

THE NATIONAL ASSEMBLY

DATE: 04 OCT 2022

DAY: Wednesday



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9th June, 2022

Handwritten date: 9/6/22

09 JUN 2022

Mr. Michael Sialai, EBS.
Clerk of the National Assembly
Clerk's Chambers
Parliament Building
P.O. Box 41842-00100
NAIROBI.

Dear *Sialai,*

SUBMISSION OF THE SUPPLIES PRACTITIONERS' MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2022 FOR LAYING BEFORE PARLIAMENT.

Following the publication of the referenced Regulations in the Kenya Gazette vide Legal Notice No. 94 dated the 8th June, 2022, I hereby transmit a copy of the Supplies Practitioners Management (Council Election) Regulations, 2022 to you, for laying before the National Assembly in accordance with section 11 of the Statutory Instruments Act, 2013.

Enclosed, kindly find the published Regulations together with other accompanying documents evidencing compliance with the Statutory Instruments Act, 2013 in the making of the statutory instrument.

Yours

Handwritten signature: S. N. Wanjau

Hon (Amb.) Ukur Yatani, EGH
CABINET SECRETARY/NATIONAL TREASURY & PLANNING

Handwritten note: (2) Head, take this To register and take appropriate receipts 9/6/22



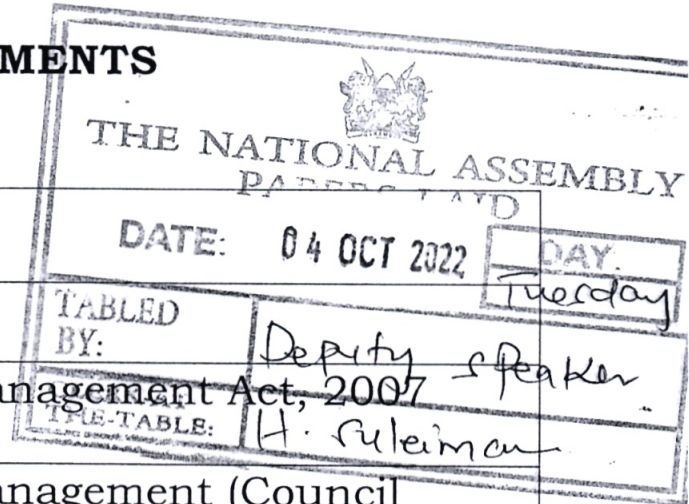
KENYA INSTITUTE OF SUPPLIES MANAGEMENT

“Promoting Professionalism in Supply Chain Management”

KISM Tower, 12th Flr | Ngong Road | P.O. Box 30400-00100 NBI, Kenya

Mobile: 0721-244828; 0717-004842; 0733-333226 | Email: admin@kism.or.ke | Website www.kism.or.ke

LIST OF DOCUMENTS



NO.	DOCUMENT
1	Executive Summary
2	The Supplies Practitioners Management Act, 2007
3	The Supplies Practitioners Management (Council Election) Regulations, 2022
4	Explanatory Memorandum
5	Stakeholder Engagement Master Matrix
6	Notices
7	Written Submissions
8	In person Public Participation Engagements
9	Virtual Public Participation Engagements
10	Correspondence



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Our Ref: KISM.NA/2022/497b

30th March 2022

The Clerk,
National Assembly,
Parliament Buildings,
P.O.Box 41842-00100,
Nairobi, Kenya

Dear *Sir,*

EXECUTIVE SUMMARY ON THE SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2022

The Kenya Institute of Supplies Management (KISM) is the national body for professionals in the practice of procurement and supply chain management in Kenya established under the Supplies Practitioners Management Act No. 17 of 2007. The mandate of KISM is to make provision for the training, registration, and licensing of supplies practitioners; to regulate their practice and for connected purposes. The Institute serves as the National regulatory body for Procurement and Supply Chain Professionals in the private and public sectors in Kenya.

The Institute, with the support of the National Treasury, the Office of the Attorney General, the Kenya Law Reform Commission, the Public Procurement Regulatory Authority, amongst other partners, has developed the Supplies Practitioners Management (Council Election) Regulations, 2022 (copy attached).

The Supplies Practitioners Management (Council Election) Regulations, 2022 aims at providing for the procedure for election of the Chairperson and members through electronic and internet voting; this will mitigate against the current inconvenient process that entails members having to travel from across the country all the way to Nairobi to participate in the current centralized elections process. The regulations further provide for mechanisms of resolving disputes arising out of an election.

Background:

The Kenya Institute of Supplies Management was established in 2007, through the Supplies Practitioners Act, 2007. At its inception, the Institute was governed by an Interim Council which was mandated to convene the first Annual General Meeting of the members, within twelve months of the commencement Act, where members of the

Council were to be elected. However, the Interim Council failed to convene the Annual General Meeting or conduct elections of the Chairman and the six members of the Council, necessitating the institution of a suit by a member of the Institute vide Republic v Kenya Institute of Supplies Management Ex- parte Mwaniki Gachuba [2019] eKLR (Judicial Review Miscellaneous Application 115 of 2018) seeking orders to compel the Interim Council to conduct the elections. The Court on 12th July 2019, issued an order compelling the Interim Council to conduct the election of the Chairperson and six council members.

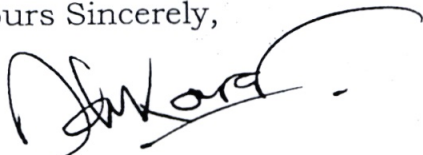
Based on the foregoing, the current Council therefore came into office following the very 1st Institute elections held on January 10th 2020, thus becoming the first substantively elected Council since KISM was formed in 2007.

This inaugural electoral process was extremely cumbersome because it necessitated the need for the Institute's members travel from across the country to Nairobi for the AGM-cum-Elections process. This was an onerous and costly process for both the members and Institute leading to a low member turnout of below 25% because of the logistical challenges. This was notwithstanding the fact that there was a lot excitement by members who wanted to participate in the 1st ever Council Elections.

Therefore, guided by the Constitution, the reigning government Policies and best comparative practices as obtained from other Professional bodies, and in consultations with key stakeholders, the Institute initiated the process of reviewing the old regulations to facilitate member participation in election process. The newly elected Council, having been elected on a reform agenda, was keen to ensure to work on the modalities that will make it easy for members to exercise their democratic rights by making the election process accessible to all members.

We therefore request this honorable Committee to support the Institute in approving these regulations to make it possible for as many of our members as possible to play a role in determining the future of their Institution

Yours Sincerely,



John Karani, MCIPS, MKISM

KISM Chairman.

Cc: Hon. (Amb) Ukur K. Yatani,
Cabinet Secretary,
National Treasury and Planning,

- (a) the names of a deceased person;
- (b) the name of a person convicted of an offence under the Act;
- (c) the name of a person whose name the Council has under section 23 directed to be struck off the register; or
- (d) an entry which has been incorrectly or fraudulently made in the register.

(3) The Institute may with the consent of the person concerned, remove from the register the name of a person who has ceased to be a supplies practitioner.

Licensing.

20. (1) After the expiry of twelve months from the commencement of this Act, no person shall engage in the business of a supplies practitioner unless he has been duly issued with a registration certificate and a practising license by the Institute in accordance with this Act.

(2) Where the holder of a registration certificate intends to practice as a firm whether as a sole practitioner or in partnership or as a body corporate, he shall apply to the Registration Committee for a supplies practitioner's license in the prescribed form.

(3) Where an application is made by any person in accordance with subsection (2) above, the Registration Committee shall issue him with a license if it is satisfied that—

- (a) he holds a valid Registration certificate
- (b) he meets other requirements as may be prescribed by the Council.

(4) A supplies practitioner's license shall be in the prescribed form and shall be issued upon the payment of the prescribed fee.

(5) A supplies practitioner's license may be issued subject to such terms and conditions as the Institute may prescribe.

(6) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings, or imprisonment for a period not exceeding three years, or to both such fine and imprisonment.

21. (1) A license granted under this Act shall be valid for one year.

Validity of license.

(2) On expiry, a license may be renewed for such further period, not exceeding one year.

(3) Where a license expires and is not renewed, the name of the holder of the license shall be removed from the appropriate record.

PART IV—DISCIPLINE

22. (1) There is hereby established a committee of the Council, to be known as the Disciplinary Committee, shall consist of eight members, of whom—

Disciplinary Committee.

- (a) the Chairperson shall be appointed by the Council from amongst members of the Council;
- (b) three persons shall be nominated by the Council from among members of the Institute;
- (c) one member shall be nominated by the Director-General of Public Procurement Oversight Authority;
- (d) one member shall be nominated by the Attorney-General;
- (e) one Advocate shall be nominated by the Law Society of Kenya;
- (f) one engineer nominated by the Institute of Engineers of Kenya;
- (g) one accountant nominated by the Institute of

Certified Public Accountants of Kenya.

(2) The Chief Executive officer of the Institute shall be the secretary of the Disciplinary Committee and shall not have voting power.

(3) Subject to this Act the Disciplinary Committee shall regulate its own procedures.

(4) The Disciplinary Committee shall receive and investigate complaints against supplies practitioners in accordance with the rules and regulations under this Act.

Disciplinary powers of the committee.

23. (1) The Disciplinary Committee may order the removal from the register, suspension of registration or revocation of the practising license of a supplies practitioner or the imposition of fine on a supplies practitioner as may be prescribed by the Council if that practitioner—

- (a) has been convicted of an offence punishable with imprisonment, the commission of which in the estimation of the Institute dishonors or scandalizes the calling of a supplies practitioner; or
- (b) has been convicted of an offence under Public Procurement Disposal Act, 2005, the Anti-Corruption and Economic Crimes Act, 2003 or any other existing law;
- (c) has been guilty of gross negligence or malpractice in respect of his calling; or
- (d) has been guilty of other impropriety or professional misconduct; and for the purposes of this Act a member shall be guilty of professional misconduct if the member—
 - (i) willfully fails to follow professional procurement and supplies management standards and ethical guidelines;
 - (ii) misappropriates funds or any property entrusted to the member;
 - (iii) knowingly procures goods, works or

No. 3 of 2005.
No. 3 of 2003.

conviction concerned; or

(b) the circumstances of the offence,

determines that it would be unreasonable to so treat him.

(6) A person shall not be treated as disqualified under subsection (4) (c) if the Registration Committee is satisfied and the bankruptcy of the person concerned arose as a result of unavoidable losses or misfortunes.

(7) A person shall not be treated as being disqualified under subsection (4) (a), (b) and (e) if the High Court allows an appeal.

(8) A person who secures registration or a license knowing that he is not eligible to hold one shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings.

(9) A supplies practitioner shall be deregistered and forfeit his license upon the happening of any event specified or contemplated by subsection (4) (a), (b) or (c).

(10) A member of the Institute shall be required to undergo such continuous professional development programmes as may be prescribed by the Council.

17. A person eligible to be registered as a supplies practitioner shall apply in the prescribed form to the committee for registration, and the application shall be accompanied by the prescribed fee.

Registration of supplies practitioners.

18. The Institute shall issue to every person registered under this Act, a certificate in the prescribed form.

Certificate of registration.

19. (1) The Institute may on the recommendation of the Registrar, make necessary alterations and corrections in the register in relation to any entry therein.

Correction of register.

(2) The Institute on the recommendation of the Registrar, remove from the register—

(3) Notwithstanding subsections (1) and (2), the Registration Committee may require a person making application for registration to satisfy the Registration Committee (in such manner as it directs) that his knowledge of local law relating to supplies practice is, and that his professional conduct and general character have been such as, in the opinion of the Registration Committee, makes him a fit and proper person to be registered.

(4) Subject to this subsection, a person is disqualified from being registered and licensed if he or she—

- (a) is convicted by a court of competent jurisdiction in Kenya or elsewhere of an offence involving fraud, dishonesty or moral turpitude;
- (b) has at any time been convicted of an offence under the Anti-Corruption and Economic Crimes Act, 2003;
- (c) is an un-discharged bankrupt;
- (d) has not attained the age of eighteen years;
- (e) has at any time been convicted of an offence under this Act or the Public Procurement and Disposal Act, 2005;
- (f) if in the opinion of a certified medical doctor, the person is incapable of performing his duties by reason of mental or physical infirmity.

(5) A person shall not be treated as disqualified under subsection (4) (a), (b) and (e) if the Registration Committee, having regard to—

- (a) the period which has elapsed since the

No. 3 of 2003.

No. 3 of 2005.

services at inflated prices;

- (iv) deliberately fails to keep proper records of all transactions undertaken in the course of duties;
- (v) discloses information acquired in the course of duty of any other person without the consent of the employer or client or other than required by law;
- (vi) is involved in any corrupt practice;
- (vii) engages in activities which are contrary to those for which registration and or licensing as a supplies practitioner was obtained under this Act;
- (viii) is found guilty of fraud or any dishonest act;
- (ix) allows any person to practise in the name of the member as a supplies practitioner unless such a person is the holder of a registration certificate and license;
- (x) enters for the purpose of or in the course of practising as a supplies practitioner, into partnership with a person who does not hold a license or secures any professional business through the service of such a person or by means not open to a supplies practitioner;
- (xi) pays or allows or agrees to pay directly or indirectly, to any person (other than a partner, a retired partner or the legal representative of a deceased partner) any share, commission or brokerage out of the fees for, or profits of, such member's professional services;
- (xii) being concerned therein, in a professional capacity, expresses an opinion on a matter without obtaining sufficient information on which to base the opinion;
- (xiii) fails to keep the funds of a client in a separate banking account or to use any such funds for purposes for which they are intended; or

(xiv) does or fails to do any other act which may be prescribed.

