



**CONSTITUENCIES DEVELOPMENT FUND**



**IMPLEMENTATION GUIDE**

**Prepared and circulated by National Management Committee**

## **ACKNOWLEDGEMENT**

The Constituency Development Fund Implementation Guide is the final output of the consultation process amongst the members of the National Management Committee (NMC) and the Constituency Development Fund (CDF) secretariat. The guide was prepared by a technical subcommittee constituted and coordinated by the NMC.

The CDF secretariat wishes to acknowledge with gratitude, the contributions of all those who have been involved in this process.

## Foreword

The Constituency Development Fund Implementation guide has been developed to give guidance to all stakeholders to facilitate the implementation of the Constituencies Development Fund Act, 2003 and the regulations made under the Act. The Constituencies Development Fund was established under the Constituencies Development Fund Act, 2003 with the purpose of taking development projects to the citizens at grass root level within the shortest time possible, in order to alleviate poverty. This strategy was adopted to complement other Government development efforts at the grassroots.

This guide is the first to be issued on the Constituency Development scheme. The guide seeks to operationalise the Constituency Development Fund Act, 2003 has borrowed heavily from Treasury Circular Ref. PPD 2/20/29A/10 dated 18<sup>th</sup> November, 2004 and simplifying it so that the implementers of the CDF projects may easily understand it.

While the guide has attempted to comprehensively highlight and simplify key issues of the CDF Act, 2003 and the associated CDF Regulations, it should be noted that the guide might not be exhaustive on all issues highlighted in the CDF Act, 2003. Consequently, this guide should be used together with the Act and regulations.

The guide covers the legal and institutional framework through which the Fund operates the financial and procurement procedures, the project identification, planning and implementation, monitoring and evaluation processes.

Lastly, the Constituency Development Fund is one of the many development initiatives being undertaken by the Government to address poverty in the country. It is my hope and prayer that the stakeholders will find this guide useful and use it diligently to implement the Act to realize the desired social and economic change within our economy.

**JOSEPH KINYUA, E.B.S.  
PERMANENT SECRETARY,  
MINISTRY OF FINANCE/CHAIR  
NATIONAL MANAGEMENT COMMITTEE  
CONSTITUENCIES DEVELOPMENT FUND**

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## **CHAPTER ONE - INTRODUCTION AND PURPOSE OF THE GUIDE**

### **1.0 Introduction**

The Constituencies Development Fund is established under the Constituencies Development Fund Act, 2003. The Act establishes a fund known as the Constituencies Development Fund where an amount of money equal to and not less than 2.5% of all ordinary Government revenue collected every financial year is paid into.

The purpose of Constituencies Development Fund is to ensure that a specific portion of the national annual budget is devoted to the constituencies for purposes of development and in particular in the fight against poverty at the constituency level.

The regulations/guidelines governing the operations of the Constituencies Development Fund include:

- (a) The Constituencies Development Fund Act, 2003;
- (b) The Constituencies Development Fund (Regulations), 2004;
- (c) The Act governing Public Procurement;
- (d) Government Financial Procedures and Regulations; and
- (e) The circulars issued by the Treasury from time to time

### **1.1 Purpose of the Implementation Guide**

This implementation guide has been developed to give guidance to all stakeholders to facilitate the implementation of the Constituencies Development Fund Act, 2003 and the regulations made under the Act. This guide should be used together with the Act and regulations.

The guide also seeks to provide easily understood guidance and operation instructions on all matters relating to the operation of Constituencies Development Fund.

### **1.2 Updating of the Implementation Guide**

The guide will be updated from time to time in response to any changes that may be necessary in view of the dynamic environment in which the Constituency Development Fund operates.

The usual method of updating the guide will be through circulars from the Ministry of Finance to all stakeholders and by amendment to the



Act where appropriate, as a response to feedback from users and stakeholders.

### **1.3 Application of the Implementation Guide**

The guide shall be used by:-

The National Management Committee  
The Constituency Development Committee  
The District Projects Committee  
The Project Committees and  
All CDF stakeholders.

## **CHAPTER TWO – SUMMARY OF THE ACT, 2003**

### **2.0 Introduction**

The Act is divided into the following parts:

#### **2.1 Part I Preliminary**

This part sets out the preliminary matters including definition of various terms used in the Act.

#### **2.2 Part II – Establishment of the Constituencies Development Fund**

This part establishes the Constituencies Development Fund and sets out the percentage of total ordinary revenue to be availed for the purpose of the Fund.

#### **2.3 Part III – Submission of Constituency Projects Proposals**

This part provides that the elected Member of Parliament for each constituency shall be the person responsible for the submission of project proposals for his or her constituency.

#### **2.4 Part IV – Types of Projects**

This part provides for the type of projects that are eligible for funding, sets out the minimum and maximum number of projects to be funded under the Act within a given financial year.

#### **2.5 Part V – Constituencies Fund Committee**

This part provides for the establishment by the National Assembly of a Select Committee known as the Constituencies Fund Committee to oversee the process of receiving and forwarding project proposals to the Minister for Finance among other functions.

#### **2.6 Part VI – Implementation of Projects**

This part provides for the procedure to be followed in the implementation of the constituency based projects.

## **2.7 Part VII – Constituencies Development Committee**

This part establishes the Constituency Development Committees in every constituency.

The CDC shall have a minimum of twelve (12) and a maximum of fifteen (15) members.

## **2.8 Part VIII – Role of the District Projects Committee**

This part defines the role of the District Project Committees as harmonization and approval of projects for onward transmission to the Clerk of the National Assembly.

## **2.9 Part IX – Finance and Administration**

This part specifies the financial and administrative aspects of the management of the Fund. It gives the Chief Executive Officer of the Fund as well as the accounting framework under the Fund.

## **2.10 Part X – Miscellaneous Provisions**

This part provides for issues that seek to ensure proper utilization of funds and gives penalties against any person who misappropriates funds meant for development projects under the Act.

## **2.11 Part XI – Schedules to the Act.**

The First Schedule lists the name of organizations to nominate persons to the National Committee.

The Second Schedule gives a summary of proposed projects from each constituency.

The Third Schedule gives a brief description of projects as contained in the Second Schedule.

## **CHAPTER THREE**

### **3.0 Institutional Framework**

The Constituencies Development Fund Act, 2003 establishes the following committees for proper implementation of the Act.

- (a) The Constituencies Fund Committee;
- (b) The National Management Committee
- (c) The District Projects Committee; and
- (d) The Constituencies Development Committee.

#### **3.1 Establishment of the National Management committee**

Section 5 of the Act establishes the National Management Committee consisting of-

- (a) The Permanent Secretary of the Ministry of Finance or his designated alternate,
- (b) The Permanent Secretary of the Ministry of Economic Planning or his designated alternate,
- (c) The Permanent Secretary of the Ministry of Regional Development or his designated alternate,
- (d) The Permanent Secretary of the Ministry of Agriculture or his designated alternate,
- (e) The Clerk of the National Assembly or his designated alternate
- (f) Eight persons appointed by the Minister who are qualified in matters relating to finance, accounting, engineering, economics, rural development, or law; and
- (g) The Officer administering the Fund who is an ex-officio member and secretary to the committee.

#### **3.2 Functions of the National Management Committee**

The functions of the National Committee are to -

- (a) Ensure allocation and disbursement of funds to every constituency;
- (b) Ensure prudent management of the Fund;



- (c) Receive and discuss annual reports and returns from the constituencies;
- (d) Ensure the compilation of proper records, returns and reports from the constituencies;
- (e) Ensure timely submission to Parliament of various returns, reports and information as required under the Act; and
- (f) Perform such other duties, as the National Committee, in consultation with the Minister, may deem necessary from time to time for the proper management of the Fund.

### **3.3 Establishment and Composition of the Constituency Development Committee.**

Section 23(1) of the Act establishes the Constituency Development Committee for every constituency and shall have a ***minimum of twelve*** and a ***maximum of fifteen*** (implying that the committee may co-opt three persons to the committee) comprising of:

- (a) The elected Member of Parliament for the constituency, who shall be the chairperson
- (b) Two councillors in the constituency;
- (c) One District Officer in the constituency;
- (d) Two persons representing religious organizations in the constituency;
- (e) Two men representatives from the constituency;
- (f) Two women representatives from the constituency;
- (g) One person representing the youth in the constituency and:
- (h) One person nominated from among active NGO'S if any.

