public participation bringing together stakeholders such as the head teachers associations, parents associations and the publishers before the decision to take over the supply of books by the MoE was arrived at. The KICD is the procurement entity of the MoE;
- 4) the government negotiates with publishers to bring the cost of the books down by almost half the market price reducing the costs which would have been borne by the parents;

- 5) payments are pro-rated and percentages paid to publishers is equal across the board and there is an open formula that is followed. There are no publishers who have not been paid; and
- 6) before, 2018, schools procured books directly from the publishers based on the resources that the schools had received from the government at that particular time. Therefore, it is not expected that any publishers are owed any pending bills prior to 2018.

CHAPTER THREE

3. COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

18. The Committee requested for the details and information on the following-

- 1) comprehensive list of all the members of the Kenya Public Secondary Schools Suppliers and Exhibitors and their contacts;
- 2) detailed list of all the commodities supplied by each supplier and exhibitor indicating the name(s) of the institutions where the supplies were done;
- 3) detailed list of the value of all pending bills owed to each of the suppliers and exhibitors as at December 2020; and
- 4) the details of all the contracts entered into between the suppliers and exhibitors and different learning institutions and/or the Ministry of Education.

However, this information was not availed by the petitioners for what they informed the Committee was *fear of victimization by the procuring entities*.

19. Based on the foregoing and analysis of the information availed by the petitioners and the reports from the Ministry of Education the Committee makes the following observations-

3.1 Committee Observations

- 1) There is limited public access to the information of the goods or services procured by the Ministry of Education, the contract values, and the suppliers' particulars including owners, directors and beneficial ownership;
- 2) There are discrepancies and irregularities on the amount of resources and books requisitioned and supplied and the actual number of learners in different learning institutions;
- 3) Whereas the MoE as endeavored to make payments to all suppliers since 2018 on a pro-rated and percentages basis across the board through an open formula which has ensured all suppliers are paid at least a percentage of their bills, it is not clear whether the contracts entered with different suppliers provide explicit payment terms such as length of payment and penalties for delayed payments; and
- 4) The procurement and distribution of school books and resources through the KICD does not address the plight of the

suppliers who had been contracted by individual schools and the MoE prior to 2018 and might have resulted to numerous pending bills.

3.2 Committee Recommendations

The Committee therefore recommends-

1. The Ministry of Education should submit to the Senate a quarterly report on capitation fund disbursement for each school, total student enrolment for each school and payment performance for the goods and services procured, providing evidence of prompt payment and procedures followed;
2. The Ministry of Education and the Kenya Institute of Curriculum Development (KICD) should publish and avail to stakeholders a clear and easily accessible guidance on payment procedures and ensure there is a system for dealing with complaints and disputes;
3. The National Treasury should ensure timely release of funds to different government agencies and especially the Kenya Institute of Curriculum Development (KICD) as per their procurement plans; and
4. The Public Procurement and Oversight Authority should regularly provide oversight of the procurement process by the Ministry of Education and its agencies to ensure compliance with required procedures.

Annexures

Annex 1: The Petition

Annex I: Petition

The Clerk of the Senate
Parliament Buildings
P.O. BOX 41842-00100
NAIROBI
Email: cSenate@parliament.go.ke

22 SEP 2020

Please process
204
23/09/20
DC(MA)
Please deal
0002
22/09/2020

RE:

PETITION TO THE SENATE ON BEHALF OF SECONDARY SCHOOLS' SUPPLIERS CONCERNING DELAYED PAYMENTS FOR COMMODITIES SUPPLIED.

I, the UNDERSIGNED, on behalf of Kenya Public Secondary Schools' Suppliers and Exhibitors.

