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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT | FOURTH SESSION (2025)

FOURTH REPORT OF THE COMMITTEE ON IMPLEMENTATION

REPORT ON CONSIDERATION OF THE COMMITTEE ON DELEGATED LEGISLATION REPORT REGARDING THE PUBLIC PROCUREMENT REGULATORY AUTHORITY CIRCULAR ON THE ENFORCEMENT OF COMPLIANCE WITH THE MANDATORY USE OF THE ELECTRONIC GOVERNMENT PROCUREMENT SYSTEM (E-GPS) BY ALL PUBLIC PROCURING ENTITIES (CIRCULAR NO. 04/2025)

OCTOBER, 2025

The Directorate of Audit, Appropriations and General-Purpose Committees


 The National Assembly Parliament Buildings THE NATIONAL ASSEMBLY PAPERS LAID NAIROBI	
DATE: 14 OCT 2025	
DAY: Tuesday	
TABLED BY:	Hon. Raphael Wangala (Chairperson, Committee on Implementation)
CLERK AT THE TABLE:	Shibuko

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ABBREVIATIONS AND ACCRONYMS

Cap.	Chapter (of the Laws of Kenya)
CBS	Chief of the Order of the Burning Spear
COI	Committee on Implementation
DLPS	Directorate of Legislative and Procedural Services
EGH	Elder of the Order of the Golden Heart
E-GPS	Electronic Government Procurement System
e-GP	Electronic Government Procurement
EBS	Elder of the Order of the Burning Spear
ICT	Information and Communication Technologies
KUP	Kenya Union Party
MP	Member of Parliament
ODM	Orange Democratic Movement
PPIP	Public Procurement Information Portal
PPRA	Public Procurement Regulatory Authority
UDA	United Democratic Alliance
UDM	United Democratic Movement
UPA	United Progressive Alliance
UPIA	United Progressive Independent Alliance
WDM	Kenya Wiper Democratic Movement – Kenya

Procurement and Assets Disposal Act stipulates that tenders may be submitted through both electronic and manual systems. The Committee on Delegated Legislation had recommended that the House declare that Circular No. 04 of 2025 a nullity, pursuant to section 18 of the Statutory Instruments Act (Cap. 2A).

The Committee on Implementation, having reviewed the **Report of the Committee on Delegated Legislation regarding the Public Procurement Regulatory Authority Circular on the Enforcement of Compliance with the Mandatory Use of the Electronic Government Procurement System (E-GPS) by all Public Procuring Entities (Circular No. 04 of 2025)**, noted that *Circular No. 04 of 2025, dated 12th August 2025*, had been annulled by the House. However, the Committee observed that the annulment of *Circular No. 04 of 2025* did not consider that compliance with the mandatory use of the E-GPS could continue through a Cabinet Directive issued during its 4th meeting on 24th June 2025, which established eGP as the primary procurement method for all Government transactions. Additionally, the Committee noted that the House did not annul two previous circulars:

- a) Circular Ref. No. NT/PPD/1/3/14 Vol VI by the Cabinet Secretary, The National Treasury and Economic Planning dated 26th March, 2025 directing Accounting Officers to transition to the eGP system with effect from 1st July, 2025; and
- b) Circular No. OP/CAB.6/2A dated 5th June, 2025, from The Head of Public Service, reiterating the need for all Procuring Entities to onboard into the eGP system.

The Committee also observed that while the circulars and directives on mandatory use of the Electronic Government Procurement System (E-GPS) by all public procuring entities from the Executive have legal underpinnings in the Constitution and laws such as the Public Procurement and Asset Disposal Act, 2015, implementation needed to take into consideration challenges faced by public entities and the general public regarding onboarding E-GPS such as geographical remoteness, lack of internet, electricity connection and technological challenges.

The Committee therefore recommends that the government implement a phased rollout where both manual and electronic procurement systems operate concurrently, as envisaged by Section 77(1) of the Public Procurement and Assets Disposal Act, as the ministry builds user capacity nationwide. That, while the National Treasury, with the assistance of the World Bank, from 2018

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Select Committee on Implementation is established under Standing Order 209 of the National Assembly Standing Orders.
2. The Committee is charged with scrutinizing the resolutions of the House (including adopted Committee Reports), Petitions and undertakings given by the National Executive and examining whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation had taken place within the minimum time necessary; and whether or not legislations passed by the House have been operationalized and where operationalized, the extent to which such operationalization had taken place within the minimum time necessary. The Committee may propose to the House sanctions against any Cabinet Secretary who fails to report to the relevant Select Committee on implementation status without justifiable reasons.
3. Standing Order 201 further provides that within sixty days of a resolution of the House or adoption of a Report of a Select Committee, the relevant Cabinet Secretary under whose portfolio the implementation of the resolution falls shall provide a report to the appropriate Committee of the House.
4. The mandate of the Committee is further enhanced by the provisions of Article 153(4) (b) of the Constitution, which requires Cabinet Secretaries to provide Parliament with full and regular reports concerning matters under their control.