(2) The suspension of registration, removal from the register and other penalties or disqualifications imposed under this section shall subsist for a period not exceeding two years:

Provided that the Council may in exceptional circumstances extend the suspension period for a longer term:

Provided also that in the case of the circumstances contemplated by section 16 (5) (a) and (b) of this Act, the removal from registration, suspension, revocation of license or other penalty or disqualification shall subsist for the longest period of disqualification from holding public office imposed on offenders convicted of an offence under the Anti-Corruption and Economic Crimes Act, 2003.

No. 3 of 2003.

(3) A person whose conduct is the subject of inquiry or disciplinary proceedings shall be afforded a fair opportunity of being heard either in person or by an advocate.

(4) In the discharge of its functions under this Act, the Disciplinary Committee may administer oaths and, subject to any regulations made under this Act, enforce the attendance of persons as witnesses or production of books and documents.

(5) The Disciplinary Committee shall discharge its functions in accordance with principles of fairness without undue regard to technicalities and rules of evidence

(6) Any person whose name has been removed from a register or whose license has been revoked or suspended shall forthwith surrender to the Institute his certificates of registration or license and, any person who fails to do so shall be guilty of an offence.

(7) Any person aggrieved by the decision of the Disciplinary Committee may appeal against that decision to the High Court whose decision shall be final.

(8) The Chief Justice may make rules governing appeals under this section and providing for the fees to be paid, the scale of costs of any appeal and the procedure to be followed therein

- (c) monitor compliance with professional, quality assurance and other standards published by the Council for observance by the members of the Institute;
- (d) prescribe regulations to govern quality assurance programmes including actions necessary to rectify deviations from published standards;
- (e) where appropriate and based on the results of a quality assurance investigation recommend to the Council that a member's conduct be referred for inquiry under section 23;
- (f) advise the Council on matters pertaining to professional and other standards necessary for the achievement of quality assurance;
- (g) perform any other functions connected therewith or incidental thereto.

16. (1) A person shall be entitled to registration if he satisfies the Council that he is of good conduct and has paid the registration fee and that—

Persons entitled to be registered.

- (a) he has successfully undergone a prescribed certificate, diploma, degree or research course of instruction and has passed the appropriate examination conducted or prescribed by the Institute; or
- (b) has undergone a certificate, diploma, degree or research course of training and passed an examination elsewhere than in Kenya, which the Institute recognizes as equivalent to the training and instruction required in the case of persons trained in Kenya and as equivalent to the qualification by examination required under the Act.

(2) A person engaged in supplies practice immediately before the enactment of this Act shall be eligible to be registered if he is, in the opinion of the Council, of good conduct, has met such professional qualifications as shall be prescribed by the Council and has paid the prescribed registration fee.

- (k) perform such other functions as may be necessary for proper administration of this Act.

Secretary.

14. (1) There shall be a secretary who shall be an officer of the Examinations Board.

(2) The secretary shall be responsible for the day to day affairs of the Examination Board and shall exercise and perform any such functions as the Board may from time to time determine.

Registration committee.

15. (1) There is hereby established the Registration Committee, which shall be a committee of the Council.

(2) The registration committee shall consist of—

- (a) a Chairperson appointed by the Council;
- (b) two persons who shall be qualified supplies practitioners, appointed by the Council;
- (c) one person nominated by the Federation of Kenya Employers;
- (d) the Attorney-General or his representative nominated by him in writing;
- (e) one person nominated by the Kenya National Examination Council;
- (f) one person nominated by the Director-General of the Public Procurement Oversight Authority;
- (g) the Registrar, appointed by the Minister on the recommendation of the Council.

(3) The functions of the Registration Committee shall be to—

- (a) receive applications for registration;
- (b) approve applications for registration and grant of practising certificates and licenses in accordance with the provision of this Act;

PART V—FINANCIAL PROVISIONS

24. The funds of the Institute shall comprise—

- (a) such moneys as may accrue to or vest in the Institute in the course of the exercise of its powers or performance of its functions under this Act;
- (b) all moneys from any other source provided for, donated or lent to the Institute;
- (c) such proportion of the fees charged by the Examinations Board under section 13 (h) of this Act; and
- (d) such funds as may accrue to the Institute from the Public Procurement Oversight Authority under and in furtherance of sections 9 (c) (iii) and 18 (5) (d) of the Public Procurement and Disposal Act, 2005.

25. The Institute may invest any of its surplus funds in such a manner and in such institution as the Council may determine.

26. The financial year of the Institute shall be the period of twelve months ending on the thirty-first of December in each year.

27. Before the commencement of each financial year, the Institute shall cause to be prepared estimates of revenue and expenditure of the Institute for that financial year concerned and in particular, shall provide for—

- (a) the payment of salaries, allowances and other charges in respect of the staff of the Institute;
- (b) the payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Institute;
- (c) the acquisition, maintenance, repair and replacement of the equipment and other moveable property of the Institute.

Funds of the Institute.

No. 3 of 2005.

Investment of funds.

Financial year.

Annual estimates.

Accounts and audit.

28. (1) The annual estimates shall be approved by the Institute before the commencement of the financial year to which they relate:

Provided that once approved, the sum provided in the estimates shall not be increased without the prior consent of the Institute.

(2) The Institute shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Institute,

(3) Within a period of four months from the end of the financial year, the Institute shall submit to the members of the Institute at an annual general meeting or special general meeting convened for that purpose the audited accounts of the Institute together with—

- (a) a statement of the income and expenditure of the Institute on the last day of that year; and
- (b) a statement of the assets and liabilities of the Institute on the last day of that year.

(4) The accounts of the Institute shall be audited by an auditor duly appointed at the Institute's annual general meeting.

PART VI—MISCELLANEOUS PROVISIONS

Offences by
Persons not eligible
to be registered or
licensed.

29. (1) Any person who not being eligible to be registered or licensed under this Act uses any title appropriate to a person so registered or licensed or holds himself out directly or indirectly as being so registered or licensed, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

(2) Any person who, not being eligible to be registered or licensed under this Act, practises for gain as a supplies practitioner, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

(f) one person nominated by the Kenya Private Sector Alliance.

(3) In nominating the persons under subsection (2) (b), the Board shall have regard to gender balance.

13. The Examinations Board shall generally have regard to the conduct of examinations for professional supplies certification and in particular to—

- (a) prescribe and regulate syllabuses of instruction for professional supplies certification for persons seeking registration under the Act;
- (b) prepare and conduct examinations for persons seeking registration under the Act;
- (c) prepare regulations to be made by the Institute regarding the standard of proficiency to be gained in each examination for a diploma, degree or other award; and
- (d) make rules with respect to such examinations;
- (e) prescribe the fees and other charges payable with respect to such examinations;
- (f) issue professional qualifying certificates and other awards to candidates who have satisfied the examination requirements;
- (g) investigate and determine cases involving indiscipline by students registered with the Examination Board;
- (h) remit a proportion of not less than thirty per cent of the fees collected under paragraph (e) to the Institute to support professional development;
- (i) liaise with the Ministry of Education in accreditation of institutions offering the examination of the Board for the purpose of carrying out examinations;
- (j) promote recognition of its examination in foreign countries;

Functions of the
examinations
committee.

directions of the Council, be responsible for the management of the affairs of the Institute and shall be the Secretary to the Council.

Staff of the Institute.

10. The Institute shall appoint such officers and other staff as are necessary for the proper discharge of its functions under this Act, upon such terms and conditions as the Council may determine.

Protection from personal liability.

11. No matter or thing done by a member of the Council or by any officer, employee or agent of the Institute shall, if the matter or thing is done bona fide for executing the functions, powers or duties of the Institute, render the member, officer, employee or agent personally liable to any action, claim or demand whatsoever.

PART III—EXAMINATION, REGISTRATION AND LICENSING

Examination committee.

12. (1) There is hereby established a Board to be known as the Kenya Institute of Supplies Examination Board, which shall be a body corporate.

(2) The Board shall consist of—

- (a) five persons who shall be qualified supplies practitioners, nominated by the Council, one of whom shall be appointed by the Council as Chairperson of the Board;
- (b) two persons nominated by the Minister responsible for education, one of whom shall be from the Kenya Institute of Education and the other from the Kenya National Examination Council;
- (c) one person nominated by the Commission for Higher Education;
- (d) one person nominated by the Director General of the Public Procurement Oversight Authority;
- (e) one person nominated by the local universities; and

30. Any person who, though eligible to be registered or licensed under this Act, is not so registered or licensed and practises as a supplies practitioner commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

Offences by person eligible to be registered or licensed.

31. (1) Any person, being the owner, manager, trainer or otherwise directly involved in the establishment or management of training institution which is not approved by the Minister for the time being responsible for education as an institution for the training of persons seeking registration under this Act, who—

Offences by persons conducting training courses or examinations without authority.

- (a) admits to the institution under his charge any person for the purpose of training in supplies;
- (b) purports to be conducting courses of training or examination under this Act or regulations made there under;
- (c) issues any document, statement, certificate or seal implying that the holder thereof has undergone a course of instruction or has passed an examination prescribed by the Institute; and
- (d) issues any document, statement or seal implying that the institution under his charge is approved by the Institute as an institution for training of persons seeking registration under this Act,

commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.

Employment of
unregistered
staff.

32. (1) Any employer who employs an unregistered or unlicensed person as a supplies practitioner shall be guilty of an offence and is liable upon conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.

(2) Where the employer provided in subsection (1) is a body corporate, the Chief Executive Officer of that corporation shall be guilty of an offence and shall be liable to the penalties provided in subsection (1).

Falsification of
registers or
records.

33. Any person who willfully makes or causes to be made any false entry in, or falsification of, any register or record kept under this Act, or who procures or attempts to procure himself or any other person to be registered or licensed under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both

Validity of
proceedings.

34. The Council, the Registration Committee, the Disciplinary Committee and the Examinations Board may exercise and perform their functions notwithstanding any vacancy among the members and the validity of any proceedings of the Council or the Registration Committee, or the Disciplinary Committee or the Examinations Board shall not be affected by any such vacancy or any defect in the appointment of a member.

Gender balance.

35. In nominating any of the persons under this Act the nominating bodies shall have regard to gender balance.

standards of the supplies practitioners profession and safeguard the interest of all supplies practitioners;

- (b) make provision for the training and instruction of persons seeking registration under this Act,
- (c) recommend to the Minister for the time being responsible for education institutions to be approved for training of persons seeking registration under this Act;
- (d) advise the Examinations Board on matters relating to examination standards and policies;
- (e) have regard to the conduct of persons registered and licensed under this Act, and take such disciplinary measures as may be necessary to maintain a proper standard of conduct among such persons;
- (f) perform such other functions as may be necessary for the proper administration of this Act.

6. The conduct and regulation of the business and affairs of the Council shall be as provided in the First Schedule to this Act.

7. Subject to this Act, the Institute may either generally or in any particular case, delegate to any committee of the Council or to any member, officer, employee or agent of the Institute, the exercise of any of the powers of the Institute under this Act.

8. The Institute shall pay to its Council members such remuneration, or allowances for expenses as may be determined at the annual general meeting.

9. (1) There shall be a Chief Executive Officer of the Institute who shall be competitively appointed by the Council and whose terms and conditions of service shall be determined by the Council in the instrument of appointment.

(2) The Chief Executive Officer shall, subject to the

Conduct of
business and affairs
of the Council.

Delegation of the
powers of the
Institute.

Remuneration of
Council members.

The Chief
Executive Officer.

PART II—ADMINISTRATIVE PROVISIONS

Establishment
of the Institute.

3. (1) There is hereby established an Institute to be known as the Kenya Institute of Supplies Management.

(2) The Institute shall be a body corporate with perpetual succession and a common seal and shall be capable in its corporate name of—

- (a) suing and being sued;
- (b) purchasing, acquiring, holding or disposing of property;
- (c) doing or performing all such other acts necessary for the proper performance of its functions under the Act.

Composition of
Council.

4. (1) The Institute shall be managed by a council consisting of—

- (a) a chairman who shall be a qualified supplies practitioner with at least five years experience in supplies, elected by the members of the Institute in the manner prescribed in the regulations;
- (b) six other members elected by the supplies practitioners in the manner to be prescribed in the regulations;
- (c) the Director-General of the Public Procurement Oversight Authority.

(2) The chairman and every member appointed under subsection (1) shall hold office for a term of three years and shall be eligible for re-election for one further term of three years.

(3) All appointments under this section shall be notified in the Kenya Gazette.

Functions of the
Institute.

5. The Institute shall—

- (a) establish, monitor, improve and publish the

Regulations.

36 The Minister may, in consultation with the Council, make regulations generally for the better carrying out of the provisions of this Act and to provide for the following—

- (a) the form and method of keeping the registers and records under this Act;
- (b) the conditions of admission to the registers and of the issue of licenses;
- (c) the manner in which the training of the persons for whom provision is made in this Act is regulated;
- (d) the subject matter of training courses and examinations to be conducted by the Institute;
- (e) the conditions of admission for entry to training courses and examinations to be conducted by the Institute;
- (f) the standards and conditions of professional practice of persons registered or licensed under this Act;
- (g) the fees payable in respect of examinations registration, issue of licenses, and in respect of other matters under this Act;
- (h) the summoning of meetings of and the direction of the proceedings of the Council;
- (i) any other functions as may be necessary for the proper administration of the Act.