DRAW the attention of the Senate to the following: -

- i) THAT, the Government of the Republic of Kenya has introduced various measures to curb the spread of COVID-19 pandemic in the country which have enabled contain the spread of the disease;
- ii) THAT, further, the Government of Kenya has initiated numerous measures to cushion Small and Medium Enterprises from the effects of COVID-19 pandemic in order to keep them afloat;
- iii) THAT, on 15th of March 2020, the Government abruptly closed all schools countrywide in a bid to control the spread of COVID 19;
- iv) THAT, early this year, the Petitioners supplied commodities worth millions of shillings to public secondary schools;
- v) THAT, the closure of schools occasioned loss of livelihood for the schools suppliers, as this is their main business;
- vi) THAT, to date, the suppliers who had already supplied commodities to the public secondary schools during the First Term of the academic year 2020 are yet to be paid;
- vii) THAT, most Suppliers heavily depend on loans from financial institutions to run their businesses, these loans continuous to attract interest and penalties;
- viii) THAT, the Petitioners have severally sought redress with the Ministry of Education regarding payments of outstanding amount of money owed to them by public schools, however their efforts have been futile; and
- ix) THAT, the matter presented in this petition is not pending before any tribunal, court of law or Independent body;

(5) Ms. Wachira
Please review
and facilitate
kindly observe
S. Chaniya
23/09/2020

NW. Moge CAPLAD

is process

DC Riffan-EDUC

23/09/2020

Please deal
02/10/2020

DLAS

Please facilitate
23/9/20

PETITION TO THE SENATE ON BEHALF OF KENYA PUBLIC
SECONDARY SCHOOLS' SUPPLIERS ON DELAYED PAYMENTS FOR
COMMODITIES SUPPLIED

THEREFORE your humble Petitioners pray that the Senate through the Standing Committee on Education : -

- i) Recommends immediate payment of outstanding debts owed to Public Secondary Schools' Suppliers by the public secondary schools;
- ii) Recommends inclusion of the public schools suppliers in the economic stimulus program being rolled out by the Government;
- iii) Ensures that the Petitioners' plight is addressed; and
- iv) Makes any other order or direction that it deems fit in the circumstances of the matter.

And your PETITIONERS will ever pray.

Date: 22/09/2020

No	Name	ID	Contact
	ILVANA KIJUR	24439397	0723578775

Counter signed by Senator Samson Cherarkey, Senator for Nandi County.


Sen. Samson Cherarkey, MP,
Senator for Nandi County

Annex 2: letter to petitioners

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: cSenate@parliament.go.ke



The Senate
Clerk's Chambers
Parliament Buildings
P. O. Box 41842 -00100
NAIROBI, Kenya

PARLIAMENT
OFFICE OF THE CLERK OF THE SENATE

Ref. SEN/SCE/CORR/2021/14

1st April, 2021

Mr. Elkana Kitur,
Kenya Public Secondary Schools Suppliers and Exhibitors,
NAIROBI.
Tel No. 0723 578775

Dear Sir,

RE: INVITATION TO A MEETING OF THE SENATE STANDING COMMITTEE ON EDUCATION

The Senate Standing Committee on Education is established under standing order 218(3) of the Senate Standing Orders. The Committee is mandated to consider all matters related to education and training.

The Committee is presently considering a Petition by the Kenya Public Secondary Schools Suppliers and Exhibitors concerning delayed payments for commodities supplied. At the sitting of the Committee held on Thursday, 1st April, 2021, the Committee resolved to invite you to a meeting to provide information and clarification on the following issues-

- 1) the comprehensive list of all the members of the Kenya Public Secondary Schools Suppliers and Exhibitors and their contacts;
- 2) the detailed list of all the commodities supplied by each supplier and exhibitor indicating the name(s) of the institutions where the supplies were done;
- 3) the detailed list of the value of all pending bills owed to each of the suppliers and exhibitors as at December 2020; and
- 4) the details of all the contracts entered into between the suppliers and exhibitors and different learning institutions and/or the Ministry of Education.

The purpose of this letter is to invite you to a meeting of the Committee to address the aforementioned issues on **Thursday, 8th April, 2021 at 9:00 am.** The meeting will be held on the Zoom online meeting platform and a secure link will be shared with you ahead of the sitting.