Hon. Lillian Chebet, Siyoi, MP
Trans Nzoia County
United Democratic Alliance

Hon. Abdul Ebrahim Haro, MP
Mandera South Constituency
United Democratic Movement

Hon. Cynthia Jepkosgei Muge, MP
Nandi County
United Democratic Alliance

Hon. Julius Taitumu M'Anaiba, MP
Igembe North Constituency
United Democratic Alliance

Hon. Hamisi Kakuta Maimai, M.P
Kajiado East Constituency
Orange Democratic Movement

Hon. Chepkwony, Charity Kathambi, MP
Molo Constituency
United Democratic Alliance

Hon. Zamzam Mohamed Chimba, M.P
Mombasa County
Orange Democratic Movement

Hon. Rael Chepkemai Kasiwai, M.P
West Pokot County
Kenya Union Party

Hon. Chege Njuguna, MP
Kandara Constituency
United Democratic Alliance

Hon. Kitilai Ole Ntutu, MP
Narok South Constituency
Independent

Hon. Komingoi Kibet Kirui, MP
Bureti
United Democratic Alliance

2.0 IMPLEMENTATION STATUS OF THE CONSIDERED REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE PUBLIC PROCUREMENT REGULATORY AUTHORITY CIRCULAR ENFORCING MANDATORY USE OF THE ELECTRONIC GOVERNMENT PROCUREMENT SYSTEM (E-GPS) BY ALL PUBLIC PROCURING ENTITIES (CIRCULAR NO. 04 OF 2025)

2.1 Introduction

7. Upon adoption of the **Report of the Committee on Delegated Legislation on its Consideration of the Public Procurement Regulatory Authority Circular on the Enforcement of Compliance with the Mandatory Use of the Electronic Government Procurement System (E-GPS) by all Public Procuring Entities (Circular No. 04 of 2025)** tabled by the Chairperson of the Committee on Delegated Legislation the Hon. Chepkong'a Kiprono Samuel, CBS, M.P, by the House on 14th August, 2025, the Committee on Implementation made a follow up on the implementation status of the resolutions contained in the report as per its mandate as established under Standing Order 209 of the National Assembly Standing Orders.
8. The Committee on Delegated Legislation report had recommended thus: **Having examined the Public Procurement Regulatory Authority Circular No. 04 of 2025, dated 12th August 2025, on the Enforcement of Compliance with the Mandatory Use of the Electronic Government Procurement System (E-GPS) by All Public Procuring Entities, in accordance with the Constitution, the Interpretation and General Provisions Act (Cap. 2), the Public Procurement and Asset Disposal Act (Cap. 412C), and the Statutory Instruments Act (Cap. 2A), the Public Procurement and Asset Disposal Regulations, 2020, the Committee recommends that the House declares Circular No. 04 of 2025 a nullity, pursuant to section 18 of the Statutory Instruments Act (Cap. 2A).**
9. The report was as a result of the Morning Sitting of the National Assembly on 14th August, 2025, where the Hon. George Gitonga Murugara, CBS, MP, had laid before the House, the Public Procurement Regulatory Authority's *Circular No. 04 of 2025* (hereafter referred to as "the Circular"), dated 12th August, 2025, on the *Enforcement of Compliance with the Mandatory Use of the Electronic Government Procurement System (E-GPS) by all public procuring entities*.

associated with supply chain management, including strategic sourcing, purchasing, and inventory management of goods, works, and services. Furthermore, Regulation 2 defines an “e-tender” as an electronic bid submitted by a candidate to a procuring entity for the supply of goods, works, or services.