37. Any person who—

- (a) gains access to examinations material and knowingly reveals the contents, whether orally, in writing or through any other form, to an unauthorized party, whether a candidate or not;
- (b) willfully and maliciously damages examinations materials;
- (c) is not registered to take a particular Board's examination but with intent to impersonate, presents or attempts to present himself to take the part of an enrolled candidate;

Examination
offences.

- (d) presents a forged certificate to a prospective employer, or to an institution of learning with intent to gain employment or admission; or
- (e) introduces unauthorized material in the examinations room whether in writing or in any other form; whether a candidate or not.

shall be guilty of an offence and liable to imprisonment or a term not exceeding three years or to a fine not exceeding one hundred thousand Kenya shillings or to both such imprisonment and fine.

FIRST SCHEDULE

(s. 6)

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL

Committees and co-opted advisors.

1. (1) The Council shall establish such committees as it may deem appropriate to perform such functions and responsibilities as it shall determine, but all findings of such committees shall be presented to the Council for its consideration and determination.

(2) The Council may at its discretion, at any time and for any length of time, invite any person to attend any of its deliberations but such person shall not be entitled to vote on any matter at any meeting of the Council.

Meeting of Council.

2. (1) The Council shall meet at least four times in every financial year.

(2) The chairman shall preside at every meeting of the Council, at which he is present, but in his absence, the members shall elect one of their numbers who shall, with respect to that meeting and the business transacted thereat, have all the powers of a chairman.

(3) Unless a unanimous decision is reached, a decision on any matter before the Council shall be by a majority of votes of the members present and in the case of an equality of votes, the chairman shall have a casting vote.

(4) The quorum for the conduct of the business of the Council shall be five members.

An Act of Parliament to make provision for the training, registration and licensing of supplies practitioners; to regulate their practice and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY PROVISIONS

1. This Act may be cited as the Supplies Practitioners Management Act, 2007.

Citation.

2. In this Act unless the context otherwise requires—

Interpretation.

“approved training institution” means such institution within or outside Kenya as may be approved by the Institute by notice;

“Council” means the Council constituted under section 3 of this Act;

“Disciplinary Committee” means the disciplinary committee established under section 22 of the Act;

“Institute” means the Kenya Institute of Supplies Management established under section 4 of this Act;

“Minister” means the Minister for the time being responsible for matters relating to finance;

“member of the Institute” means a member of the Institute registered under section 16 of the Act;

“supplies practitioner” means a person or procuring agent engaged in public or private sector procurement, purchasing, stores management, logistics, supply chain or related activities who is for the time being registered and/or licensed under section 16 of this Act as a supplies practitioner which reference shall include “procurement professional” provided in section 26 (7), (8), (9) and (10) of the Public Procurement and Disposal Act, 2005.

No. 3 of 2005.

PART IV—DISCIPLINE

- 22—Disciplinary committee.
23—Disciplinary powers of the committee.

PART V—FINANCIAL PROVISIONS

- 24—Funds of the Institute.
25—Investment of funds.
26—Financial year.
27—Annual estimates.
28—Accounts and audit.

PART VI—MISCELLANEOUS PROVISIONS

- 29—Offences by Persons not eligible to be registered or licensed.
30—Offences by persons eligible to be registered or licensed.
31—Offences by persons conducting training courses or examinations without authority.
32—Employment of unregistered staff.
33—Falsification of registers or records.
34—Validity of proceedings.
35—Gender balance.
36—Regulations.
37—Examination offences.

FIRST SCHEDULE—PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL**SECOND SCHEDULE—TRANSITIONAL PROVISIONS**

3. (1) A member of the Council other than an ex-officio member shall vacate office on any of the following grounds—

- (a) upon the expiry of his appointment;
- (b) upon his death;
- (c) if he is adjudged bankrupt;
- (d) if he is sentenced for any offence against any written law to a term of imprisonment of six months or more;
- (e) if he is convicted of an offence involving fraud, dishonesty or moral turpitude;
- (f) if he is absent, without permission of the Council from three successive meetings of the Council of which he has received notice;
- (g) upon notice in writing of his intention to resign his office;
- (h) if in the opinion of the Council, he becomes by reason of mental or physical infirmity incapable of performing his duties as a member of the Council; or
- (i) upon the commission of an offence under this Act.

4. If a member of the Council has any interest direct or indirect in any application or other matter which is the subject of consideration at a meeting of the Council, the member shall at the meeting, disclose the fact to the Council and shall take no part in the consideration or discussion of or vote on any question with respect to the application or the other matter.

Disclosure of interest.

SECOND SCHEDULE**TRANSITIONAL PROVISIONS**

1. The Executive Board of the Kenya Institute of Supplies Management existing before the enactment of this Act shall assume the responsibilities imposed on the Council and the Registration Committee by this Act as an Interim Council and Interim Registration Committee until the first elections held under this Act.

2. The Chairperson elected at the last annual general meeting of the Institute shall continue to act as Chairperson of the Institute until the first elections held under this Act.

3. The Interim Council shall facilitate the registration of members of the Institute and the convening of the first annual general meeting at which Council members shall be elected.

4. The first annual general meeting of the Institute shall be convened by the Interim Council within a period of twelve months of the commencement of this Act.

5. Any supplies practitioner carrying out any business contrary to this Act shall ensure that the business is compliant with the Act within twelve months of the commencement of this Act.

6. Any examinations currently being conducted by any statutory body for the purpose of qualifying supplies practitioners shall be transferred to the Examinations Board within twelve months of the commencement of this Act.

THE SUPPLIES PRACTITIONERS MANAGEMENT ACT

No. 17 of 2007

Date of Assent: 22nd October, 2007

Date of Commencement: 30th October, 2007

ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

- 1—Citation.
- 2—Interpretation.

PART II—ADMINISTRATIVE PROVISIONS

- 3—Establishment of the Institute.
- 4—Composition of Council.
- 5—Functions of the Institute.
- 6—Conduct of business and affairs of the Council.
- 7—Delegation of the powers of the Institute.
- 8—Remuneration of Council members.
- 9—The Chief Executive Officer.
- 10—Staff of the Institute.
- 11—Protection from personal liability.

PART III—EXAMINATION, REGISTRATION AND LICENSING

- 12—Examination Committee.
- 13—Functions of the examinations committee.
- 14—Registrar.
- 15—Registration committee.
- 16—Persons entitled to be registered.
- 17—Registration of supplies practitioners.
- 18—Certificate of registration.
- 19—Correction of register.
- 20—Licensing.
- 21—Validity of license.



Kenya Gazette Supplement No. 113 (Acts No. 17)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

ACTS, 2007

NAIROBI, 30th October, 2007

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SPECIAL ISSUE

Kenya Gazette Supplement No. 95

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8th June, 2022

(Legislative Supplement No. 45)

LEGAL NOTICE No. 94

THE SUPPLIES PRACTITIONERS MANAGEMENT ACT, 2007

(No. 17 of 2007)

THE SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL
ELECTION) REGULATIONS, 2022

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

- 1—Citation
- 2—Interpretation
- 3—Purpose of the Regulations
- 4—Guiding principles

PART II—INSTITUTIONAL FRAMEWORK

- 5—Appointment of the Electoral body
- 6—Dispute Resolution Committee
- 7—Powers of the Committee

PART III—CONDUCT OF ELECTIONS

- 8—Date of the election
- 9—Publication and inspection of register
- 10—Rectification of entries in the Register
- 11—Eligibility to vote
- 12—Notice of vacancy in the Council
- 13—Qualifications for nomination
- 14—Nomination Form
- 15—Intent-to-vie Form
- 16—Verification of nominations
- 17—Withdrawal of candidature
- 18—Unopposed candidates
- 19—Campaign period
- 20—Voting

21—Determination of election disputes

PART IV—ELECTION OFFENCES

22—Election offences

23—Revocation

SCHEDULE

Forms

THE SUPPLIES PRACTITIONERS MANAGEMENT ACT

(No. 17 of 2007)

IN EXERCISE of the powers conferred by section 4 (1A) of the Supplies Practitioners Management Act, 2007, the Cabinet Secretary for the National Treasury and Planning makes the following Regulations—

THE SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2022

PART I—PRELIMINARY

1. These Regulations may be cited as the Supplies Practitioners Management (Council Election) Regulations, 2022. Citation.
2. In these Regulations, unless the context otherwise requires— Interpretation.
- “aspirant” means a member of the Institute who is nominated to contest in an election;
- “candidate” means a person who has been approved by the electoral body to contest for an elective post pursuant to regulation 17;
- “Committee” means the Elections Dispute Resolution Committee established under regulation 6;
- “election” means the process by which members of the Institute vote for the Chairman and members of the Council;
- “electoral body” means the Independent Electoral and Boundaries Commission established under Article 88 of the Constitution.
3. The purpose of these Regulations is to provide for the procedure for the election of— Purpose of the Regulations.
- (a) the Chairman of the Council; and
- (b) six members of the Council.
4. The election of the Chairman and members of the Council shall— Guiding principles.
- (a) be by secret ballot;
- (b) use a system of voting that is simple, accurate and verifiable; and
- (c) be conducted in a free, transparent and fair manner.

PART II—INSTITUTIONAL FRAMEWORK

5. (1) The Council shall, at least one hundred and twenty days to the election, appoint the Independent Electoral and Boundaries Commission to conduct the elections. Appointment of the Electoral body.
- (2) The electoral body appointed under subregulation (1) shall—
- (a) receive and consider nomination papers of aspirants who seek elective office under these Regulations;

- (b) approve qualified aspirants to contest in the election;
- (c) supervise the casting of votes;
- (d) determine, declare and publish the results of the election; and
- (e) accredit a person as an agent or observer for purposes of the election.

6. (1) There is established a committee to be known as the Election Disputes Resolution Committee which shall comprise of—

Dispute
Resolution
Committee.

- (a) one person nominated by the Nairobi Centre for International Arbitration established under section 4 of the Nairobi Centre for International Arbitration Act, 2013, who shall be the chairperson;
- (b) three members of the Institute with at least seven years' experience, nominated by the Council through an open and competitive process;
- (c) an advocate of the High Court of Kenya with at least ten years' experience nominated by the Law Society of Kenya; and
- (d) the Corporation Secretary of the Institute, who shall be an *ex officio* member.

No. 26 of 2013.

(2) The Committee shall be constituted at least one hundred and fifty days before the election.

(3) The Committee shall be responsible for resolving disputes arising from—

- (a) the publication of the register of members under regulation 9;
- (b) the nomination of candidates for the election;
- (c) the voting process; and
- (d) the outcome of the election.

(4) The quorum of the Committee shall be at least three members.

(5) The Committee shall determine a dispute before it within ten days from the date the dispute is lodged.

(6) A person aggrieved by a decision of the Committee under this regulation may appeal to the High Court.

7. In the performance of its functions under these Regulations, the Committee shall have the power—

Powers of the
Committee.

- (a) to call for any document from any person to aid in its investigations;
- (b) to issue summons to any person to appear before it and give evidence;

- (c) to affirm a decision made by the electoral body;
- (d) to vary the decision made by the electoral body;
- (e) to nullify the candidature of a candidate;
- (f) to award costs; and
- (g) to exercise any other power for the effective discharge of its functions.

PART III—CONDUCT OF ELECTIONS

8. (1) The election of the Chairman and members of the Council shall be held between every second Wednesday and second Friday in January in every third year. Date of the election.
- (2) The election shall commence at 12:00 noon on the second Wednesday and conclude at 12:00 noon on the second Friday.
9. Pursuant to section 19 of the Act, the Registrar shall, at least ninety days before the election, publish the register of members of the Institute on the Institute's website for inspection by the members of Institute. Publication and inspection of register.
10. (1) A member of the Institute may, upon inspection of the register under regulation 9, request the Registrar to rectify an entry in the register which is inaccurate, outdated, incomplete or misleading. Rectification of entries in the register.
- (2) The request under subregulation (1) shall be made within seven days after the date of the publication of the register and the Registrar shall—
- (a) rectify the entry in the register within seven days after the request; or
 - (b) decline the request and inform the applicant in writing of the reasons for declining the request within seven days after the request.
- (3) The Registrar shall, within twenty-one days after the publication of the register under regulation 9, submit the register of members to the body responsible for conducting the election.
- (4) A person aggrieved by a decision of the Registrar in relation to the accuracy of the information contained in the register of members may lodge a dispute before the Committee.
11. A member of the Institute shall be eligible to vote in an election if that member has paid the annual subscription prescribed under section 3A (4) of the Act. Eligibility to vote.
12. (1) The Chief Executive Officer shall, at least ninety days before the election, issue a notice of vacancy in the Council. Notice of vacancy in the Council.
- (2) The notice under subregulation (1) shall be published in at least two newspapers of national circulation and the website of the Institute.
- (3) The notice shall specify—

- (a) the vacant office in the Council which is the subject of the election;
- (b) the date and time when the election shall be conducted;
- (c) the qualifications for nomination under regulation 13; and
- (d) the date and manner by which the nomination papers shall be submitted to the Chief Executive Officer.

13. (1) A person shall qualify to contest in an election under these Regulations if that person— Qualifications for nomination.

- (a) is registered as a member of the Institute in accordance with section 3A of the Act;
- (b) has paid the fee prescribed under section 3A (4) of the Act;
- (c) holds a valid practicing license;
- (d) has not been convicted of an election offence under regulation 22; and
- (e) meets the requirements of leadership and integrity set out under Chapter Six of the Constitution.