The Committee requests that you submit written responses to the aforementioned issues on or before **Wednesday, 7th April, 2021** at 5:00 pm by email, on the address cSenate@parliament.go.ke.

Mr. Humphrey Ringera, Research Officer (Cell phone: +254 722 985 682, email: senateeducom@gmail.com), is the Clerk to this Committee and the officer responsible for facilitating this matter.

Yours faithfully,

For: 
J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.

Copy to:

Sen. Samson K. Cherarkey
Senator, Nandi County,
Parliament Buildings,
NAIROBI.

Annex 3: report from MOE (KICD)



KENYA INSTITUTE OF CURRICULUM DEVELOPMENT

Telephone: Nairobi
Mobile: 0729327334/ 0729327331
Email: info@kied.ac.ke ceo@kied.ac.ke
Website: www.kied.ac.ke

Desai Road
Off Murang'a Road
P.O Box 30231 - 00100
NAIROBI, KENYA

31st May, 2021

KICD/CON/M/6 VOL.II/64

Sen. (Dr.) Milgo Alice Chepkorir,
The Chairperson,
Senate Committee on Education and Research,
NAIROBI.

Thro': Prof. George. A.O. Magoha, MBS, EBS, CBS, MBBS
Cabinet Secretary,
Ministry Of Education,
P.O. Box 30040-00100,
NAIROBI.

Dear Senator Milgo,

RE: OUTSTANDING DEBTS OF KSHS. 7,292,327,691.80 OWED TO VARIOUS PUBLISHERS FOR DISTRIBUTION OF TEXTBOOKS TO PUBLIC INSTITUTIONS

The Kenya Institute of Curriculum Development (KICD) was established by KICD Act No. 4 of 2013, and Revised in 2019. The KICD mandate is to develop research-based curricula and curriculum support materials for basic and tertiary education and training except the university.

The procurement and distribution of textbooks to public institutions was delegated to KICD in 2018. The Institute has signed various contracts with publishers to distribute books. The Institute has been paying the publishers on the basis of grants received from the Ministry of Education (MoE). Below is the summary of total cash so far received and paid from the MoE, signed contract values and outstanding balances.

REPORT ON TEXTBOOK PROCUREMENT AND DISTRIBUTION (2018-2021)

CASH RECEIPTS SUMMARY			
SUMMARY	TOTAL CASH RECEIVED	TOTAL CONTRACT VALUE	AMOUNT DUE FROM MOE (SHORTFALL)
	KSHS.	KSHS.	KSHS.
	A	B	C(A-B)
PRIMARY	7,991,466,155.25	12,327,597,367.09	(4,336,131,211.84)
SECONDARY	15,076,995,079.90	18,033,191,559.86	(2,956,196,479.96)
RECEIPTS TOTAL	23,068,461,235.15	30,360,788,926.95	(7,292,327,691.80)



As per the table above, the total signed contract values is Kshs. 30,360,788,926.95
amount received from the MoE and paid is Kshs. 23,068,461,235.15 leaving an
outstanding balance of Kshs. 7,292,327,691.80.

Please feel free to seek for any additional information on this subject or any other
related to our mandate.

Thank you

Yours sincerely,



PROF. CHARLES O. ONG'ONDO
DIRECTOR/CHIEF EXECUTIVE OFFICER
KENYA INSTITUTE OF CURRICULUM DEVELOPMENT

Annex 4: Minutes of the Committee.

(060)

MINUTES OF THE 60th SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON SATURDAY, 18th SEPTEMBER, 2021 AT THE SERENA BEACH RESORT & SPA, MASHUA CONFERENCE ROOM AT 1100HRS.