The elected Member of Parliament for every constituency shall be the chairperson of the Constituency Development Committee, unless he or she opts out in which case the Committee shall elect one amongst themselves to be the chairperson.

## Quorum

The quorum of the Constituency Development Committee shall be one half of the total membership.

### 3.3.1 Functions of the Constituencies Development Committees

- (a) To deliberate on projects proposals from all locations in the constituency and any other projects, which the Committee considers beneficial to the constituency, including joint efforts with other constituencies.
- (b) To draw up a priority list both immediate and long term, out, of which the list of projects to be submitted to Parliament in accordance with section 12 of the Act shall be drawn from and;
- (c) To ensure that appropriate consultations with the relevant Government Departments is done to ensure that cost estimates for the projects are realistic as possible: and:
- (d) To rank the projects in order of priority,

### 3.3.2 Term of office of members of the Constituency Development Committee

Section 11 of the Regulations provides that the members of the Constituency Development Committee other than the Members of Parliament, councillors and *ex-officio* members shall hold office for a period not exceeding two years and shall be eligible for re-appointment for one further term of two years.

### 3.3.3 Vacation of office by members of Constituency Development Committee

Section 12 of the Regulations:

- (a) Any member of the Constituency Development Committee other than the Members of Parliament, a councillor or an *ex-officio* member, may resign his or her office by

written notification under his or her hand addressed resignation to the chairman of the committee.

- (b) Any member of the Constituency Development Committee may be removed from office by the Committee if the member-
  - (i) Has been absent for three consecutive meetings of the committee without permission from the chairman; or
  - (ii) Is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors; or
  - (iii) Is convicted of an offence involving dishonesty, fraud or moral turpitude; or
  - (iv) Is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings or to both; or
  - (v) Is incapacitated by prolonged physical or mental illness; or
  - (vi) Is otherwise unable or unfit to discharge his or her functions

#### **3.3.4 Appointment of members of the Constituency Development Committee**

- (1) In nominating members of the Constituency Development Committee the elected Member of Parliament shall have regard to-
  - (a) The honesty and integrity of the person's nominated
  - (b) The ability of the person's nominated to read and write
  - (c) The knowledge and experience of the person nominated and
  - (d) The importance of representing the political, gender and ethnic diversity on the Constituency Development Committee.
- (2) The names of persons nominated for appointment shall be submitted to the National Committee through the Clerk of the National Assembly.

- (3) Within twenty one days after any vacancy arises in the membership of the Constituency Development Committee the elected Member of Parliament shall nominate another person to fill the vacancy, taking into consideration the provisions of paragraph (1) above and thereafter submit the name to the National Committee in the manner provided under paragraph (2) above.

### **3.4 Establishment of the Constituencies Fund Committee**

Section 27 of the Act establishes a Select Committee of the National Assembly known as the Constituencies Fund Committee consisting of a chairperson and not more than ten other members of Parliament who are not Ministers or Assistant Ministers of Government.

#### **3.4.1 Functions of the Constituencies Fund Committee**

- (a) To consider project proposals submitted from various constituencies in accordance with the Act and make appropriate recommendations to the Clerk of the National Assembly;
- (b) To consider and report to Parliament, with recommendations, names of persons required to be approved by Parliament under this Act;
- (c) To consider and recommend to Parliament any matter requiring action by the National Assembly pursuant to the provisions of this Act;
- (d) To oversee the implementation of the Act and in this respect, shall after every two years submit a report to the National Assembly, and where necessary, propose any amendments to this Act, in particular, with respect to the percentage of ordinary revenue repayable into the Fund in accordance with section 4 of the Act;
- (e) To oversee the policy framework and legislative matters that may arise in relation to the Fund;
- (f) To continually review the framework set out for the efficient delivery of development programmes financed through the Fund; and
- (g) To carry out any other functions relevant to the work of the Fund.



### **3.5 Establishment of District Projects Committee**

Section 39 of the Act establishes, for every district, a committee known as the District Projects Committee whose main function is to coordinate the implementation of projects financed through the Fund

#### **3.5.1 Composition of the Districts Projects Committee**

The committee shall comprise of the following:

- (a) The members of Parliament in that district, whether elected or nominated.
- (b) All chairpersons and mayors of local authorities in the district;
- (c) The District Commissioner of the district;
- (d) The District Development Officer of the district who is the Secretary to the Committee;
- (e) The chairpersons of the Constituencies Development Committee; and
- (f) The District Accountant of the district.

All District departmental heads in a district under whose docket the various projects fall may attend District Projects Committee meetings as ex-officio members, at the invitation of the District Projects Committee.

#### **3.5.2 Functions of the District Projects Committee**

- (a) To coordinate the implementation of projects financed through the Fund;
- (b) To ensure that no duplication of projects occur particularly where it is prudent to combine efforts on projects designed to benefit a large section or sector of a community traversing several constituencies in a district; and
- (c) To examine the list of projects submitted and recommend the list of projects for onward transmission to the Clerk through the Member of Parliament for that constituency.

## **CHAPTER FOUR - PROJECT IDENTIFICATION, PLANNING AND IMPLEMENTATION**

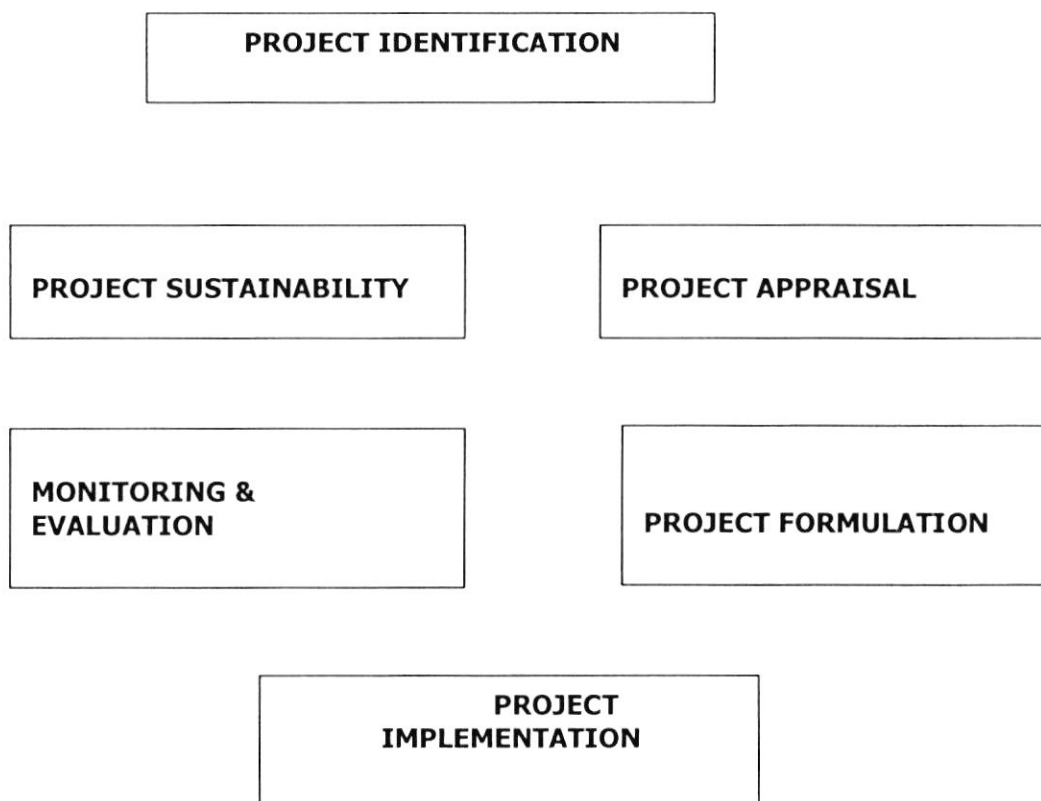
### **4.0 Introduction**

Section 23(3) of the CDF Act 2003, provides for each location to come up with a list of priority projects to be submitted to the Constituency Development Committee. The Act in Section 38 also provides for community representation in any project undertaken within their respective constituencies or areas. The community should therefore nominate knowledgeable representative(s) who can identify and formulate projects that can have a lasting and significant socio-economic impact on the community.