(2) A person contesting for an elective post under these Regulations shall—

- (a) fill the Intent-to-Vie Form F1 as set out in the Schedule;
- (b) fill nomination Form SPN 1 as set out in the Schedule, in the case of the Chairman, and nomination Form SPN 2 as set out in the Schedule in the case of a member of the Council;
- (c) be proposed by a member of the Institute and seconded by another member of the Institute;
- (d) be supported by at least fifty members of the Institute, where contesting for the position of the Chairman, and at least twenty-five members where contesting for the position of a member of the Council; and
- (e) deliver the Intent-to-vie form and nomination Form to the Institute either physically or electronically not later than the date specified in the notice under regulation 12.

(3) A person shall not propose, second or support an aspirant under this regulation unless that person—

- (a) is a registered member of the Institute; and
- (b) has paid the fee prescribed under section 3A (4) of the Act.

14. The nomination Form under regulation 13 (2) (b) shall detail— Nomination Form.

- (a) the name and address of the aspirant;
- (b) membership registration number of the member;

- (c) license Number of the member;
- (d) the year of admission to the Institute;
- (e) the physical location where the candidate ordinarily practices from;
- (f) the office for which the candidate is nominated;
- (g) a description or profile of the candidate in not more than one hundred words;
- (h) a declaration that the information contained in the nomination Form is true and correct;
- (i) a declaration as to any pending convictions in court or declaration of bankruptcy by court; and
- (j) evidence of compliance with the requirements of leadership and integrity set out in Chapter Six of the Constitution.

15. (1) The duly completed nomination Form shall be accompanied by an intent-to-vie Form set out in the Schedule. Intent-to-vie Form.

(2) The intent-to-vie Form shall be lodged with the Institute not later than the date fixed for submission of the nomination Form.

16. (1) The electoral body shall, at least sixty days before the election, verify the nominations received under paragraph 13 (2) and determine if an aspirant is eligible to contest at the election in accordance with regulation 13 (1). Verification of nominations.

(2) The electoral body shall, on the sixtieth day to the election, notify the members of Institute of the candidates approved to contest in the election and publish the list of candidates on the Institute's website.

(3) Any person dissatisfied with any decision of the electoral body under this regulation may within two days from the date of notification of such decision, lodge a dispute with the Committee.

(4) Any person may within two days from the date of the decision of the Committee, seek a review of the decision of the Committee, where there is an error apparent on the face of the nomination Form.

17. (1) A candidate may within thirty days before the date of the election, withdraw his candidature in writing to the electoral body. Withdrawal of candidature.

(2) The electoral body shall notify the members of Institute of the withdrawal of candidature received pursuant to subregulation (1) and publish a notice of withdrawal of candidature on the Institute's website, within forty-eight hours of receipt of the withdrawal

18. (1) Where only one candidate declares interest for any vacant position in the Council, such candidate shall be deemed to have been duly elected. Unopposed candidates.

(2) The electoral body shall, issue a certificate of election to the candidate elected unopposed under subregulation (1).

19. The campaign period shall commence sixty days before the date of the election and terminate forty-eight hours before the date of the election. Campaign period.

20. Voting at an election under these Regulations shall be by electronic means and shall begin at 12:00 noon on the second Wednesday in January and end at 12:00 noon on the second Friday in January. Voting.

21. (1) A person who is aggrieved by the results of an election may, within seven days after the date of the declaration of the results, lodge a dispute with the Committee. Determination of election disputes

(2) A person who is aggrieved by the decision of the Committee may appeal against that decision to the High Court.

PART IV — ELECTION OFFENCES

22. (1) A person who — Election offences.

- (a) offers his or her candidature or otherwise campaigns, outside the prescribed campaign period;
 - (b) makes derogatory statements about other candidates and the Institute;
 - (c) distributes gifts to members to entice them to vote for a candidate;
 - (d) distributes offensive campaign materials;
 - (e) circulates campaign materials before the commencement of the campaign period;
 - (f) proposes or seconds candidates while not being in good standing with the Institute;
 - (g) knowingly or by design uses derogatory and defamatory communication or material, literature or and any other campaign materials in whatever medium;
 - (h) directly and indirectly bribes, influences or induces a member of the Institute to vote or refrain from voting; or
 - (i) makes false accusations or malicious statements against another candidate;
- commits an election offence.

(2) Any person who commits an offence under subregulation (1) shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty thousand shillings or both.

23. The Supplies Practitioners Management (Election) Regulations, 2015, are revoked. Revocation. L.N. 247/2015.

SCHEDULE

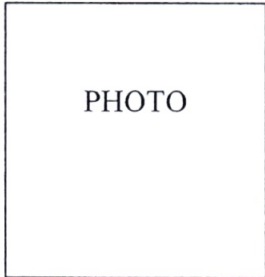
Form 1

r.13(2)(a)



INTENT TO VIE FORM

A. POSITION:	
<i>(insert Council position for which you are vying i.e. "Chairman" or "Council Member")</i>	



B. PERSONAL INFORMATION

1. Full Name:
2. Member Registration Number:
3. License No:
4. Position Nominated for:
5. Educational and Professional Qualifications: (Starting with the highest qualification)
6. Contact Details:

C. ADDITIONAL/OPTIONAL INFORMATION

1. Salutations/ Designations
2. Employment and Career progression in the last five years including current engagement:
3. Professional activities, other than employment
4. Candidates personal statement

Signature of AspirantDate.....

Form SPN1- SPN2

r.13(2)(b)

NOMINATION FORMCHAIRMAN: COUNCIL MEMBER: PERSONAL INFORMATION.

Full Name:

Address:

Organisation

Designation

ELIGIBILITY CRITERIA

Have you paid up subscription fees for the year 20.....?

Are you compliant with CPD requirements for the year 20.....?

Do you have any pending disciplinary case against you?

We, being registered members of the Kenya Institute of Supplies Management (the Institute) in good standing, hereby nominate the following person who is a registered member of the Institute in good standing, to vie for election for the position of Chairman or Council member of the Institute:

	NAME	REG NO	SIGNATURE
PROPOSER			
SECONDER			
SUPPORTERS			
1.			
2.			
3.			

Made on 3rd June, 2022.

UKUR YATANI,
Cabinet Secretary for the National Treasury and Planning.



THE NATIONAL TREASURY AND PLANNING

**EXPLANATORY MEMORANDUM THE SUPPLIES PRACTITIONERS
MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2022**

PART I

Name of the Statutory Instrument: The Supplies Practitioners Management (Council Election) Regulations, 2022.

Name of the Parent Act: The Supplies Practitioners Management Act, 2007.

Enacted Pursuant to: Section 4(1A) of the Supplies Practitioners Management Act, 2007.

Name of the Ministry/ Department: The National Treasury and Planning.

Gazetted on:

Tabled on:

PART II

1. Purpose of the Statutory instrument- the Supplies Practitioners Management (Council Election) Regulations, 2022

1.1. The purpose of these Regulations is to provide for the procedure for the election of the Chairman and six members of the Council.

1.2. The Regulations provide for, among other things, the guiding principles for the conduct of the election, the appointment of the electoral body, the Election Dispute Resolution Committee, qualifications for nomination and election offences.

2. Legislative Context

2.1. The Supplies Practitioners Management Act, 2007, was assented to on the 22nd October, 2007 and came into force on the 30th October, 2007.

2.2. Section 36 of the Supplies Practitioners Management Act, 2007, provides that the Minister may in consultation with the Council, make regulations generally for the better carrying out of the provisions of the Act.

3. Policy Background.

3.1. Parliament enacted the Supplies Practitioners Management Act, No. 17 of 2007 in October, 2007. The Act on its own, however, is not sufficient since it does not provide for the procedure for election of the Chairman and six members of the Council. In essence, the provisions of section 4(1A) of the Act are not self-executing and require unbundling through Regulations in order to provide for the manner of appointment of the electoral body, the electronic voting method, campaign period, determination of election disputes among others. The statutory instrument contains 24 regulations.

4. Consultation outcome

4.1. The Supplies Practitioners Management (Council Election) Regulations, 2022, have taken into account the views of key stakeholders such as members of the Institute, the Council, the academia, government ministries, departments and agencies and the general public among others.

5. Guidance

5.1. The Kenya Institute of Supplies Management shall sensitize stakeholders including Parliament and the general public on the provisions of the Supplies Practitioners Management (Council Election) Regulations, 2022 and the monitoring and evaluating mechanism, to ensure that the Regulations serve the purpose for which they have been made.

6. Impact

6.1. **The Impact on Fundamental Rights and Freedoms:** The Supplies Practitioners Management (Council Election) Regulations, 2022 enhance the political rights enshrined under Article 38 of the Constitution by ensuring the right to free, fair and regular elections and the free expression of the will of the members of the Kenya Institute of Supplies Management for the office of the Chairman and the six members of the Council. These Regulations therefore, do not limit fundamental rights and freedoms.

6.2. **The impact on the Private Sector:** The Regulations seek to provide details and procedures for the conduct of election of the Chairman and members of the Council hence there is no resultant cost implications on the private sector.

6.3. **The impact on the Public Sector:** These Regulations will ensure that the members of

the Institute participate effectively in the governance of the Institute. Further, Alternative Dispute Resolution Mechanisms provided for under the Regulations, are a good avenue to save on public resources. When parties have entered into the agreements, the same reduces the time and cost of trial and saves resources that can be utilized in other more complex and convoluted trials.

7. Monitoring and review

7.1. The Kenya Institute of Supplies Management shall monitor the implementation of the Supplies Practitioners Management (Council Election) Regulations, 2022.

8. Contact.

8.1. The contact person at the Kenya Institute of Supplies Management shall be the Chairman, **Mr. John Karani, MCIPS, MKISM.**



MASTER MATRIX ON PUBLIC PARTICIPATION- THE SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS 2021

No.	Regulation	Current provision	Comments from Plenary	Council Resolution	Justification
1.	PART II ELECTORAL BODY		-This is a good provision.		
2.	PART II ELECTORAL BODY	7. (1) Notwithstanding regulation 6, the Council may conduct council election by internet voting system and	-What measures are in place to curb incidences of hacking in the internet voting system?	Adopted	The internet voting system adopted by the Institute will ensure an end-

No.	Regulation	Current provision	Comments from Council Plenary	Council Resolution	Justification
		<p>technology including email and mobile voting application, in so far as it is appropriate to do so.</p> <p>(2) The internet voting system adopted by the Council shall be an-end to-end verifiable internet voting system which allows voters to—</p> <p>(a) check that the system recorded their votes correctly,</p> <p>(b) check that the system included their</p>			<p>end verifiable system.</p>

No.	Regulation	Current provision	Comments from Plenary	Council Resolution	Justification
		<p>votes in the final tally, and</p> <p>(c) count the recorded votes and double-check the announced outcome of the Council election</p> <p>(3) The Council shall satisfy the members that the internet voting system is secure, usable and transparent.</p>			
3.		9. (1) The electoral voting system approved by the Council shall—	Have clear voting process guidelines.	Comment noted	Already addressed in PART IV & VII

No.	Regulation	Current provision	Comments from Plenary	Council Resolution	Justification
		<p>(a) use a software which is limited to the basic functions required to perform in the voting system's processes including the ability of the software to—</p> <p>(i) provide audit scripting to track sequence of events that occur on the system and, to the extent possible, identify a person that initiated the events; and</p>			

No.	Regulation	Current provision	Comments from Plenary	Council Resolution	Justification
		<p>(ii) employ a sufficient level of encryption or validation protocol to limit changes made without proper authorization;</p> <p>(b) use enforced policies and procedures to control access to the voting system and the circumstances under which users can access the system including—</p> <p>(i) functions which users are allowed to perform on the system; and</p>			

No.	Regulation	Current provision	Comments from Council Plenary	Council Resolution	Justification
		<p>(ii) safe custody control of all equipment, software, and key or control materials at all times;</p> <p>(c) use physical security and access logs, including seals, to control access to the system;</p> <p>(d) use a two-person accountability and control system for purposed of access, control and custody;</p>			

No.	Regulation	Current provision	Comments Plenary	from Council Resolution	Justification
		<p>(e) ensure only authorized voters are able to vote and no eligible voter is able to vote more than once;</p> <p>(f) protect a voter's right to cast a secret ballot;</p> <p>(g) contain a backup mechanism; and</p> <p>(h) any other requirement which the Council may specify.</p> <p>(2) The Council shall satisfy members of the Institute that the system meets the requirements</p>			

No.	Regulation	Current provision	Comments from Council Plenary	Resolution	Justification
		specified under this regulation.			
4.	PART IV ELECTION PROCEDURE	31. (1) The Chief Executive Officer shall keep and maintain an up to date register of the names of candidates who have submitted nomination Forms	-This provision wipes out the gains of Regulation 31(4).	Adopted	Insert a provision on electronic register
5.	PART IV ELECTION PROCEDURE	42. The Institute shall have a voting period of seven days	-Rationale of having a voting period of 7 days?	Comment Noted	Redraft to 2 days(within 48 hours)



ATTENDANCE SHEET – EXTERNAL MEETINGS

(6)

PUBLIC PARTICIPATION ON THE DRAFT SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2021 AND SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2021 ON Tuesday, 7th December, 2021 AT SIRIKWA HOTEL, ELDORET

DATE: 7/12/2021 Time (from – to): 9.00am – 3.30pm

No	NAME	Organization/Designation	E-mail	Mobile No.	SIGNATURE	KISM MEMBER NO.
1	JOHN KARANI	KISM UDA		07252638		73896
2	ITENOCK K. KIRUNGU	PPRA	itkirungu@gmail.com	074562664		65774
3	Moses Omwani	KISM	almond@gmail.com	0733739122		
4	Mark Kanda	NKUNWDA	mckanda2022@gmail.com	0720463313		68157
5	Gregory Rotich	Legislative Committee				

Confirmed By: 7/12/2021

Signature:



KENYA INSTITUTE OF SUPPLIES MANAGEMENT

SUPPLY MANAGEMENT PROFESSIONALS BILL 2021 AND SUPPLIES PRACTITIONERS' MANAGEMENT (COUNCIL ELECTION) REGULATIONS 2021 PUBLIC PARTICIPATION REPORT FOR KISUMU REGION HELD ON 8TH DECEMBER 2021 AT IMPERIAL EXPRESS HOTEL, KISUMU BETWEEN 11:00AM-3:00PM

1.0. Background

Laws are not static; they are made to suit the current trends and be consistent with the Constitution which is the Supreme Law of the land in order to gain legitimacy. The incumbent Council upon assuming Office identified the gaps in the current Supplies Practitioners Management Act 2007 for effective and efficient operations of the Institute. This necessitated the clamor for legal reforms prompting the Institute to seek technical assistance from the Kenya Law Reform Commission which has culminated to the draft Supply Management Professional Bill 2021.