PRESENT

- | | |
|--|---------------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP | - Chairperson |
| 2. Hon. Sen. (Dr.) Agnes Zani, CBS, MP | - Vice Chairperson |
| 3. Hon. Sen. Fred Outa, MP | - Member |
| 4. Hon. Sen. Mary Y. Seneta, MP | - Member |
| 5. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|---|----------|
| 6. Hon. Sen. Mwangi Githiomi, MP | - Member |
| 7. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
| 8. Hon. Sen. (Prof.) Imana Malachy Ekal, MP | - Member |
| 9. Hon. Sen. Iman Falhada Dekow, MP | - Member |

SENATE SECRETARIAT

- | | |
|---------------------|---------------------------|
| 1. Mwanate Shaban | - Clerk Assistant |
| 2. Humphrey Ringera | - Research Officer/Clerk |
| 3. Malcom Ngugi | - Legal Counsel |
| 4. Njeri Manga | - Media Relations Officer |
| 5. Sakina Halako | - Personal Secretary |
| 6. Fatuma Abdi | - Audio Officer |
| 7. Abdalla Mbore | - Sergeant-at-Arms |

MIN. NO./SEN/EDU/364/2021

PRELIMINARIES

The meeting was called to order at 11:00 AM and the proceedings were opened with a word of prayer said by Sen (Dr.) Agnes Zani, CBS, MP.

MIN. NO./SEN/EDU/365/2021

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. (Dr.) Agnes Zani, CBS, MP and seconded by Sen. (Dr. Fred Outa, MP as follows:

1. Preliminaries
2. Adoption of agenda
3. Consideration and adoption of Committee reports on-
 - a. Petition by the residents and teachers of Kajiado County on promotion to leadership positions; and
 - b. Petition by suppliers and exhibitors of public secondary schools in the year 2020
4. Any other business
5. Adjournment/Date of the next meeting.

MIN. NO./SEN/EDU/366/2021

**CONSIDERATION AND
ADOPTION OF COMMITTEE
REPORTS**

a) Petition by residents and teachers from Kajiado County on the promotion of teachers in Kajiado County to leadership positions

1. The Secretariat presented a draft report on the Petition by residents and teachers from Kajiado County on the promotion of teachers in Kajiado County to leadership positions for the Committee consideration and adoption;
2. The Committee considered the draft report and it was unanimously adopted; and
3. The report was proposed by Sen. (Dr.) Agnes Zani, MP and seconded by Sen. Fred Outa, MP

b) Petition on the delayed payment to suppliers of commodities to public secondary schools during the first term of the academic year 2020

4. The Secretariat presented a draft report on the Petition on the delayed payment to suppliers of commodities to public secondary schools during the first term of the academic year 2020 for the Committee consideration and adoption;
5. The Committee considered the draft report and it was unanimously adopted; and
6. The report was proposed by Sen. (Dr.) Agnes Zani, MP and seconded by Sen. Fred Outa, MP

MIN. NO./SEN/EDU/367/2021

ANY OTHER BUSINESS

There was no other business.

MIN.NO./SEN/EDU/368/2021

**ADJOURNMENT AND DATE
OF THE NEXT MEETING**

There being no other business, the meeting was adjourned at 1200 hrs.

SIGNED.....



.....DATE....20/09/2021.....

(CHAIRPERSON: SEN. (DR.) ALICE MILGO CHEPKORIR, M.P.)

(019)

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**MINUTES OF THE 19th SITTING OF THE SENATE STANDING
COMMITTEE ON EDUCATION HELD ON THURSDAY, 8th
APRIL, 2021 ON ZOOM ONLINE MEETING PLATFORM AT
0900HRS.**

PRESENT

- | | |
|---|--------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP | - Chairperson |
| 2. Hon. Sen. (Dr.) Agnes Zani, CBS, MP | - Vice Chairperson |
| 3. Hon. Sen. Mwangi Githiomi, MP | - Member |
| 4. Hon. Sen. Fred Outa, MP | - Member |
| 5. Hon. Sen. (Prof.) Imana Malachy Ekal, MP | - Member |
| 6. Hon. Sen. Iman Falhada Dekow, MP | - Member |
| 7. Hon. Sen. Mary Y. Seneta, MP | - Member |
| 8. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|---|----------|
| 9. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
|---|----------|