15. Section 64(2) of the Public Procurement and Asset Disposal Act provides that –

*Information and Communication Technologies (ICT) **may** be used in procurement and asset disposal proceedings as prescribed with respect to—*

- (a) publication of notices;*
- (b) submission and opening of tenders;*
- (c) tender evaluation;*
- (d) requesting for information on the tender or disposal process;*
- (e) dissemination of laws, regulations and directives;*
- (f) digital signatures; or*
- (g) as may be prescribed by regulations.*

16. Regulation 49 of the Public Procurement and Asset Disposal Regulations provides that –

(1) The National Treasury when designing and managing an efficient procurement management system as envisaged under section 7(2)(c) and in accordance with section 64(2) of the Act, shall ensure that the system is interfaced with the State Portal in respect of—

- (a) procurement planning;*
- (b) registration of suppliers;*
- (c) publication of notices;*
- (d) submission and opening of tenders;*
- (e) tender evaluation;*
- (f) requesting for information on tender or disposal process;*
- (g) dissemination of laws, regulations, directives and circulars;*
- (h) digital signatures;*
- (i) publication of tender awards;*
- (j) notification and acceptance of tender awards;*
- (k) administrative review of tender disputes;*

(l) framework agreements; and

(m) any other procurement method and procedure as prescribed in regulations and described in the tender documents.

19. Section 7(2)(f) of the Act empowers the National Treasury to –
carry out general research, develop and promote electronic procurement strategies and policies in both the national and county governments including state corporations and other government agencies.

20. Section 8 of the Act establishes the Public Procurement Regulatory Authority, while Section 9 of the Act outlines its functions, including to enforce any standards developed under the Public Procurement and Asset Disposal Act.

2.5 Summary of the Content of the Circular

21. In paragraph 1, the Authority reminds all Accounting Officers that any attempt to circumvent government directives constitute an offense and shall be liable to the penalties under the Public Procurement and Assets Disposal Act, Cap 412C.

22. In paragraph 2, the Authority states that effective 1st July, 2025, all public procurement and asset disposal transactions should be conducted through the E-GPS, and any procurements done outside the system and paid for shall be surcharged on the officer who authorizes the transaction.

23. In paragraph 3, the Authority notes that as communicated through PPRA Circular No. 02/2025, effective 1st July 2025, all procurement opportunities are to be processed through the E-GPS. As such, procuring entities are required to cease publishing new tender opportunities on the Public Procurement Information Portal (PPIP).

24. In paragraph 4, the Authority notifies all Accounting Officers that the Authority has a comprehensive record of all procurement proceedings uploaded to the PPIP by close of the Financial Year 2024/2025. In that regard, the Authority refers to National Treasury Circular of 23rd July 2025 which guides that for the existing contracts to be approved for payment, only those duly reported to PPRA in compliance with PPRA Circular No. 04/2022 dated 1st July 2022 on Mandatory Reporting Requirements by Procuring Entities, shall be processed.

3.0 SUBMISSIONS TO THE COMMITTEE ON DELEGATED LEGISLATION FROM THE PUBLIC PROCUREMENT REGULATORY AUTHORITY

26. The Committee on Delegated Legislation met the Public Procurement Regulatory Authority on 14th August, 2025, within Parliament Buildings, where the Authority submitted as follows –

- a) The Office of the President vide Circular Ref. OP/CAB.6/2A dated 5th June 2025, and the National Treasury vide Circular Ref. NT/PPD/1/3/14 Vol. VI dated 26th March 2025 communicated the decision to transition to, and roll out, an *End-to-End Electronic Government Procurement System (E-GPS)* with effect from 1st July 2025.
- b) In compliance with Section 9 of the Public Procurement and Asset Disposal Act, PPRA, vide *Circular No. 02/2025* of 17th June, 2025 on the integration of the Public Procurement Information Portal with the E-GPS, and *Circular No. 03/2025* of 27th June, 2025 on the processing of framework agreements and framework contracts during the transition, issued guidelines to facilitate the transition. Additionally, the National Treasury, vide *Circular Ref. NT/PPD/1/3/14 TY. On 3(68) dated 23rd July 2025, after considering the challenges raised by procuring entities, comprehensive guidelines were issued* to support their transition to E-GPS.
- c) Despite these measures, some procuring entities continued to source goods and services outside the E-GPS platform. In contrast, others sought to circumvent the system by retroactively recording procurements through backdated proceedings to dates before June 30, 2025. Consequently, the Authority issued *Circular No. 04/2025* on the enforcement of compliance with the mandatory use of the E-GPS by all public procuring entities.
- d) The transition to electronic procurement had been initiated by the National Treasury pursuant to Section 7(2)(f) of the Public Procurement and Asset Disposal Act.
- e) The mandate of the Authority under Section 9(1)(c) of the Public Procurement and Asset Disposal Act is limited to monitoring compliance and enforcing circulars issued by the National Treasury, which is the body mandated to formulate procurement policies; and
- f) The Circular was intended solely to enforce the directives issued by the Office of the President and the National Treasury, and the Authority did not introduce any new