Section 4 (1A) of the Supplies Practitioners Management Act, 2007 confers on the Cabinet Secretary; National Treasury and Planning the power to make Regulations. The Regulations envisaged under section 4(1A) of the Act relate to: governing the election of Chairperson and Members of the Council by members of the Institute.

It is against this background that a Legislative Committee was established to develop the Regulations in line with Section 4(1A) of the Supplies Practitioners Management Act, 2007. The Legislative Committee comprised representation from Members of the Institute, Kenya Law Reform Commission and Office of the Attorney General. The Legislative Committee embarked on several workshops to develop the draft Supply Chain Management Professionals Bill 2021 and the Supplies Practitioners' Management (Council Election) Regulations 2021.

Thereafter the draft regulations were transmitted to the Council for review and concurrence paving way for public participation as obligated in Article 10 of the Constitution in Eldoret, Kisumu, Nairobi and Mombasa Regions.

2.0. Kisumu Region Public Participation Forums

The Stakeholder Engagement was convened at Imperial Express Hotel and was guided by the Program **annexed to the Report as Annex 1.**

This report documents the proceedings of the stakeholder engagement forum.

2.1. Opening Remarks

The stakeholder engagement commenced at 11:00 am with welcome remarks from Mr. William Juma who urged members to enrich the draft Bill and Regulations bearing in mind laws are made for posterity. **The list of participants is annexed to this Report as Annex 2.**

2.1. 1 Registrar and Acting Chief Executive Officer; Dr. Martin Gachukia

Dr. Martin Gachukia welcomed members to the stakeholder engagement forum on the draft Supply Chain Management Professionals Bill 2021 and the Supplies Practitioners' Management (Council Election) Regulations 2021.

He urged the participants to actively participate by giving their views, comments and proposals on the draft Bill and Regulations for the betterment of the profession and the Institute.

2.1. 2 Chairperson Legislative Committee; Council Henock Kirungu

Council Henock Kirungu welcomed members to the stakeholder engagement forum. He pointed out that upon the incumbent Council coming into office gaps in the current Supplies Practitioners Management Act 2007 and inconsistencies with the Constitution were identified necessitating the need for legal reforms.

It is against this background that a Legislative Committee was formed comprising Members of the Institute and technical experts from Kenya Law Reform Commission and Office of the Attorney General to develop the draft Supply Chain Management Professionals Bill 2021 and the Supplies Practitioners' Management (Council Election) Regulations 2021.

He urged members to actively participate by giving their views, comments and proposals in order to enrich the draft Bill and Regulations.

2.1. 3 Legislative Committee Member; Mr. Chris Odida

Mr. Chris Odida welcomed members to the stakeholder engagement and challenged them to keenly interrogate the draft Bill and Regulations in order to enrich the same for the good of the profession

2.1. 4 Council Member; Mr. Moses Omondi

Mr. Moses Omondi welcomed members to the stakeholder engagement forum on the draft Supply Chain Management Professionals Bill 2021 and the Supplies Practitioners' Management (Council Election) Regulations 2021.

He pointed out some of the challenges the Bill and the Regulations seek to address such as logistical challenges encountered by members previously in exercising their right to vote; that of having to travel to Nairobi to cast their vote. However that challenge in the proposed Regulations had been mitigated with the proposal of internet and electronic modes of voting.

He urged the members to actively participate by giving their views, comments and proposals in order to build up on the Bill and Regulations.

2.1. 5 National Chairperson; Mr. John Karani

Mr. John Karani expressed his gratitude to members for finding time to attend to the stakeholder engagement forum on the draft Supply Chain Management Professionals Bill 2021 and the Supplies Practitioners' Management (Council Election) Regulations 2021.

He noted that it was a defining moment for the Institute in building a legacy legislative instruments that will outlast the current generation and bequeath the next generation of Supply Chain Management Practitioners good legislative documents.

The Chairperson highlighted some of the successes of the Council such as operationalization of disciplinary instruments, automation of members register to ring-fence the profession and the operationalization of KISEB.

He noted that the success of the Institute was dependent on its members therefore members contribution to the draft Bill and Regulations was paramount. The Chairperson wished members fruitful discussions towards improving the Bill Regulations.

3.3. Public Participation Forum

3.3.1. Strategy

The Institute utilized channels within the members Caucus to share the draft Supply Chain Management Professionals Bill 2021 and the Supplies Practitioners' Management (Council Election) Regulations 2021 with its member's before-hand and having the same proactively disclosed on its website for access by members to facilitate submission of Memoranda.

3.3.2. The Approach

Members were taken through the an overview of the draft Supply Chain Management Professionals Bill 2021 and the Supplies Practitioners' Management (Council Election) Regulations 2021 by Ms. Damaris Mukala and Ms. Miriam Kakenya respectively as well as providing the way forward in terms of the next steps.

3.3.3.1. Comments, Observations and Questions

The following issues, comments, observations and questions arose during plenary:

- i. Dr. Fauzia sought to know which member was eligible to take out a licence under **Clause 39(1)** and the importance of taking out the same noting that a practicing licence is a pre-requisite in giving a professional opinion in the public sector.
Under **Clause 7** she sought to know who is categorized as student member. She proposed that there be progression from one being a student to an Associate to a Full Member to Licenced Member and to being a Fellow.
She also sought to know whether conductors in the transport sector can be categorized as supply chain management professionals under **Clause 4** bearing in mind they are in the informal sector.
Dr. Fauzia noted under **clause 6 (f)** the Institute has a function of inter-alia; establishing the criteria for accreditation of learning institutions offering courses in supply chain management. She sought to know whether the function conflicts with the mandate of the Commission for University Education.
Under **clause 50(1)** she proposed that the Board of the Kenya School of Supply Chain Management be comprised of the Cabinet Secretary; Ministry of Education. She also sought to know the rationale of having the Attorney General as a member of the Board.

Under **clause 27(2) (h)** she sought to know the fate of professional Qualifications attained outside the Country before operationalization of KISEB and whether the functions of KISEB conflict with those of Kenya National Qualifications Authority.

Under **clause 32(1)(d)** she sought to know the meaning of the term "*in the opinion of Council*" in the registration of Fellows of the Institute. She was of the considered view that the said term is subjective and may be prone to abuse.

- ii. Chris Odida noted that the membership of the Institute should only be to persons that meet the requisite professional requirements. Students should therefore not be classified as members under **clause 7**.

He also sought to know the minimum requirements for persons under **clause 4** engaged in logistics, clearing and forwarding to be members of supply chain management profession.

- iii. Ms. Doreen proposed that the validity of a practicing licence under **clause 40** run from the date of application.
- iv. William Juma noted that **Regulation 7** on internet voting system and technology was a good provision. However, he indicated that **Regulation 31(1)** wipes out the gains under **Regulation (31)(4)**.

He noted that the validity of a licence under clause 40 as is sought to serve the interests of the Institute as opposed to members. He proposed that validity of the licence be from the date of application.

He also sought to know the rationale of having the Disciplinary Committee review its decision under **clause 45(1)** before appealing the decision of the Committee to the Council.

v. Mr. Odanga indicated that it should not be automatic that upon one being a member of the Institute that one becomes eligible to apply for a licence under **clause 39**.

He sought to know the circumstances under which the Institute conduct an online and physical Annual General meeting under **clause 18**.

He sought to know the rationale of having the voting period of 7 days under **Regulation 42**.

He also sought to know how oversight could be conducted at the Branches of the Institute under **clause 21**.

He proposed that the Council under **clause 9(1)** be comprised of a Regional representative.

vi. Evans Ongati noted that the Bill and the Regulations were good legal instruments to steer KISM in the right direction.

He sought to know the justification of the enhancement of the professional experience of a Chairperson from 5 years to 15 years under **clause 10(1)(c)**.

He also sought to know whether the Secretary of the Institute under **clause 17** could be on a part-time basis. He proposed that the Secretary be on permanent basis for the purpose of institutional memory.

He also sought to know the rationale of having 10% of the members of the Institute as the quorum for an Annual General Meeting under clause 18(4).

He sought to know the modalities of conducting an Annual General Meeting noting that online participation previously locked out members.

- vii. Wilfred Siakama noted that the qualifications of Chairperson and Member lock out the youth and proposed a minimum qualification of 10 and 5 years for Chairperson and Member respectively. He also suggested that the Council be composed of a Person with Disability representative.

He noted that it was important to have clear voting process that guarantees the electoral voting system security under **Regulation 9**.

- viii. Osman Okui noted that the qualifications of Chairperson and Member lock out the youth and proposed a minimum qualification of 10 and 5 years for Chairperson and Member respectively.

3.4. Way forward and closing remarks

The comments on the regulations from stakeholders would be considered by the Legislative Committee and incorporated where need be.

The Chairperson thanked all participants for their active participation. He expressed appreciation for the feedback received during the stakeholder engagement forum and implored everyone to endeavor to leave a legacy that outlives themselves

The forum ended at 3:00 pm with a word of prayer from the Chairperson.

4.0 Annexures

1. Program of the stakeholder engagement forums
2. List of Participants
3. Public Notice
4. Comments Matrix

Report prepared by:

Ms. Maryann Wanjiru

December 2021

PUBLIC PARTICIPATION COMMENTS MATRIX ON THE SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL 2021

KISUMU REGION					
No.	Clause	Current provision	Comments from Plenary	Council Resolution	Justification
1.	PART I PRELIMINARY	5. This Act applies to a supply chain management professional engaged in — (h) logistics, clearing and forwarding;	-Whether conductors in the transport sector can be categorized as supply chain management professionals bearing in mind they are in the informal sector. -What are the minimum requirements for persons engaged in logistics, clearing and forwarding to be members of supply chain		

			management profession?		
2.	PART II ESTABLISHMENT OF THE KENYA INSTITUTE OF SUPPLY CHAIN MANAGEMENT	<p>6. The Institute shall— (f) establish criteria for accreditation of learning institutions offering academic courses in supply chain management;</p> <p>7. (1) A person shall become a member of the Institute upon registration in accordance with this Act. (2) The membership of the Institute shall be classified as— (a) Fellows, comprising of persons who are recognized as such pursuant to section 31; (b) Members, comprising of persons registered under section 32; and (c) Associate members, comprising persons registered under section 33.</p> <p>9. (1) The Council shall comprise of — (a) a Chairperson, elected in</p>	<p>-Does this function conflict with the mandate of the Commission for University Education?</p> <p>-Who is categorized as a student member?</p> <p>-There should be progression from being a student to an Associate to a Full Member to Licenced Member and to being a Fellow.</p> <p>-Membership of the Institute should only be to persons that meet the requisite professional requirements.</p>		