IN ATTENDANCE

- | | |
|---------------------------------------|--|
| 10. Hon. Sen. Samson K. Cherarkey, MP | |
|---------------------------------------|--|

SENATE SECRETARIAT

- | | |
|---------------------|---|
| 1. Mary Chesire | - Deputy Director, Committee Services, Senate |
| 2. Humphrey Ringera | - Research Officer/Clerk |
| 3. Malcom Ngugi | - Legal Counsel |
| 4. Winnie Atieno | - Audio Officer |
| 5. Njeri Manga | - Media Relations Officer |

MIN. NO./SEN/EDU/113/2021

PRELIMINARIES

The meeting was called to order at 0910hrs and the proceedings were opened with a word of prayer said by the Chairperson.

MIN. NO./SEN/EDU/114/2021

**ADOPTION OF THE
AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. (Dr.) Gertrude Musuruve, MP and seconded by Sen. Falhada Dekow, MP as follows:

1. Preliminaries
2. Adoption of agenda
3. Confirmation of the Minutes of the previous meeting
4. Matters arising from the previous meeting
5. Consideration of Petition on delayed payments to suppliers of commodities to public secondary schools during the first term of the academic year 2020

6. Consideration of the Report from the Ministry of Education on the state of affairs at TVET and the welfare of trainers employed by BOMs
7. Any other business
8. Adjournment/Date of the next meeting

**MIN. NO./SEN/EDU/115/2021 CONFIRMATION OF MINUTES
OF THE PREVIOUS MEETING**

1. The Minutes of the 18th Committee meeting held on Friday, 1st April, 2021 were confirmed as the true record of the proceedings after being proposed by Sen. (Dr.) Gertrude Musuruve MP and seconded by Sen. Mary Seneta MP.

**MIN. NO./SEN/EDU/116/2021 MATTERS ARISING FROM
THE MINUTES OF THE
PREVIOUS MEETING**

1. Ex **MIN. NO./SEN/EDU/110/2021 (1)** Members were urged to familiarise themselves with different issues regarding the TVET in the country to be able to interrogate reports from different stakeholders during the Committee meetings; and
2. Ex **MIN. NO./SEN/EDU/110/2021(6)** The Committee should prioritise consideration of the Statements sought by Senators and expeditiously dispense with them to avoid backlog.

**MIN. NO./SEN/EDU/117/2021 CONSIDERATION OF THE
PETITION ON DELAYED
PAYMENTS TO SUPPLIERS
AND EXHIBITORS BY PUBLIC
SECONDARY SCHOOLS.**

1. The Committee was informed that an invitation had been sent to the Petitioners in the Petition on delayed payments to suppliers of commodities to public secondary schools during the first term of the academic year 2020 to provide information and attend the Committee meeting.
2. In the letter, the Committee requested the Kenya Public Secondary Schools Suppliers and Exhibitors, who are the petitioners, to provide information on the following-
 - a. the comprehensive list of all the members of the Kenya Public Secondary Schools Suppliers and Exhibitors and their contacts;
 - b. the detailed list of all the commodities supplied by each supplier and exhibitor indicating the name(s) of the institutions where the supplies were done;
 - c. the detailed list of the value of all pending bills owed to each of the suppliers and exhibitors as at December 2020; and

- d. the details of all the contracts entered into between the suppliers and exhibitors and different learning institutions and/or the Ministry of Education.
3. The Committee was informed that Sen. Samson Cherarkey, Senator for Nandi County who had countersigned the Petition would be in attendance and would provide the information sought by the Committee;
4. The Committee was informed by the Petitioners that they were apprehensive about providing their details including the comprehensive list of all the members of the Kenya Public Secondary Schools Suppliers and Exhibitors and their contacts for fear of being victimised and blacklisted by the Ministry of Education;
5. The Committee was further informed that the petitioners have been following up on the pending bills both at the individual learning institutions and with the Ministry of Education;
6. The Petitioner requested for a separate 'in camera' meeting with the Committee to provide the information and details sought about their petition and requested for two weeks to compile all the data.
7. The Committee **resolved** to hold an 'in camera' session with the petitioners as requested; and
8. The Committee further **resolved** to seek information from the Ministry of Education on-
 - a. the detailed list of all suppliers and exhibitors and the value of all pending bills owed to each one of them as at December 2020;
 - b. the strategies being put in place by the Ministry to settle all pending bills owed to suppliers and exhibitors;
 - c. a detailed report of the total amount of Government capitation monies that have been disbursed to schools since January 2020, by the National Treasury in line with Ministry of Education guidelines for the implementation of free education.