### **4.1 Project Cycle of CDF projects**

CDF projects like other projects undergo a project cycle.

#### **CDF PROJECT CYCLE**



## **4.2 Project Identification.**

Section 23(2&3) provides for the elected Member of Parliament for every constituency shall within the first year of a new parliament and at least once every two years thereafter convene locational meetings to deliberate on development matters for the location, the constituency and the district and prepare a list of priority projects to the Constituency Development Committee. It is during these locational meetings that development needs for the constituency should be identified, deliberated on and prioritised.

## **4.3 Project Planning or Formulation**

Section 21 of the CDF Act stipulates that all projects to be financed by the Constituencies Development Fund should be community based in order to ensure that the prospective benefits are availed to a widespread cross-section of the inhabitants of a particular area. Therefore, the location meetings in consultation with other key grassroots community members should be involved in setting of the projects objectives, identifying activities to be carried out, determining the resources required, time frames, responsibilities, expected outputs, success indicators and how monitoring and evaluation should be conducted.

The Constituency Development Committee and the District Projects Committee will also contribute to this process by ensuring that the projects submitted to the Constituencies Fund Committee are focused and address core poverty issues and that the desired outcome of the project can be achieved before onward transmission to the next stage (Section 23, 43).

## **4.4 Project Management and Implementation**

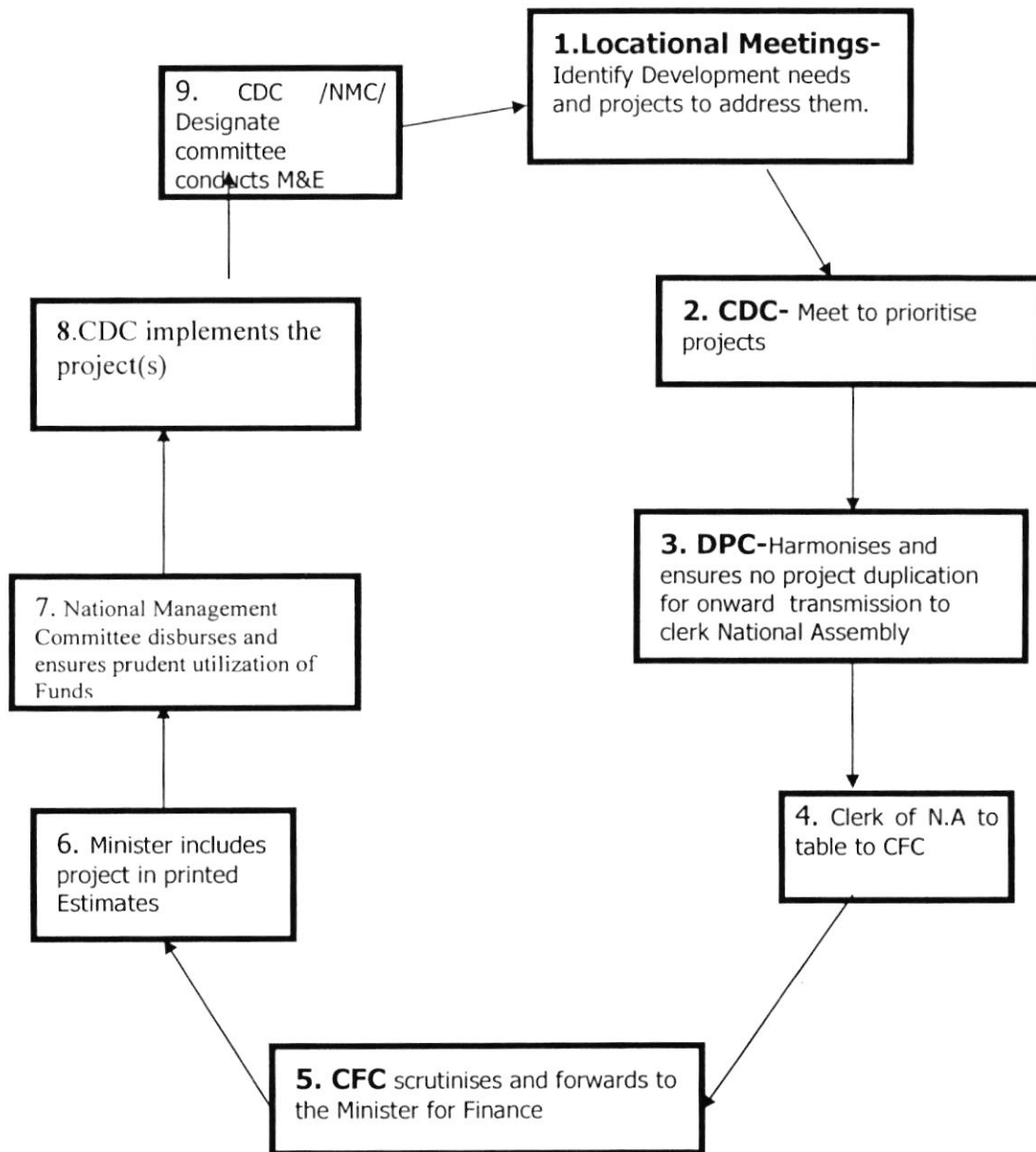
For multi-sector projects involving different government departments, the Act provides that the government department under which the project is listed in the printed estimates shall take lead in the implementation of the project. The community should participate at this stage to ascertain that project goals are accomplished using allocated resources and within specified time frames.

## **4.5 Project Sustainability**

The Constituency Development Committee should ensure that projects are self-sustainable for long-term benefits of the community.

#### 4.6 Diagrammatic Illustration of CDF Project Cycle

As illustrated in the diagram, CDF projects are conceived at the locational meeting stage when this meeting deliberates on development matters for the location, constituency and the entire district. The project then progressively goes through the cycle to completion.



#### 4.7 Project Identification, Planning and Implementation checklist

In the process of project identification, planning and implementation the implementers should ensure the following:



- (a) Is the project identification process correct?
- (b) Are project objectives clear?
- (c) Do project objectives relate to properly identified needs?
- (d) Is there a plan for feasibility study before the project is implemented?
- (e) Are project outputs adequately identified and specified?
- (f) Are delivery dates for project inputs specified?
- (g) Are time frames for monitoring and evaluation specified?
- (h) Are there guidelines to manage variations and time extension relating to the project?
- (i) Is there an independent committee to manage the project?
- (j) Does the committee incorporate all the project stakeholders?

#### **4.8 Conclusion**

- Projects should be properly formulated in order to meet their intended objectives.
- A strong implementable monitoring and evaluation mechanism should be designed to provide for feedback mechanism to appraise the stakeholders on the progress being made
- The project committee should develop evaluation tools specifying key success indicators against which you base judgments of successful or failed projects.

## CHAPTER FIVE - FINANCIAL PROCEDURES

### 5 Introduction

The Officer Administering the Fund under the direction of the National Committee and in consultation with the Minister for Finance manages the Constituencies Development Fund. The functions of the National Committee include prudent management of the fund; allocation and disbursement of funds among others as provided for in section 6 of the Act.

The functions of the Officer Administering the Fund include supervision and control of the day to day administration of the fund, keeping proper books of accounts among others as provided for under section 7 of the Act.

All constituencies expenditures are administered from the District Headquarters, where records of amounts received by each constituency and the record of expenditure is maintained by the DDO as provided for in section 33 of the Act.

The DDO shall prepare and maintain on a monthly basis the records of expenditure in respect of every project under this Act and shall submit annual returns to the National Management committee not later than **sixty** days after the end of every financial year

The records of expenditures shall be submitted to the National Committee within **thirty** days after the close of each financial year. This is important because no disbursements for the succeeding financial year shall be made into the constituency accounts until the returns are duly received according to (section 8(4) of the Act).

#### 5.1 CDF Funds Flow

The Minister for Finance (The Treasury) releases funds to the National Account held at Central Bank of Kenya. Once the National Management Committee receives the proposals, funds are then released to the account submitted by Constituency Development Committee. Subsequent to the release of funds an Authority to Incur Expenditure (A.I.E) is issued to the District Development Officer in two equal tranches to enable expenditures to be incurred. The release of funds to each constituency will vary according to the poverty index, in accordance with section 19 of the CDF Act, 2003. The DDO in

conjunction with the District Accountant release projects grants on receipt of the work plans from the CDC.