		<p>accordance with section 10;</p> <p>(b) the Cabinet Secretary in the Ministry responsible for Finance or a representative designated in writing;</p> <p>(c) the Attorney-General or a representative, designated in writing;</p> <p>(d) the Director-General of the Public Procurement Regulatory Authority or a representative designated in writing;</p> <p>(e) six Members of the Institute elected in accordance with section 10; and</p> <p>(f) the Executive Director shall be an ex-officio member</p> <p>10. (1) A person is qualified for election as Chairperson if that person—</p> <p>(c) has at least fifteen years' professional experience in supply chain management, five of which shall be in a position of senior leadership;</p>	<p>Students should therefore not be classified as members as they do not meet the set criteria.</p> <p>-Proposal to have a Regional and Person with Disability representative in the Council</p> <p>-The justification of enhancing the professional experience of a Chairperson from 5 years to 15 years.</p> <p>-Proposed that the professional experience be reduced to 10</p>		
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	<p>10 (2) A person is qualified for election as a member of the Institute under section 9(1)(e) if that person—</p> <p>c) has at least ten years of professional experience in supply chain management; and</p> <p>17 (1) The Institute shall, through an open and transparent process appoint a person qualified in terms of the law governing the practice of public secretaries in Kenya, to serve as the Corporation Secretary to the Institute. (2) The Corporation Secretary shall—</p> <p>(a) provide guidance to the Council, and the members of the Council individually, on their duties and responsibilities on matters of governance;</p>	<p>years.</p> <p>-This provision locks out the youth. It was proposed that professional experience reduced to 5 years</p> <p>-Proposal that the Corporation Secretary serve on permanent basis for the purpose of institutional memory.</p>		
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		<p>Institute if that person –</p> <p>(a) having passed the relevant examinations, holds a certificate, diploma or degree from an institution of higher education, recognised in Kenya;</p> <p>(b) is duly registered by the Examinations Board and</p> <p>(c) is in the process of undertaking the professional course prescribed by the Examinations Board.</p> <p>39. (1) A person who is registered as a Member of the Institute under this Act shall take out a practicing licence. (2) An Application for a practising licence shall be made to the Chairperson of the Registration</p>	<p>-Is there a timeline for one to register as an associate member?</p> <p>-There should be progression to full membership</p>		
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		<p>Committee— (a) by delivering an application in duplicate, signed by the applicant specifying his or her name, place of business and membership number; and</p> <p>(b) by producing evidence of payment of the fee prescribed for a practising licence</p> <p>(3) the Registration Committee shall, if satisfied that the name of the applicant is on the Register of Members and that he or she is not for the time being suspended from practice, issue to the applicant a practising licence.</p> <p>40. A practicing licence issued under this Act shall be valid from the 1st January to 31st</p>	<p>-It was proposed that licensing be limited to members who have attained professional qualifications while membership be to any person with certificate</p>		
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		<p>(b) ensure that the Council complies with the law, rules and regulations, in carrying out its mandate;</p> <p>(c) provide secretarial services to the Council, including preparation and circulation of the minutes of the Council and committees of the Council;</p> <p>(d) keep safe custody of the Seal and a record of its usage; and</p> <p>(e) perform any other duties that may be assigned by the Institute.</p> <p>(3) The Corporation Secretary shall serve on such terms and conditions as the Council may determine</p> <p>18. (1) There shall be a General Meeting of the Institute which shall be the supreme authority of the Institute.</p> <p>(2) The General Meeting shall be held once, every calendar year.</p> <p>(3) The General Meeting shall consist of registered members of</p>	<p>-Circumstances under which the Institute shall conduct online and physical Annual General Meeting</p> <p>-Modalities of conducting an Annual General Meeting noting that online participation previously locked out members.</p>		
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		<p>the institute, who are up to date in payment of subscription fees.</p> <p>(4) The quorum of the General Meeting shall be at least ten percent of all the members of the Institute</p> <p>21. (1) The Institute shall decentralise its functions and the provision of its services to the extent that it is efficient and practicable to do so</p>	<p>-Rationale of arriving at 10%</p> <p>-How is oversight going to be conducted at the branch level?</p>		
<p>3. PART III</p>	<p>ESTABLISHMENT OF THE KENYA INSTITUTE OF SUPPLY CHAIN MANAGEMENT EXAMINATIONS BOARD</p>	<p>27 (2) Despite the generality of subsection (1), the Examinations Board shall—</p> <p>(h) promote recognition of the Examination Boards' examinations locally and internationally;</p>	<p>-What is the fate of professional qualifications attained outside the Country before the operationalization of KISEB?</p> <p>-Do the functions of KISEB conflict with the mandate of Kenya National</p>		

			Qualifications Authority?		
4. PART IV	REGISTRATION AND LICENSING	<p>32. (1) A person is qualified to be registered as a Fellow of the Institute, if that person—</p> <p>(d) has, in the opinion of the Council—</p> <p>(i) rendered outstanding services to the supply chain management profession;</p> <p>(ii) made significant contribution towards advancement of the objectives of the Institute; or</p> <p>(iii) has outstanding competence in supply chain management.</p> <p>39. (1) A person who is registered as a Member of the Institute under this Act shall take out a practicing licence.</p>	<p>-What does the term "<i>in the opinion of Council</i>" mean?</p> <p>-This term appears to be subjective and may be prone to abuse.</p> <p>-Who is eligible to take out a licence?</p> <p>-What is the importance of taking out a licence noting that a practicing licence is a pre-requisite in giving a professional</p>		

		<p>40. A practicing licence issued under this Act shall be valid from the 1st January to 31st December Provided every practising licence shall bear the date of the day on which it is issued and shall have effect from the beginning of that day.</p>	<p>opinion in the public sector? -It should not be automatic that upon one being a member of the Institute that one is eligible to apply for a practicing licence.</p> <p>-The provision as is seeks to serve the interests of the Institute as opposed to that of members. -It was proposed that validity of a practicing licencerun from the date of application.</p>		
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5. PART V DISCIPLINE		45. (1) A person may apply to the Committee to review its decision where— (d) no appeal is preferred; (e) there is an apparent error on the face of the record; (f) the applicant was not afforded a fair hearing in accordance with Article 47 of the Constitution; or (g) the applicant has discovered new information, which after due diligence, was not within the applicant's knowledge at the time of making the application. (2) A person aggrieved by a decision of the Committee in relation to a breach of the Code of Ethics may appeal against the decision of the Committee to the Council.	What is the rationale of having the Disciplinary Committee review its decision before appealing the decision of the Committee to the Council?		
6. PART VI ESTABLISHMENT OF THE KENYA SCHOOL OF SUPPLY CHAIN MANAGEMENT		50. (1) The School shall be governed by a Board which shall consist of— (a) a Chairperson who shall be appointed by the Cabinet Secretary; (b) the Attorney General or a representative designated in writing; (c) the Principal Secretary	-Have the Board comprise of the Cabinet Secretary ;Ministry of Education -What is the rationale of having the Attorney		

	<p>responsible for technical training or a representative designated in writing;</p> <p>(d) two Members of the Institute nominated by the Council;</p> <p>(e) one Fellow nominated by the Council;</p> <p>(f) one member of the Council; and</p> <p>(g) the Principal, who shall be an ex-officio member</p>	General as a Board Member?		
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PUBLIC PARTICIPATION COMMENTS MATRIX ON THE SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS 2021

KISUMU REGION					
No.	Regulation	Current provision	Comments from Plenary	Council Resolution	Justification
1.	PART II ELECTORAL BODY	7. (1) Notwithstanding regulation 6, the Council may conduct council election by internet voting system and technology including email and mobile voting application,	-This is a good provision		

		<p>in so far as it is appropriate to do so. (2) The internet voting system adopted by the Council shall be an-end to-end verifiable internet voting system which allows voters to—</p> <ul style="list-style-type: none"> (a) check that the system recorded their votes correctly, (b) check that the system included their votes in the final tally, and (c) count the recorded votes and double-check the announced outcome of the Council election <p>(3) The Council shall satisfy the members that the internet voting system is secure, usable and transparent.</p> <p>9. (1) The electoral voting system approved by the Council shall— (a) use a software which is limited to the basic functions required to</p>	<p>-Have clear voting process guidelines.</p>		
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		<p>perform in the voting system's processes including the ability of the software to—</p> <ul style="list-style-type: none"> (i) provide audit scripting to track sequence of events that occur on the system and, to the extent possible, identify a person that initiated the events; and (ii) employ a sufficient level of encryption or validation protocol to limit changes made without proper authorization; <p>(b) use enforced policies and procedures to control access to the voting system and the circumstances under which users can access the system including—</p> <ul style="list-style-type: none"> (i) functions which users are allowed to perform on the system; and (ii) safe custody control of all equipment, software, and key or control materials at all times; <p>(c) use physical security and</p>			
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		<p>access logs, including seals, to control access to the system;</p> <p>(d) use a two-person accountability and control system for purposed of access, control and custody;</p> <p>(e) ensure only authorized voters are able to vote and no eligible voter is able to vote more than once;</p> <p>(f) protect a voter's right to cast a secret ballot;</p> <p>(g) contain a backup mechanism; and</p> <p>(h) any other requirement which the Council may specify.</p> <p>(2) The Council shall satisfy members of the Institute that the system meets the requirements specified under this regulation.</p>			
2.	PART IV ELECTION PROCEDURE	<p>31. (1) The Chief Executive Officer shall keep and maintain an up to date register of the names of candidates who have submitted nomination</p>	-This provision wipes out the gains of Regulation 31(4).		

Forms

42. The Institute shall have a voting period of seven days.

-What is the rationale of having a voting period of 7 days?



ATTENDANCE SHEET – EXTERNAL MEETINGS

(1)

PUBLIC PARTICIPATION ON THE DRAFT SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2021 AND SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2021 ON Wednesday, 8th December, 2021 AT IMPERIAL HOTEL, KISUMU.

DATE: 8/12/2021 Time (from - to): 9am - 3:15pm

No	NAME	Organization/Designation	E-mail	Mobile No.	SIGNATURE	KISM MEMBER NO.
1	TIMOTHY AMUYUNGU	PPRA	timothyinzahe@gnail.com	0722203954	[Signature]	66903
2	WILLIAM JUMA	KISM	william.juma@kism.co.ke	0723629831	[Signature]	68856
3	MUNAWIS MURHATI	SIGAMCODEA N.P	lgmalawmureati@gmail.com	0726503371	[Signature]	79239
4	MARIAM GAETHUKIA	KISM	vegiama@kism.co.ke	0723953481	[Signature]	67776
5	Chris Ochieng R	British Council	oachis@gmail.com	0728426461	[Signature]	65108
6	OTENGO JULIUS ODHIAMBO R	SELF	juliusodhiambor494@gmail.com	0722815144	[Signature]	70755
7	KEVIN NJARE	KISII COUNTY GOVERNMENT	kevinnjare@gmail.com	0721629294	[Signature]	79638
8	BATHSHEBA B. OMBASA	KISII COUNTY GOVERNMENT	lobuani@gmail.com	0720230752	[Signature]	73538
9	CHOBOS JUMA	CGB	chobosjuma@gmail.com	0723473719	[Signature]	69728
10	James Ojoda	JOOWT	Jamesojoda@gmail.com	07108878	[Signature]	

June 8/12/2021



ATTENDANCE SHEET – EXTERNAL MEETINGS

2

PUBLIC PARTICIPATION ON THE DRAFT SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2021 AND SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2021 ON Wednesday, 8th December, 2021 AT IMPERIAL HOTEL, KISUMU.

DATE: 8/2/2021 Time (from - to): 9am - 3:15pm

No	NAME	Organization/Designation	E-mail	Mobile No.	SIGNATURE	KISM MEMBER NO.
11	Dr Foria Nurwidi R	Kapco Lecturer	aidualnurwidi@gmail.com	0788077077		65888
12	WILFRED SIARAMA	County supply chain - v/hy	wsssiarama@gmail.com	0724703675		67612
13	JACKLYNE MUMELO	Bungoma County Semo	Jacklynemumelo@gmail.com	0728351559		73381
14	Jedida Tawa	KISUMU	Jedidatawa@gmail.com	0703542429		✓
15	Bridgid Wabomba	County Govt of Bungoma	wabombabridgid@yahoo.com	0722885809		73546
16	Hensel Kurungu R	PPRA	hkurungu@gmail.com	0724562264		65774
17	Godwin Juma	Lake basin Devpt nation	Obonypaikwath@gmail.com	0724777457		67910
18	Deborah J. Mwanika	KENYA RURAL ROADS	deborahmwanika1@gmail.com	0711495588		66527
19	Doreen Doru Lidigu R	National Police Service	dclidiguniku@gmail.com	0721965812		73624
20	G. Julius Rogo	Jaramogi Oginga Odinga University of Science & Technology (JOST)	julius.rogo@gmail.com	0722251107		70762

8/2/2021



ATTENDANCE SHEET – EXTERNAL MEETINGS

3

PUBLIC PARTICIPATION ON THE DRAFT SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2021 AND SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2021 ON Wednesday, 8th December, 2021 AT IMPERIAL HOTEL, KISUMU.

DATE: 8/12/2021 Time (from - to): 9am - 3:15pm

No	NAME	Organization/Designation	E-mail	Mobile No.	SIGNATURE	KISM MEMBER NO.
21	EVANS ONGATI	Homa Bay County Govt.	ongati.evans@gmail.com	0727-122-398		73540
22	ALEX ODARA	BUNGOMA COUNTY	alex.musonye@gmail.com	0721468867		63468
23	MAKUDA K. HARURI	BUNGOMA COUNTY	makudankk@gmail.com	0708265245		841715
24	ARNOLD MUSEBE	BUNGOMA COUNTY	Musebe.arnold@gmail.com	0723528821		72794
25	Martin Wekesa Nyongesa	BUNGOMA COUNTY	wekesamato4@gmail.com	0757247711		75332
26	Everlyle Ailwa	Kisumu	egrabams@yahoo.com	0713016710		71245
27	AKOOTH MATILDAH AJWANG	KISUMU COUNTY	amajiwang@gmail.com	0719301519		71385
28	BENFRANK OMONDI	KISUMU COUNTY	ayulthfrank@yahoo.com	0708519933		80889
29	PRISCILLA MUSTOKA	JUDICIARY	Priscilla.Mustoka@courts.go.ke	0726202005		68133
30	JOAN WANYOIKE	KISM	joan@kism.or.ke	0722560735		-

3
Juma 8/12/2021



ATTENDANCE SHEET – EXTERNAL MEETINGS

4

PUBLIC PARTICIPATION ON THE DRAFT SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2021 AND SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2021 ON Wednesday, 8th December, 2021 AT IMPERIAL HOTEL, KISUMU.