MIN. NO./SEN/EDU/118/2021

**CONSIDERATION OF THE
REPORT FROM THE
MINISTRY OF EDUCATION
ON THE STATE OF AFFAIRS
AT TVET**

1. The Committee was informed that the report from the Ministry of Education on the Statement sought by Sen. Samson Cherarkey on the state of affairs at TVET and the welfare of trainers employed by BOMs had been shared with the Senator;

2. The Committee was informed by the Senator that he was not satisfied and the response was insufficient as it did not address the following issues-
 - a. the recruitment processes and criteria for TVET trainers;
 - b. the Schemes of Service for TVET trainers;
 - c. the inconsistencies witnessed during recruitment of TVET trainers;
 - d. strategies employed to ensure there is seamless staff management at the TVET;
 - e. capitation to TVET institutions;
 - f. TVET trainers training institutions/colleges
3. The Committee **resolved** to highlight and seek information from all stakeholders on the mentioned issues during the inquiry on the TVET landscape in the country.

MIN.NO./SEN/EDU/119/2021

ANY OTHER BUSINESS

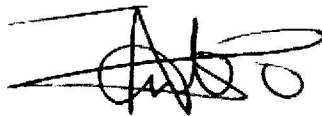
The Committee was informed that there has been some media reports about a scandal at the Ministry of education involving creation of fictitious schools and learners to benefit fraudulently from the Capitation funds.

MIN.NO./SEN/EDU/120/2021

**ADJOURNMENT AND DATE
OF THE NEXT MEETING**

There being no other business, the meeting was adjourned at 1035hrs.

SIGNED.....



.....DATE...15/04/2021....

(CHAIRPERSON: SEN. (DR.) ALICE MILGO CHEPKORIR, M.P.)

(056)

**MINUTES OF THE 56th SITTING OF THE SENATE STANDING
COMMITTEE ON EDUCATION HELD ON MONDAY, 2nd
NOVEMBER, 2020 ON ZOOM ONLINE MEETING PLATFORM
AT 1400HRS.**

PRESENT

- | | |
|--|----------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP | - Chairperson |
| 2. Hon. Sen. Mwangi Githiomi, MP | - Member |
| 3. Hon. Sen. Mary Y. Seneta, MP | - Member |
| 4. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member |
| 5. Hon. Sen. Iman Falhada Dekow, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|---|---------------------------|
| 1. Hon. Sen. (Dr.) Agnes Zani, CBS, MP | - Vice Chairperson |
| 2. Hon. Sen. Fred Outa, MP | - Member |
| 3. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
| 4. Hon. Sen. (Prof.) Imana Malachy Ekal, MP | - Member |

IN ATTENDANCE

1. Mr. Kigoro Kinuthia – Pyramid Suppliers
2. Mburu Muchoki
3. Gabriel Kamau
4. Edward – Educat Suppliers

SENATE SECRETARIAT

- | | |
|---------------------|--------------------------|
| 1. Humphrey Ringera | - Research Officer/Clerk |
| 2. Malcom Ngugi | - Legal Counsel |
| 3. Winnie Atieno | - Audio Officer |

MIN. NO./SEN/EDU/391/2020

PRELIMINARIES

The meeting was called to order at 1425hrs and the proceedings were opened with a word of prayer said by Sen. Falhada Dekow, MP.