## **5.2 Eligible Projects for Funding**

The projects submitted for funding under this Act shall be community based in order to ensure that the prospective benefits are available to a wide cross-section of the inhabitants of a particular area.(Section 21 (1) of the Act).

### **5.2.1. Statutory Provisions for Funding**

There are expenditures specifically recognised in the Act, such as-

- (a) Office running expenses – not more than 3% of the funds allocated for the constituency in any financial year (section 21(7) of the Act).
- (b) Emergency reserve of 5% as provided for in section 11 of the Act.
- (c) Education bursary of not more than 10% of the funds allocated for the constituency in any financial year as provided for in section 25(2) of the Act

After the above expenditures have been taken into account, the remaining amount can be allocated to other projects in such a way that no projects of a similar nature takes up funds exceeding 50% of the total annual allocation (section 22(3) of the Act).

## **5.3 Accessing of Funds by Constituency Development Committee**

The funds to be released to the projects from the Constituency Development Fund will be treated as grants. They will be released on the basis of work plans drawn by the respective project management committees and approved by the Constituency Development Committee. The release of these grants will be subject to fulfilment of the following:

- (a) Establishment of Management Committees by the Recipients.
- (b) Adequate capacity of the recipients to process procurement and keep records for accounting purposes.

Once a minuted resolution has been passed by the Constituency Development Committee, a copy of the minutes is passed on to the District Development Officer who shall then draw and sign payment voucher, as the AIE holder. Once the voucher is completed a cheque is drawn in the name of the funded project and signed by the authorised signatories.

#### **5.4 Constituency Account**

A bank account shall be opened and maintained in the name of the constituency in a commercial bank, approved by the Minister, for every constituency in accordance with section 45 of the Act into which all funds shall be kept.

The bank account shall be separate from that of the District treasury.

The signatories to the account shall be:

- (a) Two nominees of the District Projects Committee one of whom shall be the District Accountant whose signature on every cheque shall be mandatory
- (b) The treasurer of the Constituency Development Committee
- (c) The secretary of the Constituency Development Committee

**None** of the signatories shall be Members of Parliament or councillors.

#### **5.5 Accounts and Audit**

Section 34 of the Act provides that all funds received under the Act shall be audited and reported upon by the Controller and Auditor General. It is the duty of the Officer Administering the Fund to ensure that full accounts are kept of all transactions for which he is responsible and cause proper accounts to be maintained and such other records as may be necessary. He should also prepare and submit to the Controller and Auditor General the annual fund accounts within the prescribed time.

Any surplus realised as a result of non- utilisation of funds in any financial year shall be retained in the Fund account. The receipts, earnings, accruals and the balance of the Fund at the close of each financial year shall not be paid into the Consolidated Fund but shall be retained for the purpose for which the Fund is established. In case of winding up of the Fund, any balance and assets standing to the credit of the Fund shall be credited to the Exchequer.



It will be the duty of the Controller and Auditor General to:

- (a) Satisfy himself that all moneys released to the Fund have been applied to the purpose for which they were so intended and that the expenditure conforms to the government financial regulations and procedures.
- (b) Require from Officer Administering the Fund any explanation or information to enable him discharge his duties
- (c) Authorize any officer on his behalf to conduct any inquiry, examination or audit, and such officer shall report to the Controller and Auditor General.
- (d) Have access to all records, books, vouchers, documents, cash, stores or other Fund property in possession of any officer.

#### **5.6 Important Books to be Maintained by the CDC and Project Committees**

- (i) Duplicate cash book for recording all monies that are received and those that are paid out.
- (ii) A ledger book for recording details of purchase.
- (iii) A folder to keep original copies of invoices/cash sales receipts. These will have supportive documents such as quotations and minutes of the project committee.
- (iv) The cheque book where a current account is maintained.
- (v) The folder for maintaining bank withdrawal slips where a savings account is maintained.
- (vi) The folder to maintain copies of approved work plans.
- (vii) Each project to have a folder to maintain progress reports.
- (viii) A copy of CDF Act and Regulations. A copy of guidelines on management/accounting.
- (ix) A secure place for keeping all accountable documents under lock and key.
- (x) A folder for maintaining bank statements.

**Note:** *Sample of documents to be availed*

## **CHAPTER SIX - PROCUREMENT PROCEDURES**

### **6.0 Introduction**

“Procurement” means the acquisition by purchase, rental, lease, hire purchase, license, tenancy, franchise, or by any other contractual means of any type of works, services goods or property.

Any institution public or voluntary established for the general welfare of the public or community-procuring using public funds shall be regarded as a public entity/ procuring entity.

### **6.1 Application of Existing Government Procurement Regulations to CDF Projects**

- (i) Section 31 of the CDF Act, 2003, stipulates that all works and services relating to projects under this Act shall be sourced (procured) using the existing public procurement regulations in order to promote economy and efficiency;
- (ii) All Constituency Development Committees, District Project Committees and Project Committees shall be recognised as public entities/procuring entities.

### **6.2 Establishment of CDF Tender Committees**

- (i) All Project Committees, Constituency Development Committees and District Projects Committees shall establish tender committees through which procurement shall be adjudicated/ conducted.
- (ii) The three tier tender committees may be referred as Project Tender Committee (lower), Constituency Development Tender Committee (middle) and District Projects Tender Committee (upper).
- (iii) Once established, the tender committees should be left alone to carry out their work independently without any influences.
- (iv) The primary responsibility for public procurement rests with each procuring entity and that committee member/officials concerned are accountable for any decisions that they may reach and any loss arising out of their failure to abide by the regulations.
- (v) The accountability of a procuring entity should not only be reflected in the record of expenditure but also in the delivery of services on the ground.

### **6.2.1 District Projects Tender Committee**

The District Projects Tender Committee (DPTC) shall be composed of all the members of the District Projects Committee (DPC) except the Members of Parliament and councillors.

### **6.2.2 Membership Structure**

#### **Chairman:**

The chairman shall be elected among members of the committee

#### **Members:**

- (a) The District Commissioner of that district;
- (b) The chairpersons of the Constituency Development Committees
- (c) The District Accountant of the district.

#### **Secretary:**

The District Development Officer of the district shall be the secretary of the committee.

**Quorum** The quorum shall be one half of the members of the committee

### **6.2.3 Role and Responsibility of the District Projects Tender Committee**

- (a) To award contracts through open tender, restricted tenders, requests for proposals or direct procurement where the contract value is above Kshs. 10,000,000.00 per item, (may adjudicate on tenders below the threshold provided the project proposal is within its mandate or where it oversees common projects cross cutting the constituencies.)
- (b) To award contracts through open tender for renting, hiring, letting or sub-letting of buildings and other facilities of a constituency above Kshs. 10,000,000.00 per item,
- (c) To approve bids through open tender for sale or disposal of stores/ equipment etc.
- (d) To approve variations of contract conditions previously awarded by the Committee.

### **6.3. Constituency Development Tender Committee**

The Constituency Development Tender Committee (CDTC) shall be composed of seven members from the Constituency Development Committee (CDC). The Members of Parliament and Councillors shall not be members of the Constituency Development Tender Committee.

#### **6.3.1 Membership Structure**

- |                  |   |  |
|------------------|---|--|
| <b>Members</b>   | - | One District Officer in the Constituency                           |
|                  | - | Treasurer of the Constituency Development Committee                |
|                  | - | Five members elected from the Constituency (Development Committee) |
| <b>Chairman</b>  | - | The chairman shall be elected from among members of the committee  |
| <b>Secretary</b> | - | The CDC Secretary shall be the secretary to the tender committee   |
| <b>Quorum</b>    | - | The quorum shall be formed by four members of the committee.       |

#### **6.3.2 Role and Responsibility of Constituency Development Tender Committee: -**

- (a) To award contracts through open tender, restricted tenders, requests for proposals or direct procurement where the contract value is between Kshs5,000,000.00 and Kshs. 10,000,000.00 per item,(may adjudicate on tenders below the threshold provided the project proposal is in the approved list)
- (b) To award contracts through open tender for renting, hiring, letting or sub-letting of buildings and other facilities of the constituency within the threshold set in (a) above.
- (c) To approve bids through open tender for sale or disposal of stores/equipment etc.
- (d) To approve variations of contract conditions previously awarded by the Committee.