DATE: 8/12/2021 Time (from - to): 9am - 3:15 pm

No	NAME	Organization/Designation	E-mail	Mobile No.	SIGNATURE	KISM MEMBER NO.
1	JOHN KARANI	KISM/CHAIRMAN	jnkarani@gmail.com	0738816219		63785
2	Chris Odidi	Taskforce Member - Legislat ^{KISM}	odidachni@gmail.com	0728426461		65108
3	Henoell Kurungu	PPRA	hkurungu@gmail.com	0724562664		65774
4	Moses Omondi	KISM council	allosmond@gmail.com	0733739122		62893
5	Dr Foua Nurwin	Kapco Lecturer	ffaudahnurwin@gmail.com	078070777		65888
6	CHEBOSS Juma	County Gov. of Bungoma	chebossjuma@gmail.com	0723473719		69728
7	Doreen D. Lidigu	KAKAMEGA National Police Service	dlidigukenya@gmail.com	0721965812		73624
8	Jeddidah Kulundu	Bungoma County Govt	Jedkulundu81@gmail.com	0727404317		68743
9	JULIUS ODHAMBO OTENGO	Masewa Lecturer	juliusodhambot99@gmail.com	0722815144		70755

Juma 8/12/2021



ATTENDANCE SHEET – EXTERNAL MEETINGS

5

PUBLIC PARTICIPATION ON THE DRAFT SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2021 AND SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2021 ON Wednesday, 8th December, 2021 AT IMPERIAL HOTEL, KISUMU.

DATE: 8/12/2021 Time (from - to): 9am - 3.15pm

No	NAME	Organization/Designation	E-mail	Mobile No.	SIGNATURE	KISM MEMBER NO.
31	Jeddidah Kulundu R	Bungoma County Govt	jedkulundu81@gmail.com	0727404317		68743
32	Bernard Oduor Opiyo	Kisumu County (KSOA)	bernardogacho@gmail.com	0714689582		81088
33	Osborn Othman	County Govt of KSW	osbornosborn@gmail.com	0714114720		75160
34	SWICK ALMA OMBANLEW	Councils Comm of KISM	onejansivici82@gmail.com	0723394002		80407
35	ESTHER WASIKE	MMUST	wasikerachel@yahoo.com ewasika@mmust.ac.ke	0720332999		67107
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ATTENDANCE SHEET – EXTERNAL MEETINGS

PUBLIC PARTICIPATION ON THE DRAFT SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2021 AND SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2021 ON Wednesday, 8th December, 2021 AT IMPERIAL HOTEL, KISUMU.

DATE: 8/12/2021 Time (from – to): 9am - 3:15pm

No	NAME	Organization/Designation	E-mail	Mobile No.	SIGNATURE	KISM MEMBER NO.
41	MIRIAM KAKENYA	OAG	mkkakenyam@gmail.com	0714196563		
42	MARYANN WANJIRU	Rapporteur	wanjimwajiru@gmail.com	0712648374		
43	Damais Nuicala	KLRC	dmokala@gmail.com	0721144714		
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ATTENDANCE SHEET – EXTERNAL MEETINGS

7

PUBLIC PARTICIPATION ON THE DRAFT SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2021 AND SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2021 ON Tuesday, 7th December, 2021 AT SIRIKWA HOTEL, ELDORET

DATE: 7/12/2021 Time (from – to): 9am – 3:30pm

No	NAME	Organization/Designation	E-mail	Mobile No.	SIGNATURE	KISM MEMBER NO.
41	Damanis Mucala	ICLRC	dmucala@gmail.com	0721144717		
42	Miriam Kakenya	OAG	mkkakenya@gmail.com	0714196533		
43	Maryann Wanjini	Rapporteur	wanjiniwikiki@gmail.com	0712648374		
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JUNE 7/12/2021 5



KENYA INSTITUTE OF SUPPLIES MANAGEMENT

SUPPLY MANAGEMENT PROFESSIONALS BILL 2021 AND SUPPLIES PRACTITIONERS' MANAGEMENT (COUNCIL ELECTION) REGULATIONS 2021 PUBLIC PARTICIPATION REPORT FOR NAIROBI CITY COUNTY HELD ON 10TH DECEMBER 2021 AT KENYATTA INTERNATIONAL CONVENTION CENTRE, NAIROBI BETWEEN 11:00AM-2:00PM

1.0. Background

Laws are not static; they are made to suit the current trends and be consistent with the Constitution which is the Supreme Law of the land in order to gain legitimacy. The incumbent Council upon assuming Office identified the gaps in the current Supplies Practitioners Management Act 2007 for effective and efficient operations of the Institute. This necessitated the clamor for legal reforms prompting the Institute to seek technical assistance from the Kenya Law Reform Commission which has culminated to the draft Supply Management Professional Bill 2021.

Section 4 (1A) of the Supplies Practitioners Management Act, 2007 confers on the Cabinet Secretary; National Treasury and Planning the power to make Regulations. The Regulations envisaged under section 4(1A) of the Act relate to: governing the election of Chairperson and Members of the Council by members of the Institute.

It is against this background that a Legislative Committee was established to develop the Regulations in line with Section 4(1A) of the Supplies Practitioners Management Act, 2007.

The Legislative Committee comprised representation from Members of the Institute, Kenya Law Reform Commission and Office of the Attorney General.

The Legislative Committee embarked on several workshops to develop the draft Supply Chain Management Professionals Bill 2021 and the Supplies Practitioners' Management (Council Election) Regulations 2021.

Thereafter the draft regulations were transmitted to the Council for review and concurrence paving way for public participation as obligated in Article 10 of the Constitution in Eldoret, Kisumu, Nairobi and Mombasa Regions.

2.0. Nairobi Region Public Participation Forums

The Stakeholder Engagement was convened at Aberdare Hall, Kenyatta International Convention Centre and was guided by the Program **annexed to the Report as Annex 1.**

This report documents the proceedings of the stakeholder engagement forum.

2.1. Opening Remarks

The stakeholder engagement commenced at 11:07 am with a word of prayer from the Registrar and Acting Chief Executive Officer; Dr. Martin Gachukia and welcome remarks thereafter. **The list of participants is annexed to this Report as Annex 2.**

2.1. 1 Chairperson Legislative Committee; Council Henock Kirungu

Council Henock Kirungu welcomed members to the stakeholder engagement forum. He pointed out that upon the incumbent Council coming into office gaps in the current Supplies Practitioners Management Act 2007 and inconsistencies with the Constitution were identified necessitating the need for legal reforms.

It is against this background that a Legislative Committee was formed comprising Members of the Institute and technical experts from Kenya Law Reform Commission and Office of the Attorney General to develop the draft Supply Chain Management Professionals Bill 2021 and the Supplies Practitioners' Management (Council Election) Regulations 2021.

He urged members to actively participate by giving their views, comments and proposals in order to enrich the draft Bill and Regulations.

2.1. 2 Council Member; Mr. Moses Omondi

Mr. Moses Omondi welcomed members to the stakeholder engagement forum on the draft Supply Chain Management Professionals Bill 2021 and the Supplies Practitioners' Management (Council Election) Regulations 2021.

He pointed out some of the challenges the Bill and the Regulations seek to address such as logistical challenges encountered by members previously in exercising their right to vote; that of having to travel to Nairobi to cast their vote. However that challenge in the proposed Regulations had been mitigated with the proposal of internet and electronic modes of voting.

He urged the members to actively participate by giving their views, comments and proposals in order to build up on the Bill and Regulations.

2.1. 3 National Treasury Representative; Mr. Samuel Odhiambo

Mr. Samuel Odhiambo assured members that the National Treasury was supportive of the legal reform process at KISM. He noted that he had participated in the drafting of the Supplies Practitioners Management Act 2007 and the current draft Supply Chain Management Professionals Bill 2021 and the Supplies Practitioners' Management (Council Election) Regulations 2021.

He urged members to give their input on the draft legal instruments.

2.1. 4 National Chairperson; Mr. John Karani

Mr. John Karani expressed his gratitude to members for finding time to attend to the stakeholder engagement forum on the draft Supply Chain Management Professionals Bill 2021 and the Supplies Practitioners' Management (Council Election) Regulations 2021.

He noted that it was a defining moment for the Institute in building a legacy legislative instruments that will outlast the current generation and bequeath the next generation of Supply Chain Management Practitioners good legislative documents.

The Chairperson highlighted some of the successes of the Council such as operationalization of disciplinary instruments, automation of members register to ring-fence the profession and the operationalization of KISEB.

He noted that the success of the Institute was dependent on its members therefore members' contribution to the draft Bill and Regulations was paramount. The Chairperson wished members fruitful discussions towards improving the Bill Regulations.

3.3. Public Participation Forum

3.3.1. Strategy

The Institute utilized channels within the members Caucus to share the draft Supply Chain Management Professionals Bill 2021 and the Supplies Practitioners' Management (Council Election) Regulations 2021 with its member's before-hand and having the same proactively disclosed on its website for access by members to facilitate submission of Memoranda.

3.3.2. The Approach

Members were taken through the an overview of the draft Supply Chain Management Professionals Bill 2021 and the Supplies Practitioners' Management (Council Election) Regulations 2021 by Ms. Damaris Mukala and Ms. Miriam Kakenya respectively as well as providing the way forward in terms of the next steps.

3.3.3.1. Comments, Observations and Questions

The following issues, comments, observations and questions arose during plenary:

i. Mr. Felix Matasia sought to know the professional qualifications of the Corporation Secretary of the Institute under **clause 17**.

He sought to know what were the advantages of registering as a Fellow of the Institute under **clause 32**.

He proposed that the status of a Fellow be conferred by the President.

He also sought to know what measures are in place under **Regulation 7** to curb incidences of hacking in the internet voting system.

ii. Kennedy Ariambi sought to know whether qualification of five years' experience in a position of senior leadership for the position of Chairperson under **clause 10(1)** was limited to Heads of Departments or Senior Procurement Officers.

In relation to **clause 10(2)** he sought to know when 10 years professional experience begin to run. Whether from the date of practice or cumulative working experience.

He proposed the quorum for the Annual General Meeting under **clause 18(4)** be enhanced to 20%.

Under **clause 19(1) (a)** he sought to know whether a special general meeting can be requisitioned by a member with proof of verified signatures of at least ten percent of the members of the Institute

He sought to know whether staff of the branches under **clause 21** will be elected or seconded from the Institute.

He proposed that the Principal of Kenya School of Supply Chain Management be a member of the Kenya Institute of Supply Chain Management Examinations Board composed under **clause 23(1)**.

Mr. Ariambi sought to know the minimum threshold of bearing the title "MKISCM" under clause 33.

He proposed the Disciplinary Committee established under **clause 43(2)** be comprised of an advocate or Corporation Secretary.

He also proposed that licensing under **clause 39** be limited to members who have attained professional qualifications and membership to any person with certificate qualifications.

iii. Kenneth Akoko sought to know whether is a timeline for registration as an associate member of the Institute under **clause 34**. He noted that there should be progression to full membership.

He also sought the rationale of the qualifications for being a full member of the Institute under **clause 33(1)**.

iv. Ms. Rahab noted that communication was key to good quorum and challenged the Institute going forward to leverage on communication as an enabler to membership turn-out.

v. Timothy Karani sought to know the validity of a licence under **clause 40** for a member that takes out a license in the last quarter of the year. He proposed that validity of a licence run from the date one takes out as opposed to from 1st January -31st December.

3.4. Way forward and closing remarks

The comments on the regulations from stakeholders would be considered by the Legislative Committee and incorporated where need be.

The Chairperson thanked all participants for their active participation. He expressed appreciation for the feedback received during the stakeholder engagement forum and implored everyone to endeavor to leave a legacy that outlives themselves.

The forum ended at 2:00 pm with a word of prayer from the Chairperson.

4.0 Annexures

1. Program of the stakeholder engagement forums
2. List of Participants
3. Public Notice
4. Comments Matrix

Report prepared by:

Ms. Maryann Wanjiru

December 2021

PUBLIC PARTICIPATION COMMENTS MATRIX ON THE SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL 2021

NAIROBI CITY COUNTY REGION					
No.	Clause	Current provision	Comments from Plenary	Council Resolution	Justification
1.	PART II ESTABLISHMENT OF THE KENYA INSTITUTE OF SUPPLY CHAIN MANAGEMENT	<p>10. (1) A person is qualified for election as Chairperson if that person— (c) has at least fifteen years' professional experience in supply chain management, five of which shall be in a position of senior leadership;</p> <p>10 (2) A person is qualified for election as a member of the Institute under section 9(1)(e) if that person— c) has at least ten years</p>	<p>-Is the five year experience in a position of senior leadership limited to Heads of Departments or Senior Procurement Officers?</p> <p>-The requirement of at least ten years professional experience is good. -When do 10 years professional experience</p>		

	<p>of professional experience in supply chain management; and</p> <p>17 (1) The Institute shall, through an open and transparent process appoint a person qualified in terms of the law governing the practice of public secretaries in Kenya, to serve as the Corporation Secretary to the Institute.</p> <p>18.(4) The quorum of the General Meeting shall be at least ten percent of all the members of the Institute</p> <p>19. (1) A Special General</p>	<p>start to run? Is it from the date of practice or cumulative working experience?</p> <p>-What are the profession qualifications of a Corporation Secretary</p> <p>-Enhance the quorum to 20%</p> <p>-Leveraging on communication to result to good quorum.</p> <p>-Whether a special</p>		
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		<p>Meeting of the Institute may be convened —</p> <p>(a) if requisitioned by at least ten percent of the Members of the Institute;</p> <p>21. (1) The Institute shall decentralise its functions and the provision of its services to the extent that it is efficient and practicable to do so</p>	<p>general meeting can be requisitioned by a member with proof of verified signatures of at least ten percent of the members of the Institute.</p> <p>-Whether the staff at the branches will be elected or seconded from the Institute</p>		
	<p>2. PART III</p> <p>ESTABLISHMENT OF THE KENYA INSTITUTE OF SUPPLY CHAIN MANAGEMENT EXAMINATIONS BOARD</p>	<p>23. (1) The Examinations Board shall comprise of-</p> <p>(a) a Chairperson, who shall be competitively recruited and appointed by the Council; (b) the Cabinet Secretary responsible for Finance or a representative designated in writing;</p> <p>(c) the Attorney General</p>	<p>-It was proposed that the Principal of Kenya School of Supply Chain Management be a member of the Board.</p>		