MIN. NO./SEN/EDU/392/2020

**ADOPTION OF THE
AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. Falhada Dekow, MP and seconded by Sen. Mary Seneta, MP as follows:

1. Preliminaries
2. Adoption of agenda
3. Confirmation of Minutes of the Previous Meeting
4. Matters Arising from Minutes of the Previous Meeting
5. Petitions-
 - a. Meeting with the Petitioners on the delayed payment to suppliers of commodities to public schools during the first term of the academic year 2020

- b. Consideration and adoption of the Committee Report on the Petition on delayed opening of Njiru Secondary School, Nairobi.
6. Any other business
7. Adjournment/Date of the next meeting

**MIN. NO./SEN/EDU/393/2020 CONFIRMATION OF MINUTES
OF THE PREVIOUS MEETING**

The confirmation of Minutes of the 54th Committee meeting held on Wednesday 26th October, 2020 were pended to a later date.

**MIN. NO./SEN/EDU/394/2020 MATTERS ARISING FROM
THE MINUTES OF THE
PREVIOUS MEETING**

There were no matters arising from the minutes of the previous meeting.

MIN. NO./SEN/EDU/395/2020 PETITIONS

- I. Meeting with the Petitioners on the delayed payment to suppliers of commodities to public schools during the first term of the academic year 2020**
 - a. The Committee was informed that the petitioners had supplied commodities such as revision books, exercise books, desks and library materials to the public secondary schools during the first term of the Academic Year 2020;
 - b. The Committee was further informed that in order to service these supplies, the petitioners took bank loans and acquired money from other sources which continues to attract interests and penalties yet they have not been paid;
 - c. The Committee was informed that the Local Purchase Orders (LPOs) issued, However, do not indicate when the supplies will be paid and the suppliers are usually told that they would be paid when money is available;
 - d. The Committee observed that supply of text books had been taken over by the government following the introduction of the Competence Based Curriculum (CBC);
 - e. The Committee requested the petitioners to furnish the Committee with more details such as the list of all the petitioners, what they supplied, the value of the pending bills, the details of the contracts and how long the bills have been pending.
- II. Consideration and adoption of the Committee Report on the Petition on delayed opening of Njiru Secondary School, Nairobi.**

The Consideration of the Committee Report on the Petition on delayed opening of Njiru Secondary School in Nairobi County was pended.

MIN. NO./SEN/EDU/396/2020

ANY OTHER BUSINESS

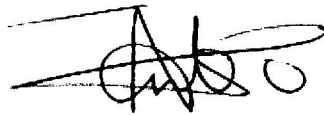
The Committee was informed that the Committee is scheduled to hold a virtual meeting with the Teachers Service Commission (TSC), and the Teachers' Union; the KNUT and the KUPPET on the humiliation faced by teachers under AON Minet Insurance Scheme on Wednesday, 4th November 2020 at 0900hrs.

MIN.NO./SEN/EDU/397/2020

ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at 1530hrs. The next meeting would be by notice.

SIGNED.....



.....DATE...09/11/2021.....

(CHAIRPERSON: SEN. (DR.) ALICE MILGO CHEPKORIR, M.P.)

(053)

MINUTES OF THE 53rd SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON MONDAY, 19th OCTOBER, 2020 ON ZOOM ONLINE MEETING PLATFORM AT 1400HRS.

PRESENT

- | | |
|--|--------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP | - Chairperson |
| 2. Hon. Sen. (Dr.) Agnes Zani, CBS, MP | - Vice Chairperson |
| 3. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member |
| 4. Sen. Iman Falhada Dekow | - Member |

ABSENT WITH APOLOGIES

- | | |
|---|----------|
| 1. Hon. Sen. Fred Outa, MP | - Member |
| 2. Hon. Sen. Mwangi Githiomi, MP | - Member |
| 3. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
| 4. Hon. Sen. (Prof.) Imana Malachy Ekal | - Member |
| 5. Hon. Sen. Mary Y. Seneta | - Member |

SENATE SECRETARIAT

- | | |
|---------------------|--------------------------|
| 1. Humphrey Ringera | - Research Officer/Clerk |
| 2. Judy Ndegwa | - Legal Counsel |
| 3. Winnie Atieno | - Audio Officer |

MIN. NO./SEN/EDU/369/2020

PRELIMINARIES

The meeting was called to order at 1405hrs and the proceedings were opened with a word of prayer said by the Chairperson.