## **6.4 Projects Tender Committee**

- (a) With respect to project committees, there already exist some established procuring entities (e.g schools, colleges, hospitals, health centre etc.) within the definition of public entities through which, procurement shall be conducted.
- (b) Each project committee shall process its procurement if it has adequate capacity and keep records for accounting purposes and members are conversant with accounting procedures etc.
- (c) Where a project committee does not have the required capacity for procurement assistance will be sought from relevant Government departments in the district.
- (d) The Projects Tender Committee shall be composed of not less than five members and not more than seven members. The chairman, treasurer and secretary shall be elected among members for those projects that an established procuring entity does not exist.

### **6.4.1 Role and Responsibility of Projects Tender Committee**

- (a) To award contracts through request for quotation or direct procurement where the contract value is below Ksh. 5,000,000.00 per item (all procurement by the projects committee above Kshs. 100,000.00 shall be tabled at the projects tender committee for adjudication)
- (b) To approve sale or disposal of stores/ equipment whose value is below Kshs. 5,000,000.00
- (c) To approve variations of contract conditions previously awarded by the Committee

## **6.5 Introduction of Items on the Agenda**

- (a) The secretary to the tender committee shall ensure that the agenda for each procurement is prepared after proper analysis of the bids and tabled at the tender committee meeting for adjudication and award.
- (b) The funds for the resultant expenditure shall be confirmed before the adjudication and award to avoid committing the procuring entity to obligations without the corresponding funds.

## 6.6 Awarding of Tenders

- (a) The tender Committees shall discuss and award tenders above Kshs. 100,000.00 per item taking into account all the information that has been made available to them on a particular procurement.
- (b) The tender committee may review its decision if there is new information.
- (c) The tender committees shall not split orders to avoid a procurement method.
- (d) Decisions shall be reached by consensus but in case of voting, by simple majority, in case of a tie, the chairman shall have a second vote.
- (e) Tender committee decisions shall be collective responsibility
- (f) The departmental heads who are ex-officio members attending tender committee deliberations are not eligible to vote.
- (g) The tender committees should endeavour to carryout market surveys before adjudicating on tenders to ensure that the cost estimates are realistic.
- (h) The cost estimates for technical items may be obtained from the technical departments.
- (i) Market intelligence information may also be obtained through any mode of communication provided the information obtained is confirmed in writing.
- (j) The procurement should not be expenditure driven but should be based on realistic estimates. Savings on projects should be paid or maintained into the respective constituency account as provided for in the Act.
- (k) The tender committee may grant authority for immediate communication if the procurement is urgent in order for the procurement process to proceed after tender award before the confirmation of the minutes.
- (l) The tender committee authority for immediate communication shall have a brief description of the award, date of the meeting awarding the contract, minute number, and names of the committee members present. The chairman, secretary and at least one committee member must sign the authority.
- (m) No procurement decisions shall be made outside the tender committee.

## 6.7 Thresholds/Ceilings

The procurement thresholds for the tender committees are as follows:

	<b>Threshold/Ceilings</b>	<b>Implementing / tender committee</b>	<b>Procurement Method</b>
1	0 – 100,000/=	All tender committees depending on the project being implemented	Direct Procurement or request for quotation
2	Between Kshs. 100,000 and Kshs. 5,000,000	All tender committees depending on the project being implemented	Request for quotation or alternative Procurement method appropriate
3	Between Kshs. 5,000,000 and Kshs.10, 000,000	Constituency Development Tender Committee and the District Projects Tender Committee (if the DPTC is implementing a project cross cutting the Constituencies)	Open tender or alternative Procurement method appropriate
4	Above Kshs. 10,000,000	District Projects Tender Committee	Open tender or alternative Procurement method appropriate

### Note

- (i) The threshold above sets out the maximum contract value the Projects Tender Committee and the Constituency Tender Committee shall adjudicate on.
- (ii) The Constituency Tender Committee and the District Tender Committee may adjudicate on tenders below the set thresholds provided the item(s) are reflected in their approved project proposal or:
- (iii) A tender committee may procure items for the lower tender committees to benefit from the economies of scale applicable to large volume purchase.

## 6.8 Procurement Process

Procurement process/ cycle starts with the initiation of procurement by the procuring entity and entails the following:



### **6.8.1 Procurement Planning**

- (i) Planning is an integral process in procurement and it is used by the procuring entities as a tool outlining the broad procurement processes involved for a particular project. The procurement plan covers the entire period of the project. The project period may cover one financial year or several financial years.
- (ii) The minute details of a procurement plan or the implementation aspects should be enumerated in a work plan showing the phases of the project, the time frames within which specific procurement activities are to be undertaken, the persons assigned these tasks in order to achieve the desired results.
- (iii) The work plan should be based on the approved project proposals and to which funds have been allocated and disbursed.
- (iv) Procurement will be undertaken on the basis of the work plans drawn by the respective tender committee.

The work plan should have the following details (where applicable):

- (a) Contract package (Goods/ works or services);
- (b) Estimated cost;
- (c) Procurement Method; and
- (d) Dates for completion of key procurement activities.

The format for procurement plan on which the work plan may be derived is shown in annex VII

### **6.8.2 Notifications of Existing Procurement Opportunities and Participation of the Community in Procurement**

- (i) After the projects have been approved and funds allocated and disbursed, the existing procurement opportunities shall be notified to the inhabitants of the area to enable them express interest for participation in the intended procurement.
- (ii) The notification may be through public pronouncements in local meetings, notices placed in public places, print and broadcast media, as well as, the internet or whichever is feasible etc.



- (iii) The notice should indicate the specific item description or requirement and the qualification necessary for the bidders to be invited to quote/ tender and details where and when the expression of interest must be submitted
- (iv) This may be used as the pre-qualification list.

### **6.8.3 Advertisement for Requirements**

- (i) The procurement of goods, works or services not exceeding Kshs. 5,000,000.00 per single item in a financial year may be advertised through public pronouncements in local meetings, notices placed in public places, print and broadcast media, as well as, the internet or whichever is feasible etc.
- (ii) The advertisement should indicate when quotations/ tenders are to be collected/ bought and returned.
- (iii) The mode, place and date of advertisement shall be indicated/ minuted by the tender committee.
- (iv) The procurement of goods, works or services exceeding Kshs. 5,000,000.00 per single item in a financial year shall be advertised in at least two newspapers of nation wide circulation for a minimum period of 21 days before tenders are closed/ opened.
- (v) Procurements requiring international tendering shall be advertised for a minimum period of 42 days before the tenders are closed/ opened.
- (vi) The advertisement shall set out the requirement for qualification/ participation in the tendering process.

### **6.8.4 Closing Date and Time**

The bidders should be given reasonable time within which to fill and return their bids. The closing date and time of the quotation/ tender should be clearly indicated on the quotation form or on the tender advertisement notice.

### **6.8.5 Submission of Bids**

The bids should be returned and placed at a central place at the offices of the procuring entity, in a secure tender/ quotation box with two padlocks whose keys shall be kept by two different responsible designated committee members/ officers.

### **6.8.6 Quotation/Tender Opening**

- (i) The quotations or tenders shall be opened by at least three authorised committee members/ officers.

- (ii) The names of the bidders who returned bids, their prices and the compliance or non compliance to tender /quotation conditions shall be read out during the tender/ quotation opening and the same recorded in the minutes for the tender opening.
- (iii) The committee members/ officers present shall sign the bids opened. Interested bidders should be allowed to witness the opening.

### **6.8.7 Scheduling/Technical Evaluation**

A price comparison schedule should be prepared to determine the lowest bidder. For specialised items requiring technical evaluation, the department where the project falls should be consulted for the preparation of the specifications/ bills of quantity (BOQs) and evaluation e.g. water pumps, generators, computers etc.