- (iv) Contravention of Sections 2, 6, 11, 13, 22 and 24 of the Statutory Instruments Act, Cap. 2A relating to the interpretation of a statutory instrument; submission of a regulatory impact statement on each statutory instrument; requirement for publication and tabling of a statutory instrument before Parliament; and exercise of powers in making statutory instruments. Contrary to section 5 of the Statutory Instruments Act, which requires the regulation-making authority to make appropriate consultations with persons who are likely to be affected by the proposed instrument, especially where the instrument is likely to have a direct or a substantially indirect effect on businesses, there is no demonstration that the Authority conducted public participation.
- (v) Contravention of section 6 of the Statutory Instruments Act, requiring the regulation-making authority to prepare a regulatory impact statement about the instrument if the proposed statutory instrument is likely to impose significant costs on the community or a part of the community, the Authority did not prepare a regulatory impact statement about the Circular, and neither was there any demonstration of having done as required by law.
- (vi) Contravention of section 11(1) of the Statutory Instruments Act requiring the Cabinet Secretary responsible for a regulation-making authority to transmit a copy of the instrument to the responsible Clerk for tabling before the relevant House within seven (7) sitting days after the publication of the instrument, there is no demonstration that the Cabinet Secretary for the National Treasury and Economic Planning published and transmitted the Circular to the Clerk of the National Assembly within seven (7) sitting days for tabling in the House,
- (vii) Contravention of Section 13(c) of the Statutory Instruments Act, which requires the Committee to consider whether a statutory instrument contains a matter which, in the opinion of the Committee, should be dealt with in an Act of Parliament, the Circular contains matters which amount to amending the Public Procurement and Asset Disposal Act,

or other penalty without express authority having been provided for in the enabling legislation, paragraph 1 of the Circular subjects the accounting officers who fail to comply with the Circular to a fine not exceeding four million shilling of a prison term not exceeding ten years, and paragraph 2 of the Circular imposes a surcharge on the officers for payments made for procurements outside the system. The Committee noted that the Public Procurement and Asset Disposal Act does not confer on either the Director-General or the Authority any powers to impose a fine.

- (xiii) Contravention of Section 13(o) of the Statutory Instruments Act, which requires the Committee to consider whether a statutory instrument appears for any reason to infringe on the rule of law, the Circular violates the provisions of the Constitution, the Public Procurement and Asset Disposal Act, the Statutory Instruments Act, the Interpretation and General Provisions Act and the principles of natural justice.
- (xiv) Contravention of Section 22(1) of the Statutory Instruments Act, which requires every statutory instrument to be published in the Gazette, to be assigned a serial number as of the year in which it is made, which should be printed on the face of the statutory instrument; and
- (xv) Contravention of Section 24(5) of the Statutory Instruments Act, which provides that there may be annexed to the breach of a statutory instrument a penalty, not exceeding one million shillings or such term of imprisonment not exceeding six months, or both, which the regulation-making authority may think fit. The Circular refers to the Public Procurement and Asset Disposal Act, which provides for a fine not exceeding four million shillings or a jail term not exceeding ten years, and further imposes a surcharge on accounting officers, contrary to section 24(5) of the Act.

- a) *publication of notices;*
- b) *submission and opening of tenders;*
- c) *tender evaluation;*
- d) *requesting for information on the tender or disposal process;*
- e) *dissemination of laws, regulations and directives;*
- f) *digital signatures; or*
- g) *as may be prescribed by regulations.”*

Further, Section 7 (2) (c) and (f) of the Act states as follows:

*In the performance of its role under subsection (1), the National Treasury shall—
(c) design and prescribe an efficient procurement management system for the national and county governments to ensure transparent procurement and asset disposal as contemplated by Article 227 of the Constitution:*

Provided that the National Treasury shall prescribe through Regulations a system under this paragraph which operates, respects and promotes the distinctiveness of the national and county levels of government;

(f) carry out general research, develop and promote electronic procurement strategies and policies in both the national and county governments including state corporations and other government agencies;

- vi) Regulations 49 to 64 have prescribed the manner in which procurement will be carried out electronically, from annual procurement planning to contract management.
- vii) To implement the provisions of the law that enumerated above, the National Treasury embarked on the implementation of the e-Government Procurement.
- viii) The process began with the development of a strategy for e-GP implementation in 2018.
- ix) The National Treasury, with the assistance of the World Bank, conducted an eProcurement readiness assessment to evaluate the country's readiness and the capabilities of the existing IFMIS system to facilitate electronic public procurement.
- x) The study's findings revealed that the country was ready for an e-procurement system. It is against this background that the e-GP strategy was developed, and it provided for, among others, the following: -