MIN. NO./SEN/EDU/370/2020

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. (Dr.) Musuruve, MP and seconded by Sen. Outa, MP as follows:

1. Preliminaries
2. Adoption of agenda
3. Confirmation of Minutes of the Previous Meeting
4. Matters Arising from Minutes of the Previous Meeting
5. Updates on the Pending Business before the Committee
6. Meeting with the Petitioners on the Petition on the delayed payment to suppliers of commodities to public secondary schools during the first term of the academic year 2020
7. Any other business
8. Adjournment/Date of the next meeting

MIN. NO./SEN/EDU/371/2020

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

The Minutes of the 52nd Committee meeting held on Wednesday 14th October, 2020 were confirmed as the true records of the proceedings

after being proposed by Sen (Dr.) Zani, MP and seconded by Sen (Dr.) Musuruve, MP.

MIN. NO./SEN/EDU/372/2020

**MATTERS ARISING FROM
THE MINUTES OF THE
PREVIOUS MEETING**

Ex **MIN. NO./SEN/EDU/366/2020 (I)**

The Committee should invite submissions on the Bills from more stakeholders.

MIN. NO./SEN/EDU/373/2020

**UPDATES ON THE PENDING
BUSINESS BEFORE THE
COMMITTEE**

1. The Committee was informed that stakeholder submissions on the two Bills meets the legal requirements since the advertisements and stakeholder mapping and targeting had been done. However, the secretariat would be reaching out to more stakeholders seeking their inputs on the two Bills;
2. The Committee was further informed that the submissions from the Ministry of Education was still pending and as soon as they are sent to the Committee, the Secretariat would prepare a matrix for Committee consideration.
3. The Committee **resolved** that the Committee amendments should provide for complimentary roles and functions of the **two levels** of government.

MIN. NO./SEN/EDU/374/2020

**MEETING WITH THE
PETITIONERS**

- Petition on the delayed payment to suppliers of commodities to public secondary schools during the first term of the academic year 2020
1. The Committee was informed that a Petition concerning delayed payments for commodities supplied by Kenya Public Secondary Schools' Suppliers and Exhibitors, to public secondary schools, had been presented at the Senate and subsequently referred to the Committee for consideration pursuant to Standing Order 232 (1);
 2. The Committee observed that there is need for the petitioners to be clear in terms of what they supplied and where the goods were to be used, were the commodities supplied to only one school or to the Ministry of Education;
 3. The Committee observed that many suppliers had supplied goods and provided services to secondary schools' but they had not been paid which has led to collapse of many enterprises;

4. The Committee was further informed that the Petitioner, Mr. Elkana Kitur and Sen. Samson Cherargei had been invited to the Committee meeting, and the audio-visual link had been shared with them, to provide more information on the petition. However, they had not yet logged in at the meeting and their phones were not going through;
5. The Committee requested the Secretariat to call both the Senator and the Petitioner, on the phone numbers provided, and leave a message that the Committee meeting was going on and that they were required to attend.

MIN. NO./SEN/EDU/375/2020

ANY OTHER BUSINESS

The Committee was informed that so far it had been able to meet 19 county governments, had scheduled to meet eight (8) others the following week and that 20 counties were still pending invitation, to deliberate on the Early Childhood Development Education (ECDE) landscape.

MIN.NO./SEN/EDU/376/2020

ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at 1500hrs. The next meeting would be by notice.

SIGNED.....



.....DATE..26/10/2020.....

(CHAIRPERSON: SEN. (DR.) ALICE MILGO CHEPKORIR, M.P.)