### **6.8.8 Contract Awards**

Awards should be made to the lowest evaluated bidder meeting the tender/ quotation conditions including the stated delivery period etc. in case of standardised or off the shelf items. In case of specialised items, awards should be made to the best-evaluated bidder. Warranty may be required for specialised items.

### **6.8.9 Notification of Award**

- (i) The successful bidder shall be notified before the purchase/ service order is placed for a contract whose value does not exceeds Kshs. 100,000.00.
- (ii) Where the contract value exceeds Kshs. 100,000.00, the procuring entity shall inform the successful bidder who should confirm the acceptance of the contract. The correspondence should be in writing.
- (iii) The unsuccessful bidders shall be simultaneously notified as the successful bidder is being notified
- (iv) A summary of the award shall be placed on the notice board at the offices of the procuring entity immediately the award is made showing the name and address of the bidder who won the contract and the contract price.

### **6.8.10 Contract Agreement**

- (i) A contract agreement shall be entered between the procuring entity and the successful bidder for any contract whose value exceeds Kshs. 100,000.00.
- (ii) All parties to the contract shall perform their part failure to which the defaulting party shall be liable for breach of contract.

- (iii) The contract agreement ends when both parties to the contract perform their specified obligations or when both parties mutually agree to terminate the same.

## **6.9 Payments**

Payments shall only be made upon certification of receipt of goods or performance of services or on completion of the stated works by designated committee member/officer.

All payment vouchers should be accompanied by (where applicable):

- (i) The original receipt or invoice from the supplier/ contractor
- (ii) Copy of delivery note certified by authorised persons
- (iii) Copy of contract documents
- (iv) Copy of minutes of the respective tender Committee
- (v) Copy of declaration form for purchase of supplies/ works and services

The procuring entities should ensure that suppliers/ contractors etc. are paid promptly to avoid payment of interest on over due amounts and also to bring down prices and to lower the cost of doing business.

## **6.10 Procurement Procedures/Methods**

### **6.10.1 Open Tendering –Advertisement**

Open tendering is the preferred public procurement procedure. The procurement of goods, works and services, the value of which is in excess Kshs. 5,000,000.00 per item in a financial year should be advertised with a view to reaching a wide spectrum of potential tenderers/bidders in the respective constituency or district.

### **6.10.2 Other Procurement Methods**

The respective tender Committee may approve the use of a procurement method other than open tendering as follows:



## 1. Restricted Tendering

The Constituency Development Tender Committees and District Projects Tender Committees may use restricted tendering procedure when:

- (i) Procuring complex or specialised goods, works and the competition for the contract should be limited to a few qualified candidates.
- (ii) The time and cost required to examine and evaluate a large number of tenders would be disproportional to the value of the goods, works or services
- (iii) The respective tender committee shall give a written report to the Treasury (Ministry of Finance) in respect of every procurement made under restricted tendering procedure.
- (iv) The tenders should be addressed to a minimum of three candidates.
- (v) The respective tender committee may use a list of pre-qualified candidates/bidders of another procuring entity.
- (vi) The value of the goods, works or services shall not exceed:
  - (a) Kshs. 10,000,000.00 for Constituency Development Tender Committee
  - (b) Kshs. 20,000,000.00 for District Projects Tender Committee
- (vii) Where the contract value exceeds Kshs. 20,000,000.00, authority shall be sought from the Treasury (Ministry of Finance)

## 2. Direct Procurement

- (i) Direct procurement is by definition, a non-competitive method. As such, it must be restricted to cases where no reasonable alternative exists to dealing with just one candidate/bidder.
- (ii) Those exceptional situations might arise in relation to catastrophes, necessitating an urgent need or requiring urgent action, and in the case of minor add-ons to contracts won through a competitive procedure.
- (iii) The Projects Tender Committee, Constituency Development Tender Committee and the District Tender Committee may use Direct procurement where the contract value does not exceed Kshs. 300,000.00
- (iv) Where the contract value exceeds Kshs. 300,000.00, authority shall be sought from the Treasury (Ministry of Finance) for direct procurement.

**NB:** An **urgent need** may be defined as the need for the goods, works or services, where there is an imminent threat to public health, welfare, or safety, or an



imminent threat of damage to property and so engaging in tendering proceedings or other procurement methods would therefore not be practicable.

### **3. Request for Proposals**

- (i) The request for proposals method is designed particularly for consulting services or other services for which it is not feasible for the procuring entity to formulate precise or final specifications.
- (ii) Such situations may arise in design/ construction and/ in procurement of high technology items such as sophisticated information technology equipment and services.
- (iii) A minimum of three quotations must be obtained.

### **4. Request for Quotations**

This method is quite adequate for relatively small purchases of standardised goods; works and services provided the estimated value per item in one financial year does not exceed Kshs 5,000,000.00. The Projects Tender Committee, Constituency Development Tender Committee and the District Projects Tender Committee may use request for quotations from as many candidates as possible but not less than three.

The purchase order shall be placed with the candidates / bidders who meets the requirements and who quote the lowest evaluated price.

#### **6.11 Provision of Tender Documents**

- (i) All procuring entities shall use standard tender documents prepared for use by all procuring entities within the public sector. A list of the said documents is as per annex III.
- (ii) Where the cost of producing tender documents is high, the tender committee may charge a small fee to off set the expenses of production of the BOQ'S etc.
- (iii) The cost should be reasonable but should not be used to discourage potential bidders.

## **6.12 Bid Bond/ Tender Security**

- (i) The tender committee may request for bid bonds particularly for tenders attracting bidders from outside the constituency or district. The bid bond requested should be of reasonable value and should not be too high to discourage effective competition.
- (ii) The bid bond should be of fixed amount and should not exceed 2.5% of the estimated contract value.
- (iii) The bid bonds should be returned to the bidders immediately the procurement process is concluded.

## **6.13 Business Questionnaire**

The bidders should be requested to fill in the business questionnaire if necessary in order to determine the identity of the bidders and their capacity. (Refer to Annex V).

## **6.14 Stores Control/ Book Keeping Procedure**

### **6.14.1 Receipt of Goods**

The delivery/ receipt of goods or items shall be recorded in stock register i.e S13 by responsible designated persons. The goods should be kept in a safe and secure place to avoid damage or theft.

### **6.14.2 Issue of Goods**

The goods received shall be issued from the stores by use of stock register i.e S11. A responsible designated person shall enter the entries in the stock register in the records everyday. The entries into the register shall be made in *ink* and *not* in *pencil*.

The procuring entities may use counter register book with appropriate columns in order to monitor the usage, balance, price etc as per *annex vi*.

### **6.14.3 Disposal of Stores and Equipment**

According to CDF Act, 2003 section 30(3), in the event of disposal of items procured by the Constituency Development Committees for whatever reasons, the amount realised shall be paid into the account of that constituency.

The advertisement for disposal shall be done in similar manner as the advertisement for procurement. For disposal of equipment the technical department shall be consulted for valuation to be down to determine the reserve price. Items should not be sold below the reserve price.

### **6.15 Records of Procurement**

The procurement records shall be prepared and kept for a period of 6 (six) years by the procuring entity from the date each procurement proceedings is concluded, for reference. The procuring entity shall retain the original documents for auditing purposes as provided by section 34 of the CDF Act, 2003, the record shall be maintained by the secretary of the tender committee.

### **6.16 Filing of Procurement Records**

The procuring entity shall maintain files for the following documents (where applicable) for effective audit trail in the procurement process:

1. Supplier register
2. Project proposal reflected in the printed estimates
3. Procurement plans/ work plans
4. Bills of Quantities/ specifications/requirements for each procurement
5. Quotation register/ file
6. Quotations/tenders/ bids received and analysed
7. Tender opening minutes
8. Price Comparison Schedules
9. Market Survey Reports
10. Tender Committee Agenda file (for every member)
11. Tender Committee - Minute file (for every member)
12. Immediate Communication file
13. Delivery notes/ Certificates of completion
14. Contract Agreement register
15. Stores records etc.

All accountable records shall be kept under lock and key while not in use. The documents shall be handled by authorised persons only.

The procuring entities are encouraged to maintain and keep their records where applicable by use of computer as a back up.