- xiv) Further, during the budget statement 2025/2026, the Cabinet Secretary for The National Treasury and Economic Planning indicated that as from 1st July, 2025 the National Treasury will roll out the eGP system, where all entities will migrate to the online procurement system;
- xv) The Cabinet, in its 4th meeting of 24th June, 2025, directed that eGP shall be the primary means of procurement in all Government transactions.
- xvi) The implementation and use of the e-GP system will result in reduced cost of goods, works and services; increased transparency in procurement processes and practices; improved efficiency in procurement by minimizing the procurement cycle time; maximization of value for money; accountability; improved confidentiality, integrity and authenticity of transactions between procuring entities and suppliers; streamlined procurement procedures across the government through standardization of processes and practices; and enhanced procurement information management that will facilitate procurement planning, monitoring, evaluation and reporting;
- xvii) The Cabinet Secretary, National Treasury, issued a circular Ref. No. NT/PPD/1/3/14 Vol VI dated 26th March 2025 directing Accounting Officers to transition to the eGP system w.e.f 1st July, 2025. The Head of Public Service vide Circular No. OP/CAB.6/2A dated 5th June 2025 also reiterated the need for all Procuring Entities to onboard into the eGP system.
- xviii) As part of the rollout, the National Treasury carried out the following:
- a) A massive registration exercise of all Procuring Entities and Suppliers;
 - b) Training of users of the eGP system from all Procuring Entities;
 - c) Training of suppliers;
 - d) issued more circulars for ease of implementation of the eGP system by Procuring Entities; and
 - e) A help desk is set up on the 4th floor of KISM Towers to support PEs across the country.

- c) The need for the system to have visibility for Members of the Public, and Fund managers- The system is open for oversight by the public, MPS and Oversight bodies;
- d) Flexibility of the system – The system is flexible enough to allow amendments of Annual Procurement Plans when emergencies arise.
- e) The need for locals will benefit in CDF-related procurements – The system accommodates preferences and reservations during procurement planning and implementation; and
- f) System availability in remote parts of the country – the EGP system is web-based, which allows mobile service providers to have reach.

Electronic Government Procurement System (E-GPS) by all public procuring entities”, makes it mandatory that all procurements should be made in electronic form. This will disadvantage procurers and the general public, many of whom may face challenges in onboarding, such as geographical remoteness, limited internet penetration, grid electricity connection issues, and technological difficulties.

4. That while Section 64 (2) of the Public Procurement and Asset Disposal Act as read together with Regulations 49 outlines that Information and Communication Technologies (ICT) may be used (optional) in public procurement and asset disposal proceedings, Section 77(1) of the Public Procurement and Asset Disposal Act recognizes that submission of tenders may be made in electronic or manual form, should be in writing, signed and in the case of manual submission, they should be sealed in an envelope;

However, Section 7 (2) (c) and (f) of the Act states as follows:

In the performance of its role under subsection (1), the National Treasury shall—
(c) design and prescribe an efficient procurement management system for the national and county governments to ensure transparent procurement and asset disposal as contemplated by Article 227 of the Constitution: Provided that the National Treasury shall prescribe through Regulations a system under this paragraph which operates, respects and promotes the distinctiveness of the national and county levels of government; (f) carry out general research, develop and promote electronic procurement strategies and policies in both the national and county governments, including state corporations and other government agencies; This gives the Cabinet Secretary for The National Treasury powers to prescribe which option public procurement entities must use.

6.0 COMMITTEE RECOMMENDATIONS

31. Having examined the *Report of the Committee on Delegated Legislation on its Consideration of the Public Procurement Regulatory Authority Circular on the Enforcement of Compliance with the Mandatory Use of the Electronic Government Procurement System (E-GPS) by all Public Procuring Entities (Circular No. 04 of 2025)*, and having considered the responses provided by the Cabinet Secretary, The National Treasury and Economic Planning and Public Procurement Regulatory Authority (PPRA) regarding the implementation status and conformity with the Constitution, the Public Procurement and Asset Disposal Act, (Cap. 412C) the Interpretation and General Provisions Act (Cap. 2), and the Statutory Instruments Act (Cap. 2A), the Committee recommends as follows:—

1. That, having considered the contents of the following circulars,

- a) Circular Ref. No. NT /PPD/1/3/14 Vol VI by the Cabinet Secretary, the National Treasury and Economic Planning dated 26th March 2025, directing Accounting Officers to transition to the eGP system with effect from 1st July 2025; and
- b) Circular No. OP/CAB.6/2A dated 5th June 2025 from the Head of Public Service reiterating the need for all Procuring Entities to onboard into the eGP system, which occasioned the issuance of Circular No. 04 of 2025.

