

Hand 18.12.2010

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REPUBLIC OF KENYA

KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT-FOURTH SESSION

REPORT
 OF THE SELECT COMMITTEE ON EQUAL
 OPPORTUNITY

ON
 THE RECRUITMENT OF THE MANAGING DIRECTOR,
 KENYA BUREAU OF STANDARDS

December, 2010

1.0 PREFACE

Mr. Speaker Sir, on behalf of the Members of the Select Committee on Equal Opportunity, I would like to take this Opportunity to present to the House, the Committee's Report on the recruitment of the Managing Director, Kenya Bureau of Standards.

The membership of the Committee comprise of the Following:-

- (i) The Hon. Mohammed Affey, MP - **(Chairperson)**
- (ii) The Hon. Joseph Lekuton, MP - **(Vice-Chairperson)**
- (iii) The Hon. Maison Leshoomo, MP
- (iv) The Hon. Chesebe Fred Kapondi, MP
- (v) The Hon. Luka Kipkorir Kigen, MP
- (vi) The Hon Francis Chachu Ganya, MP
- (vii) The Hon. Millie Odhiambo- Mabona, MP
- (viii) The Hon. Raphael Letimalo, MP
- (ix) The Hon. Eng. Ephraim Maina, MP

The Mandate of this Select Committee as established under Standing Order No. 192 are:-

- (i) Monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of

all persons including groups who are marginalized persons on the basis of gender, age, disability, health status ethnic, racial, cultural or religious background or affiliation or any other such ground;

- (ii) Investigate, inquire into and report on all matters relating to discrimination or marginalization of the groups referred to under sub-paragraph (a);
- (iii) make proposals to the House including legislative proposals for the protection, equalization of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (a) and;
- (iv) examine the activities and administration of all Ministries, departments and statutory bodies in so far as they relate to the rights and welfare of the groups referred to under paragraph (a);

Mr. Speaker Sir,

The Kenya Bureau of Standards (KEBS) was established in July 1974 and falls within the Ministry of Industrialization. The Committee on Equal Opportunity, in line with its mandate which cuts across all the Ministries took up this matter arising from an impasse in the selection process for the Managing Director of the Kenya Bureau of Standards (KEBS) with a view that all Kenyans had not been given an equal opportunity.

The Committee held meetings with the following in getting facts on the matter:-

1. The Minister for Industrialization
2. The Permanent Secretary, Ministry of Industrialization
3. The National Standards Council
4. The Chief Executive, KPMG
5. The National Cohesion and Integration Commission

Mr. Speaker Sir, on behalf of the Select Committee on Equal Opportunity, I have the honour and pleasure to present the Committee's Report and recommendation on the appointment of the Managing Director, Kenya Bureau of Standards for consideration and adoption by the House.

Thank you.

Signed..........

Hon. Mohammed Affey, M.P.

Chairman,
Select Committee on Equal Opportunity.

Date.....15/12/2010.....

2.0. INTRODUCTION

The Kenya Bureau of Standards was established in July 1974 through an Act of Parliament.

2.1. Chapter 496 of the Standards Act is an Act of Parliament to promote the standardization of the specification of commodities and to provide for the standardization of commodities and codes of practice; to established Kenya Bureau of Standards, to define its functions and provide for its management and control; and for matters incidental to, and connected with, the foregoing...

2.2. Section 6(1) establishes the National Standard Council.

Part (2) of that section states that the Council shall subject to the provisions of subsection

(3) consist of the following members;

(a) A chairman appointed by the Minister;

(b) A secretary who shall be the Director of the Bureau;

(c) Not more than seven persons appointed by the Minister who shall be public officers;

(d) Not more than eight persons appointed by the Minister who shall possess knowledge of industrial or commercial standards or other matters likely to be of assistance to the Bureau.

2.3. Section 7 (i) provides that the Council shall have power - (b) to advise and obtain advice from the Minister in regard to any matter within his purview under this Act;

(c) To formulate matters of policy for the purpose of providing general or specific guidance to the Institute for the better performance of its functions under this Act;

(d) To do all things necessary for the better carrying out of the provisions and purposes of this Act except whether otherwise provided.

3.0. RECRUITMENT PROCESS

3.1. The position of Managing Director, Kenya Bureau of Standards fell vacant when the Managing Director was removed from the office due to inappropriate conduct. In accordance with the mandate conferred to the National Standards Council, on 21st December, 2009, the council initiated a recruitment process, and hence agreed to engage an external human resource firm to help in the exercise. Through a competitive process KPMG was awarded the contract at a cost of **Kshs.1, 500,000/=** with a down payment of 40%.

3.2. KPMG was mandated to carry out the short listing of 14

Candidates and later provide the council with 6 names. Instead the KPMG submitted 4 names and 2 for comparative purposes which were questioned by the Board. This raised some disagreements prompting the Board to demand for the full list and details of all the applicants, which KPMG declined to give. This led to a stalemate resulting to the non-payment of the 60%.

3.3. In the submissions to the Committee, the Chief Executive, KPMG informed the members of an attempt by the Minister to interfere with the process by sending emissaries to his staff, however the two affidavits submitted to support the claim contradict one another.

3.4. In consultation with the Ministry the Council embarked on a fresh recruitment process which was to be done by the Board itself. Rules and guidelines of the process were agreed upon by the members with the interview having 70% oral and 30% written interview. It was also agreed that the written examination was to be marked by an external

examiner. The council formed an adhoc committee to shortlist and code all the candidates.

- 3.5. The council advertised the position in the Nation and Standard newspapers at a cost of **Kshs.1,794,659.00/=**
- 3.6. The council shortlisted 15 candidates including 3 from the Kenya Bureau of Standards. 11 candidates turned up for the interview held between the 14th and 15th September 2010. The marks were then tallied from number 1 to 11 awaiting the scores from the written interview. The council agreed that the first 5 candidates were material for the job.
- 3.7. Disagreements in the council developed when the written scores came in with some members wanting only the top 5 candidates to be subjected to the external examiners marks while others wanted the whole list of the 11 candidates. At this stage there was no agreement on what criterion to be used to get the three names to be forwarded to the Minister for selection.
- 3.8. The Minister received an unsigned report from an adhoc committee giving names and scores of the first five candidates with the following scores as follows:-

1. Abdi Kadir Omar Aden	70%
2. Eva Adega Oduor	66%
3. John Mtuta Mruttu	64%
4. Joseph K. Kosgey	62%
5. Eng. Michael Ochieng Owino	53%

After consideration, the Minister felt that the board had not reached a final vetting conclusion and then selected candidate number four (Joseph K. Kosgey) as the new MD for Kenya Bureau of Standards.