## **6.17 Declaration form for purchase of supplies/ works and services**

- Due to the rural set up, there may be cases where the suppliers/ contractors/ artisans or service providers are unable to furnish cash sale receipt(s) or invoice(s) for one reason or the other. The procuring entities may use the declaration form for purchase as shown in annex VII.
- Authorised persons should certify this form. A copy of this form may be used for payment purposes.

## **6.18 Partially completed works/services**

Given that the main objective of the Fund is to alleviate poverty at the grassroots and bearing in mind that some activities or works may require substantial amount of capital, the local artisans or service providers may be:

- Paid piece meal for the work done/goods supplied to enable them have the funds to proceed with the deliveries or uncompleted works/ services.

## **6.19 Handing over/ Taking over procedure**

Once the tenure of the committee member(s) comes to an end for whatever reasons, the outgoing committee member particularly those handling procurements records and other accountable documents and the in coming committee member(s) and who are to handle the said records must sign for the records being handed over/ taken over. All the records shall be documented including the closed documents / closed files, the ones in use and the leaf pads/ pages used and un-used.

## **6.20 General**

### **6.20.1 Consultative Forum**

The public procurement regulations established a forum for a dialogue between candidates and the procuring entities on all issues regarding the status of business between them with a view to improving their relationship. All stakeholders should take advantage of this forum for the benefit of all.



### **6.20.2 Role of the Appeals /Review Board**

- The Appeal/ Review Board is established as a forum for the stakeholders to air their complaints where tenders have not been awarded fairly.
- Tenderers/ bidders are therefore encouraged to forward complaints as directed by the Appeals/Review Board.

### **6.21 Transparency and Accountability**

- The procuring entity shall ensure that there are clear separation of responsibilities of different committees/ committee members/ officers pertaining to the procurement process i.e initiation, adjudication of contracts, commitment of funds, receipt and issue of goods, services or works.
- The procuring entity may only terminate a procurement process before entering into a contract if it is for the public good.
- The procuring entity shall take steps as are necessary to ensure that the goods, services or works procured conform to the technical specifications set out in the bidding documents.
- The procuring entities shall conduct asset inventories on a regular basis and shall maintain up to date records of all assets and property acquired using resources of the Fund.

## **CHAPTER SEVEN- MONITORING AND EVALUATION**

### **7.0 Introduction**

The CDF Act, 2003, envisages that the projects being implemented under the Fund will be subjected to M&E on a regular basis. Section 30(4) of the Act stipulates that the CDC shall be responsible for monitoring the implementation of the projects and may designate a sub-committee, a location committee or a project committee, the functions of monitoring on-going project. Section 6 of the Act clearly spells out the functions of the National Management Committee, which is prudent management of the Fund for successful implementation of the projects. Section 8 mandates this committee to approve all disbursements to constituency projects while section 32 requires departmental heads to oversee the progress of projects under their jurisdiction. This therefore calls for a system of tracking progress on a continuous basis.

Consequently, as the Act provides, there is need for Monitoring and Evaluation of projects on a continuous basis to oversee their successful implementation. The following is a checklist of some of the specific project aspects to be monitored:

#### **1. Institutional Framework**

- Existence of CDC as evidenced by the records of minutes of the meetings and other records;
- Functionality of the office evidenced by the physical space, bank transactions, tender records;
- Existence of project committees for specific projects;
- Existence of project tender committees (as evidenced by tender committee minutes)
- Authenticity of records maintained by NMC
- Evidence of the interface between CDC and evidence of expenditure on the 3% and 5% administrative and emergency funds respectively.

#### **2. Project Parameters**

- Physical examination of the projects:
  - Project proposals
  - Projects title
  - Project purpose
  - Brief description of the project

- Work Plans
- Start date
- Expected completion date
- Amount spent
- Project status
- Total Project cost
- Balance required to complete the project
- Co-financing
- Implementer/Contractor
- Likely impact on beneficiaries (Social Economic)

**NB:** The community need to appreciate that Monitoring and Evaluation are participatory processes that involve all project stakeholders in collecting, processing and communicating information to assist in decision-making. The purpose of this exercise is to ensure that the project objectives are being accomplished at every stage as the project goes through the cycle.

The exercise should be a continuous feedback system, on going throughout the life of a project or programme (taking along all stakeholders), and it should involve the overseeing or periodic review of each activity at every level of implementation to ensure that:

- Inputs are ready on time
- Work plans are followed as closely as possible
- Adjustments can be made, and corrective actions taken, where necessary
- People, who need to know, are kept informed
- Constraints and risks can be foreseen, and timely solutions found
- Resources are used efficiently and effectively
- Best practices are identified and followed.

### **7.1 General Monitoring and Evaluation Checklist**

- a. Does the project have objectives, which clearly state its purpose and desired outcomes?
- b. Is there a written project document?
- c. Is the expenditure progress of the project monitored, especially before making further expenditure commitments?
- d. Have you developed performance indicators and evaluation procedures to review projects and assess their final outcomes?
- e. Are all evaluations and their outcomes documented and used to assist with necessary project adjustments?

- f. Does the project have any negative consequences, which were not intended or anticipated in its design?
- g. What were the responses of the project beneficiaries to the inputs, services, or other forms of benefits and impact provided by the project?





**ANNEX II**

**Constituency Development Fund**

**NO. 10**

**THIRD SCHEDULE**

**(S. 15) STANDARD**

**PROJECTS DESCRIPTION FORM**

( To be completed in consultation with District departmental head)

Constituency----- District-----Province-----

Project Number-----Project Title-----

Relevant Government Department-----

Status of the project (tick one) New-----Extension-----On-going-----

Rehabilitation-----

Brief Statement on the progress at the time of submission

-----  
-----  
-----

Financial Year under reference 1<sup>ST</sup> July-----to 30<sup>th</sup> June -----

Original Cost Estimates, in kshs. -----dated-----

Amount allocated last financial year-----

Person completing form: Signature -----

Name -----

Position -----

Date -----

### **ANNEX III - Standard Procurement Documents**

Standard procurement documents, which have been established through a standardization process, are to be used for all or most procurement of items by all Public Procuring Entities.

Some of the standard documents are obtainable from the Government Printer, while others and/or all of them may be printed by individual organizations. Further advice may be sought from the Treasury (Ministry of Finance). The documents include the following: -

1. Request for Quotations Form
2. Procurement Requisition Form
3. Local Procurement Order
4. Local Service Order
5. Order Amendment Form
6. Tender Register
7. Register of Samples
8. Confidential Business Questionnaire
9. Application for Adjudication of Tender/Quotation
10. Board of Survey Form
11. Disposal Certificate
12. Destruction Certificate

#### **The following tender documents are maintained as separate documents**

13. Standard Tender Document for Procurement of Works (Building and other Associated Civil Engineering Works).
14. Standard Tender Document for Procurement of Works (Roads, Bridges, Water etc).
15. Standard Tender Document for Procurement of Works (Electrical and Mechanical)
16. Standard Tender Document for Procurement of Small Works.
17. Standard Tender Document for Procurement of Goods.
18. Standard Tender Document for Request for Proposals (Selection of Consultants)

**ANNEX IV  
FORMAT FOR AGENDA/ MINUTE WRITING FOR TENDER COMMITTEE**

**AGENDA/ MINUTE NO.**.....  
**ITEM DESCRIPTION**.....  
**ALLOCATION IN PRINTED ESTIMATES FOR THE ITEM/PROJECT**.....  
**AMOUNT SPENT (if any)**..... **BALANCE AS PER** ( insert date)  
**ESTIMATED COST**.....**ACTUAL COST**.....**SAVING/VARIANCE**.....  
**DATE QUOTATION SENT OUT/ TENDER ADVERTISED**.....  
**CLOSING/OPENING DATE** .....  
**NO. OF BIDDERS INVITED/BOUGHT DOCUMENTS**.....  
**NUMBER & NAME OF BIDDERS WHO RESPONDED**- returned documents  
**PRICE COMPARISON SCHEDULE**  
**COMMENTS BY THE SECRETARIAT**  
**MARKET SURVEY REPORT- SUMMARY**(Where applicable)  
**TECHNICAL EVALUATION REPORT- IN BRIEF** (Where applicable)  
**TENDER COMMITTEE COMMENTS/ REMARKS**  
**TENDER COMMITTEE DECISION/AWARD**

**ITEM DESCRIPTION** .....

**AWARDEE** M/S ..... **P.O.BOX**.....

**CONTRACT SUM** .....

**RETENSION SUM**..... (where applicable)

**DELIVERY PERIOD/ COMPLETION PERIOD**.....

**WARRANTY PERIOD** ( in case of machines, plant/ equipment where applicable)

**MAINTENANCE CHARGES/SERVICE CONTRACT/TRAINING ELEMENT** etc(Where applicable)

**REMARKS** ( brief comments for awarding the selected supplier/ contractor)

**IMMEDIATE COMMUNICATION** (if it is sought and granted depending on the urgency of the procurement)



**ANNEX V**

**CONFIDENTIAL BUSINESS QUESTIONNAIRE**

You are requested to give the particulars indicated in Part I and either Part 2 (a), 2 (b) or 2 (c) whichever applies to your type of business.