The Committee concurs with the annulment of *Circular No. 04 of 2025* of 12th August 2025 by the House. **Further, the Committee recommends that the House declares the above Circulars (a & b) a nullity, as they create ultra vires provisions which were in contravention of Article 227 of the Constitution, and Section 77(1) of the Public Procurement and Assets Disposal Act, Cap. 412C.**

2. The Committee notes that monies appropriated in the financial year 2024/2025 have been disbursed. The Committee recommends that the implementation of projects for the financial year 2024/2025 proceeds according to the approved procurement plans, in strict compliance with the provisions of Section 77(1) of the Public Procurement and Asset Disposal Act. This section permits the use of both manual and electronic procurement methods, ensuring flexibility and efficiency in the procurement process.

3. The Committee recommends that, henceforth, the Cabinet Secretary, The National Treasury and Economic Planning, submits Regulations to accompany any new

ADOPTION LIST



PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY
COMMITTEE ON IMPLEMENTATION
Adoption Schedule

FOURTH REPORT ON THE IMPLEMENTATION STATUS OF THE REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE PUBLIC PROCUREMENT REGULATORY AUTHORITY CIRCULAR ON THE ENFORCEMENT OF COMPLIANCE WITH THE MANDATORY USE OF THE ELECTRONIC GOVERNMENT PROCUREMENT SYSTEM (E-GPS) BY ALL PUBLIC PROCURING ENTITIES (CIRCULAR NO. 04/2025)

We, the undersigned Members of the Committee on Implementation, have pursuant to Standing Order 199 adopted today, 9th/10th, 2025, and do hereby affix our signatures to this **FOURTH REPORT ON THE IMPLEMENTATION STATUS OF THE REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE PUBLIC PROCUREMENT REGULATORY AUTHORITY CIRCULAR ON THE ENFORCEMENT OF COMPLIANCE WITH THE MANDATORY USE OF THE ELECTRONIC GOVERNMENT PROCUREMENT SYSTEM (E-GPS) BY ALL PUBLIC PROCURING ENTITIES (CIRCULAR NO. 04/2025)** to affirm our approval and confirm its accuracy, validity, and authenticity: -

<u>No.</u>	<u>NAME</u>	<u>SIGNATURE</u>
1.	The Hon. Raphael Bitta Sauti Wanjala, CBS, MP – Chairperson	
2.	The Hon. Rose Museo Mumo, CBS, MP – Vice Chairperson	
3.	The Hon. Mohamed Ali Mohamed, CBS, MP	
4.	The Hon. Mark Samuel Muriithi Mwenje, MP	
5.	The Hon. Mbalu, Jessica Nduku Kiko, CBS, MP	
6.	The Hon. Johnson Many Naicca, CBS, MP	
7.	The Hon. Elijah Memusi Kanchory, MP	
8.	The Hon. Hilary Arap Kosgei, MP	
9.	The Hon. Nicholas Ng'ikor Nixon Ngikilong, MP	
10.	The Hon. Charles Gumini Gimose, MP	

MINUTES

MINUTES OF THE 59TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON THURSDAY, 9TH OCTOBER, 2025 AT THE COMMITTEE ROOM ON 3RD FLOOR, ROOM 20, BUNGE TOWERS, BUILDING AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P - **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Johnson Manya Naicca, CBS, M.P
4. The Hon. Hilary Arap Kosgei, MP
5. The Hon. Komingoi Kibet Kirui, M.P
6. The Hon. Siyoi Lillian, M.P
7. The Hon. Julius Taitumu M'Anaiba, M.P
8. The Hon. Hamisi Kakuta Maimai, M.P
9. The Hon. Rael Chepkemoi Kasiwai, M.P
10. The Hon. Cynthia Jepkosgei Muge, M.P
11. The Hon. Kitilai Ole Ntutu, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P- **Vice Chairperson**
2. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
3. The Hon. Abdul Ebrahim Haro, M.P
4. The Hon. Mohamed Ali Mohamed, CBS, M.P
5. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon. Zamzam Mohamed Chimba, M.P
8. The Hon. Chepkwony Charity Kathambi, M.P
9. The Hon. Chege Njuguna, M.P
10. The Hon. Elijah Memusi Kanchory, M.P