	<p>or a representative designated in writing;</p> <p>(d) one person nominated in writing by the Cabinet Secretary responsible for education, from the Kenya National Examination Council; (e) a representative of the Kenya Institute of Curriculum Development designated in writing;</p> <p>(f) the Director- General of the Public Procurement Regulatory Authority or a representative designated in writing;</p> <p>(g) four persons appointed by the Council from among the Members of the Institute; and (h) the Chief Executive Officer, who shall be an ex-officio member</p>		
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<p>3. PART IV REGISTRATION AND LICENSING</p>	<p>32. (1) A person is qualified to be registered as a Fellow of the Institute, if that person— (d) has, in the opinion of the Council— (i) rendered outstanding services to the supply chain management profession; (ii) made significant contribution towards advancement of the objectives of the Institute; or (iii) has outstanding competence in supply chain management.</p>	<p>-What are the advantages of attaining the status of a Fellow? -It was proposed that the status of a Fellow be conferred by the President</p>		
	<p>33. (1) A person is eligible for registration as a Member of the Institute if that person — (a) having passed the relevant examinations, holds a</p>	<p>-What is the minimum threshold of bearing the title "MKISCM"?</p>		

		<p>certificate, diploma or degree from an institution of higher education, recognised in Kenya;</p> <p>(b) has successfully undergone a professional course prescribed by the Examinations Board and has been issued with a certificate; and</p> <p>(c) is in good professional standing.</p> <p>(4) A person duly registered as a Member of the Institute shall bear the title "Member of the Institute of Institute of Supply Chain Management of Kenya" and designatory letters MKISCM.</p> <p>34. (1) A person is eligible for registration as an Associate Member of the</p>	<p>-What is the rationale of the qualifications of registration as a Full Member of the Institute?</p>		
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	<p>Institute if that person –</p> <p>(a) having passed the relevant examinations, holds a certificate, diploma or degree from an institution of higher education, recognised in Kenya;</p> <p>(b) is duly registered by the Examinations Board and</p> <p>(c) is in the process of undertaking the professional course prescribed by the Examinations Board.</p> <p>39. (1) A person who is registered as a Member of the Institute under this Act shall take out a practicing licence. (2) An Application for a practising licence shall be made to the Chairperson of the Registration</p>	<p>-Is there a timeline for one to register as an associate member?</p> <p>-There should be progression to full membership</p>		
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		<p>Committee— (a) by delivering an application in duplicate, signed by the applicant specifying his or her name, place of business and membership number; and</p> <p>(b) by producing evidence of payment of the fee prescribed for a practising licence</p> <p>(3) the Registration Committee shall, if satisfied that the name of the applicant is on the Register of Members and that he or she is not for the time being suspended from practice, issue to the applicant a practising licence.</p> <p>40. A practicing licence issued under this Act shall be valid from the 1st January to 31st</p>	<p>-It was proposed that licensing be limited to members who have attained professional qualifications while membership be to any person with certificate</p>		
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		<p>December</p> <p>Provided every practising licence shall bear the date of the day on which it is issued and shall have effect from the beginning of that day.</p>	<p>qualifications.</p> <p>-What is the validity of a licence for a member that takes out a license in the last quarter of the year?</p> <p>-It was proposed that validity of a licence run from the date one takes out as opposed to from 1st January - 31st December.</p>		
	<p>4. PART V</p> <p>DISCIPLINE</p>	<p>43 (2) The Disciplinary Committee shall consist of—</p> <p>(a) a Chairperson shall be appointed by the Council from amongst members of the Council; (b) the Attorney-General or a representative nominated in writing;</p> <p>(c) the Director-General of Public Procurement Regulatory Authority or a representative</p>	<p>-It was proposed that the Disciplinary Committee be comprised of an Advocate or Corporation Secretary</p>		

	designated in writing; and (d) four persons who shall be competitively appointed by the Council from among members of the Institute.			
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PUBLIC PARTICIPATION COMMENTS MATRIX ON THE SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS 2021

NAIROBI CITY COUNTY REGION					
No.	Regulation	Current provision	Comments from Plenary	Council Resolution	Justification
1.	PART II ELECTORAL BODY	7. (1) Notwithstanding regulation 6, the Council may conduct council election by internet voting system and technology including email and mobile voting application, in so far	-What measures are in place to curb incidences of hacking in the internet voting system?		

		<p>as it is appropriate to do so.</p> <p>(2) The internet voting system adopted by the Council shall be an-end to-end verifiable internet voting system which allows voters to—</p> <p>(a) check that the system recorded their votes correctly,</p> <p>(b) check that the system included their votes in the final tally, and</p> <p>(c) count the recorded votes and double-check the announced outcome of the Council election</p> <p>(3) The Council shall satisfy the members that the internet voting system is secure, usable and transparent.</p>			
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KENYA INSTITUTE OF SUPPLIES MANAGEMENT

"Promoting Professionalism in Supply Chain Management"

KISM Towers, 12th Floor | Ngong Road | P.O. Box 30400 – 00100, Nairobi, Kenya
Mobile: 0721-244828; 0717-004842; 0733-333226 | E-mail: admin@kism.or.ke | Website: www.kism.or.ke

Our Ref: KISM.AfDB/2022/068

19th January 2022

Nnenna L. Nwabufo
Director General
East Africa Regional Development and Business Delivery Office
African Development Bank Group
Longonot Road, Upperhill
NAIROBI

Dear *Ms. Nwabufo,*

REQUEST FOR SUBMISSION OF MEMORANDUM ON THE SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2022 AND THE SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2022

The Kenya Institute of Supplies Management (KISM) is the national body for professionals in the practice of procurement and supply chain management in Kenya established under the Supplies Practitioners Management Act No. 17 of 2007.

The Institute, with the support of the Kenya Law Reform Commission has developed the Supply Chain Management Professionals Bill, 2022 and Supplies Practitioners Management (Council Election) Regulations, 2022 (copies attached).

The Supply Chain Management Professionals Bill, 2022 proposes to establish the composition, qualifications for election and term of office of members of the Council in line with the *Mwongozo* Code of Governance for State Corporations. The Bill further proposes to establish the Supply Chain Management Examinations Board of Kenya as the primary agency responsible for the conduct of examinations for qualification and certification of supply chain management professionals in Kenya.

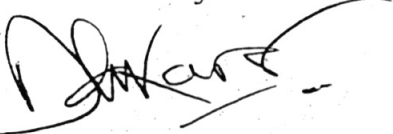
In addition, the Bill seeks to promote self-regulation of the supply chain management professionals by reconstituting the composition of the Disciplinary Committee and reviewing the procedure of determining disciplinary cases within the profession.

The Supplies Practitioners Management (Council Election) Regulations, 2022 aims at providing for the procedure for election of the Chairperson and members through electronic and internet voting; this will mitigate against the current inconvenient process that entails members having to travel all the way to Nairobi to

participate in the elections process. The regulations further provide for mechanisms of resolving disputes arising out of an election.

In line with Article 10, and as one of our key stakeholders, we request for your comments on the said Bill and Regulations. Kindly submit your memorandum on or before Wednesday, 2nd February 2022 through KISM email address admin@kism.or.ke.

Yours Sincerely



John Karani, MCIPS, MKISM
KISM Chairman

- Encls.** 1. The Supply Chain Management Professionals Bill, 2022
2. The Supplies Practitioners Management (Council Election) Regulations, 2022



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Our Ref: KISM.IEA/2022/067

19th January 2022

Kwame Owino
Chief Executive Officer
Institute of Economic Affairs (IEA-Kenya)
P.O. Box 53989 – 00200

NAIROBI

Dear *MR. OWINO,*

REQUEST FOR SUBMISSION OF MEMORANDUM ON THE SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2022 AND THE SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2022

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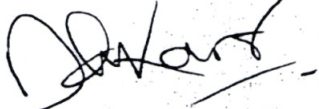
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John Karani, MCIPS, MKISM

KISM Chairman

- Encls.**
1. The Supply Chain Management Professionals Bill, 2022
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Our Ref: KISM.KAM/2022/065

19th January 2022

Phyllis Wakiaga
Chief Executive Officer
Kenya Association of Manufacturers
15 Mwanzi Road opp West Gate Mall, Westlands
NAIROBI

Dear *Ms. WAKIAGA,*

REQUEST FOR SUBMISSION OF MEMORANDUM ON THE SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2022 AND THE SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2022

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John Karani, MCIPS, MKISM

KISM Chairman

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Our Ref: KISM.KEPSA/2022/064

19th January 2022

Carole Kariuki, MBS, HSC
Chief Executive Officer
Kenya Private Sector Alliance
P.O. Box 3556 – 00100

NAIROBI.

Dear *Ms. KARIUKI,*

REQUEST FOR SUBMISSION OF MEMORANDUM ON THE SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2022 AND THE SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2022

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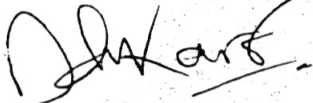
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John Karani, MCIPS, MKISM

KISM Chairman

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Our Ref: KISM.PPRA/2022/063

19th January 2022

Ms. Pauline O. Opiyo,
Ag. Director General,
Public Procurement Regulatory Authority,
P.O Box 58535-00200,
NAIROBI.

Dear *Ms. Opiyo,*

REQUEST FOR SUBMISSION OF MEMORANDUM ON THE SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2022 AND THE SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2022

The Kenya Institute of Supplies Management (KISM) is the national body for professionals in the practice of procurement and supply chain management in Kenya established under the Supplies Practitioners Management Act No. 17 of 2007.

The Institute, with the support of the Kenya Law Reform Commission has developed the Supply Chain Management Professionals Bill, 2022 and Supplies Practitioners Management (Council Election) Regulations, 2022 (copies attached).

The Supply Chain Management Professionals Bill, 2022 proposes to establish the composition, qualifications for election and term of office of members of the Council in line with the *Mwongozo* Code of Governance for State Corporations. The Bill further proposes to establish the Supply Chain Management Examinations Board of Kenya as the primary agency responsible for the conduct of examinations for qualification and certification of supply chain management professionals in Kenya.

In addition, the Bill seeks to promote self-regulation of the supply chain management professionals by reconstituting the composition of the Disciplinary Committee and reviewing the procedure of determining disciplinary cases within the profession.

The Supplies Practitioners Management (Council Election) Regulations, 2022 aims at providing for the procedure for election of the Chairperson and members through electronic and internet voting; this will mitigate against the current inconvenient process that entails members having to travel all the way to Nairobi to participate in the elections process. The regulations further provide for mechanisms of resolving disputes arising out of an election.

In line with Article 10, and as one of our key stakeholders, we request for your comments on the said Bill and Regulations. Kindly submit your memorandum on or before Wednesday, 2nd February 2022 through KISM email address admin@kism.or.ke.

Yours Sincerely,



John Karani, MCIPS, MKISM

KISM Chairman.

- Encls.** 1. The Supply Chain Management Professionals Bill, 2022
2. The Supplies Practitioners Management (Council Election) Regulations, 2022



KENYA INSTITUTE OF SUPPLIES MANAGEMENT

"Promoting Professionalism in Supply Chain Management"

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Our Ref: KISM.PFMR/2022/062

19th January 2022

Mr. Julius Mutua
Programme Coordinator
Public Financial Management Reforms Secretariat
The National Treasury and Planning
Bima House 8th Floor, Harambee Avenue
P.O. Box 30007- 00100.

NAIROBI.

Dear *MR. MUTUA,*

REQUEST FOR SUBMISSION OF MEMORANDUM ON THE SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2022 AND THE SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2022

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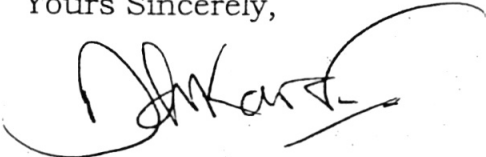
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KISM Chairman.

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Our Ref: KISM.NA-FP/2022/071

19th January 2022

Hon. Gladys Wanga
Chairperson
Finance and National Planning Committee
National Assembly
P.O. Box 41842 – 00100

NAIROBI

Dear *Hon. WANGA,*

REQUEST FOR SUBMISSION OF MEMORANDUM ON THE SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2022 AND THE SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2022

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John Karani, MCIPS, MKISM

KISM Chairman

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Our Ref: KISM.NA-DL/2022/072

19th January 2022

Hon. William K. Kamket
Chair person
Committee on Delegated Legislation
National Assembly
P.O. Box 41842 – 00100
NAIROBI

Dear

Hon. Kamket,

REQUEST FOR SUBMISSION OF MEMORANDUM ON THE SUPPLY CHAIN MANAGEMENT PROFESSIONALS BILL, 2022 AND THE SUPPLIES PRACTITIONERS MANAGEMENT (COUNCIL ELECTION) REGULATIONS, 2022

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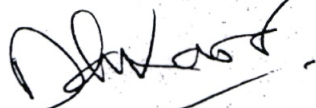
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