You are advised that it is a serious offence to give false information on this form

*Part I- General :*

Business Name .....

Location of business premises.....

Plot No. .... Street/Road.....

Postal Address..... Tel. No.....

Nature of business.....

Current Trade Licence No..... Expiring date.....

Maximum value of business which you can handle at any one time : K£.....

Name of your bankers..... Branch .....

<input type="checkbox"/>	<i>Part 2 (a) – Sole Proprietor</i>																									
	Your name in full.....Age.....																									
	Nationality..... Country of origin.....																									
	*Citizenship details.....																									
<input type="checkbox"/>	<i>Part 2 (b) Partnership</i>																									
	Given details of partners as follows:																									
	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 30%; text-align: center;"><i>Name</i></th> <th style="width: 20%; text-align: center;"><i>Nationality</i></th> <th style="width: 25%; text-align: center;"><i>Citizenship Details</i></th> <th style="width: 20%; text-align: center;"><i>Shares</i></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td style="text-align: center;">2.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td style="text-align: center;">3.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td style="text-align: center;">4.</td> <td>.....</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> </tbody> </table>		<i>Name</i>	<i>Nationality</i>	<i>Citizenship Details</i>	<i>Shares</i>	1.	.....	.....	.....	.....	2.	.....	.....	.....	.....	3.	.....	.....	.....	.....	4.	.....	.....	.....	.....
	<i>Name</i>	<i>Nationality</i>	<i>Citizenship Details</i>	<i>Shares</i>																						
1.	.....	.....	.....	.....																						
2.	.....	.....	.....	.....																						
3.	.....	.....	.....	.....																						
4.	.....	.....	.....	.....																						
<input type="checkbox"/>	<i>Part 2 (c) – Registered Company:</i>																									
	Private or Public.....																									
	State the nominal and issued capital of company-																									
	Nominal K£.....																									
	Issued K£.....																									
	Given details of all directors as follows:-																									
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1.	.....	.....	.....	.....																						
2.	.....	.....	.....	.....																						
3.	.....	.....	.....	.....																						
Date .....Signature of Candidate.....																										

\*if Kenya Citizen, indicate under "Citizenship Details" whether by Birth, Naturalization or Registration.

**ANNEX VI**

**FORMAT FOR STOCK REGISTER**

	Date of Receipt	Description of Items	Cash Sale Receipt No.	Invoice No.	Unit Price	Total Qty Received	Total Price	Name, ID & Sign. of Receiver	Declaration No. & Date	Qty Received as per 7	Date & Qty Issued	Balance	Name, ID & Sign. of person issuing	Name of CDF Committee member approving Review of entries
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

NB: 1-10 Receipt Side  
11-15 Issues Side

**ANNEX VII**

**FORMAT FOR DECLARATION FORM FOR PURCHASES OF SUPPLIES AND SERVICES**

Entry No. in Stock Register	Date of Receipt	Name, ID and Sign. Of person supplying or providing service	Item Description	Total Value	Name, ID and Signature of Person purchasing	Remarks

Constituency-----Project Name-----Financial Year-----

Date-----

Authorised by      (1) -----      Signature-----  
                              (2) -----      Signature-----

**ANNEX VIII**

**FORMAT FOR PROCUREMENT PLAN**

**Constituency** -----

**Project Name** -----

**Financial Year** -----

S/NO	Item Description	Unit of Issue	QTY	Estimated Cost	Procurement Method	Quo./ Tender Preparation Date	Quo./ Tender Submission Date	CDC/DPC Approval Date	Remarks (Minute Ref.)

---

**ANNEX IX**

**FORMAT FOR TENDER/ QUOTATION REGISTER**

No. Allocated to Quo/ tender	Item Description	Unit Of Issue	Total Quantity	Date Sent out or Advertised	Names of bidders invited	Closing Date	Names of Bidders Who Responded	Quo/Tender Opened by	Remarks

**ANNEX X  
CONSTITUENCY DEVELOPMENT COMMITTEE CONTRACT AGREEMENT (WORKS)**

**CONTRACT for**-----  
-----

**AN AGREEMENT** made the -----day of -----in the year-----

-----**BETWEEN**-----

(herein called the 'Contractor') on one part and -----Constituency Development Committee (CDC) or -----

Projects Committee (PC) (herein called the 'Employer') of the other part where it is mutually agreed that the Contractor will provide the services of:-----  
-----

1. The contractor will execute and complete the above motioned works shown upon the description referred in the Bill of Quantities.
2. The ----- CDC or PC will pay the contractor the sum of **Kshs.** -----  
(herein referred to as 'Contract Sum') or such other sum as shall become payable subject to:
3. The Contractor is liable to undertake the said works under any circumstances or conditions at the above cost, without breach.
4. Retention of 10% will be paid ----- months after completion of the contract and issue of final certificate acknowledging satisfactory workmanship/completion of works.

Name -----  
(Contractor)

Signature -----

Stamp-----



**Witnessed by**

Name -----

Signature-----

Stamp-----

**(Contractor Representative)**

**In the presence** of CDC OR PC officials of P.O. BOX -----

Name -----

Signature-----

Designation-----

Name -----

Signature-----

Designation-----

Name -----

Signature-----

Designation-----

**ANNEX XI  
CONSTITUENCY DEVELOPMENT COMMITTEE CONTRACT AGREEMENT (GOODS)**

**CONTRACT for**-----  
-----

**AN AGREEMENT** made the -----day of -----in the year-----

-----**BETWEEN**----- (herein called the 'Supplier') on one part and -----Constituency Development Committee (CDC) or -----

Projects Committee (PC) (herein called the 'Employer') of the other part where it is mutually agreed as follows;

1. The supplier hereby agrees to supply and deliver the items specified as per Quotation/Tender No. -----  
-----
2. In Consideration of the said supply and delivery the CDC or the PC hereby agrees to pay the sum of **Kshs.**-----  
----- (herein referred to as 'Contract Sum') to the supplier at the rates or prices respectively set out in the Quotation/Tender form and payments shall be under the following terms:-
3. The deliveries shall be made by the supplier upon orders signed by -----
4. This agreement is subjected to the General Conditions of the contract hereafter stated.
  - (a) The supplier shall not give, bargain, sell or otherwise dispose of the contract or any part without prior notice in writing to the Employer.
  - (b) The supplier warrants all items delivered to be free from defect of material or workmanship and this warrant shall survive any inspection, delivery, acceptance or payment by the Employer.

- (c) The items delivered shall be of quality, standard or specifications described in the tender or quotation, otherwise the Employer has the right to reject the inferior items.
- (d) Should the supplier fail to supply any of the items on the dates or within the period(s), the supplier shall be made liable to make good to the employer all loss and damage occasioned by such failure, including any reasonable price ( whether greater than the appropriate contract price or not ) paid by the Employer in purchasing the items on which defaults have been made, from a source other than the supplier.
- (e) The contract shall be terminated by either party through a notice of one month.
- (f) The contract shall be considered as contract made in Kenya and subject to the Laws of Kenya.

Name -----  
 (Supplier)

Signature -----

Stamp-----

**Witnessed by**

Name -----  
 (Suppliers Representative)

Signature -----

Stamp-----

**In the presence** of CDC OR PC officials

Name -----

Signature----- Designation-----

Name -----

Signature----- Designation-----

Name -----

Signature----- Designation-----