NATIONAL ASSEMBLY SECRETARIAT

- | | |
|--------------------------|--------------------|
| 1. Mr. Abdiaziz Shobay | - Clerk Assistant |
| 2. Mr. Mark Namaswa | - Clerk Assistant |
| 3. Ms. Catherine Mukunyi | - Sergeant at Arms |
| 4. Mr. James Macharia | - Media Officer |
| 5. Ms. Mercy Ondego | - Researcher |
| 6. Ms. Shamsa Ahmed | - Researcher |
| 7. Mr. Douglas Maraga | - Intern |

MIN. NO. NA /DAA & GPC/COI/2025/322:

PRELIMINARIES

The Chairperson called the meeting to order at half past 10:00 am followed by a word of prayer by The Hon. Mark Mwenje, MP. The agenda of the meeting was adopted as hereunder as proposed by Hon. Johnson Manya Naicca, CBS, MP seconded by The Hon. Komingoi Kibet Kirui, MP.

AGENDA:

1. Preliminaries
 - i) Prayers
 - ii) Introductions
 - iii) Adoption of the Agenda

Having examined the *Report of the Committee on Delegated Legislation on its Consideration of the Public Procurement Regulatory Authority Circular on the Enforcement of Compliance with the Mandatory Use of the Electronic Government Procurement System (E-GPS) by all Public Procuring Entities (Circular No. 04 of 2025)*, and having considered the responses provided by the Cabinet Secretary, The National Treasury and Economic Planning and Public Procurement Regulatory Authority (PPRA) regarding the implementation status and conformity with the Constitution, the Public Procurement and Asset Disposal Act, (Cap. 412C) the Interpretation and General Provisions Act (Cap. 2), and the Statutory Instruments Act (Cap. 2A), the Committee recommends as follows:—

1. That, having considered the contents of the following circulars,
 - a) Circular Ref. No. NT /PPD/1/3/14 Vol VI by the Cabinet Secretary, the National Treasury and Economic Planning dated 26th March 2025, directing Accounting Officers to transition to the eGP system with effect from 1st July 2025; and
 - b) Circular No. OP/CAB.6/2A dated 5th June 2025 from the Head of Public Service reiterating the need for all Procuring Entities to onboard into the eGP system, which occasioned the issuance of Circular No. 04 of 2025.

The Committee concurs with the annulment of *Circular No. 04 of 2025* of 12th August 2025 by the House. **Further, the Committee recommends that the House declares the above Circulars (a & b) a nullity, as they create ultra vires provisions which were in contravention of Article 227 of the Constitution, and Section 77(1) of the Public Procurement and Assets Disposal Act, Cap. 412C.**

2. The Committee notes that monies appropriated in the financial year 2024/2025 have been disbursed. The Committee recommends that the implementation of projects for the financial year 2024/2025 proceeds according to the approved procurement plans, in strict compliance with the provisions of Section 77(1) of the Public Procurement and Asset Disposal Act. This section permits the use of both manual and electronic procurement methods, ensuring flexibility and efficiency in the procurement process.
3. The Committee recommends that, henceforth, the Cabinet Secretary, The National Treasury and Economic Planning, submits Regulations to accompany any new Circular on the Electronic Government Procurement System for consideration by the National Assembly.

MIN. NO.NA/DAA& GPC/COI/2025/325:

ANY OTHER BUSINESS

No other business arose

MIN. NO.NA/DAA & GPC/COI/2025/326:

ADJOURNMENT

There being no other business, the meeting was adjourned at 11:56 a.m.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, CBS, M.P

(CHAIRPERSON)

Date.....

9th Oct, 2025

MINUTES OF THE 54TH SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON THURSDAY, 18TH SEPTEMBER, 2025 AT THE COMMITTEE ROOM ON 3RD FLOOR, ROOM 18/19, BUNGE TOWERS, BUILDING AT 10:00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, CBS, M.P- **Chairperson**
2. The Hon. Mark Samuel Muriithi Mwenje, M.P
3. The Hon. Hilary Arap Kosgei, MP
4. The Hon. Siyoi Lillian, M.P
5. The Hon. Chepkwony Charity Kathambi, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, CBS, M.P- **Vice Chairperson**
2. The Hon. Mohamed Ali Mohamed, CBS, M.P
3. The Hon. Mbalu, Jessica Nduku Kiko, CBS, M.P
4. The Hon. Johnson Many Naicca, CBS, M.P
5. The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon. Hamisi Kakuta Maimai, M.P
8. The Hon. Abdul Ebrahim Haro, M.P
9. The Hon. Cynthia Jepkosgei Muge, M.P
10. The Hon. Julius Taitumu M'Anaiba, M.P
11. The Hon. Zamzam Mohamed Chimba, M.P
12. The Hon. Komingoi Kibet Kirui, M.P
13. The Hon. Chege Njuguna, M.P
14. The Hon. Elijah Memusi Kanchory, M.P
15. The Hon. Rael Chepkemai Kasiwai, M.P
16. The Hon. Kitilai Ole Ntutu, M.P

IN ATTENDANCE

The Hon. Maurice Kakai Bisau, M.P

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|--------------------------|---|---------------------------------|
| 1. Ms. Lucy Kimathi | - | Principal Clerk Assistant I/HoD |
| 2. Mr. Abdiaziz Shobay | - | Clerk Assistant I |
| 3. Mr. Mark Namaswa | - | Clerk Assistant II |
| 4. Ms. Catherine Mukunyi | - | Sergeant at Arms |
| 5. Ms. Mercy Ondego | - | Researcher |
| 6. Ms. Shamsa Ahmed | - | Researcher |
| 7. Mr. Douglas Maraga | - | Intern |

THE NATIONAL TREASURY

1. Hon. FCP John Mbadi Ng'ongo, EGH – CS, National Treasury
2. Mr. Eric Korir -Director of Public Procurement, National Treasury
3. Mr. George Yogo - P. A to CS TNT
4. Mr. Lawrence K. Kanyinyi - National Treasury
5. Mr. Milford Bett - Parliamentary Liaison
6. Mr. Melvin Munene - Intern, National Treasury

PUBLIC PROCUREMENT REGULATORY AUTHORITY

1. Mr. Patrick K. Wanjuki - Director General, PPRA

Mr. Lawrence K. Kanyinyi, National Treasury, Mr. Milford Bet, Parliamentary Liaison and Mr. Melvin Munene, Intern, National Treasury

The Cabinet Secretary submitted as follows, that: -

- i) Article 201 of the Constitution, contemplates a transparent procurement system and sets forth the principles of Public Finance Management. Among them principles is the demand for an open, transparent and accountable system that includes public participation. The National Treasury, the agency behind the circular for mandatory transition to e-procurement, is contemplated under article 225 that required Parliament to enact a legislation to establish it and prescribe a mechanism for expenditure controls and transparency across all government levels;
- ii) Parliament enacted the Public Finance Management Act of 2012 to fulfil the requirements of Chapter 12. Section 11 of the Act establishes The National Treasury, with Part III of the Act detailing its general responsibilities, powers and those of the Cabinet Secretary in-charge of it. By deed of this part of the law, all executive powers in the administration of public resources, and designation of Accounting Officers in fulfilment of Article 226 vest on the CS in-charge of the Treasury.
- iii) Article 227(1) of the Constitution states that:
"When a State organ or any other public entity contracts for goods or services, it shall do so in accordance with a system that is fair, equitable, transparent, competitive and cost-effective;
- iv) In compliance with Article 227 of the Constitution, Parliament enacted the Public Procurement and Asset Disposal Act, 2015 (the Act) with its attendant Regulations 2020.
- v) Section 64 (2) of the Act as read together with Regulations 49 states that: -
"Information and Communication Technologies (ICT) may be used in procurement and asset disposal proceedings as prescribed with respect to—
 - a) publication of notices;
 - b) submission and opening of tenders;
 - c) tender evaluation;
 - d) requesting for information on the tender or disposal process;
 - e) dissemination of laws, regulations and directives;
 - f) digital signatures; or
 - g) as may be prescribed by regulations."
- i) Further section 7 (2) (c) and (f) of the Act states as follows:
In the performance of its role under subsection (1), the National Treasury shall—
 - (c) design and prescribe an efficient procurement management system for the national and county governments to ensure transparent procurement and asset disposal as contemplated by Article 227 of the Constitution:
Provided that the National Treasury shall prescribe through Regulations a system under this paragraph which operates, respects and promotes the distinctiveness of the national and county levels of government;
 - (f) carry out general research, develop and promote electronic procurement strategies and policies in both the national and county governments including state corporations and other government agencies;
- vi) Regulation 49 to 64 has prescribed the manner how procurement will be carried out electronically from annual procurement planning to contract management;
- vii) To implement the provisions of the law that enumerated above, the National Treasury

- xvi) The CS - Treasury issued a circular Ref. No. NT/PPD/1/3/14 Vol VI dated 26th March 2025 directing Accounting Officers to transition to eGP system w.e.f 1st July, 2025. The Head of Public Service vide Circular No. OP/CAB.6/2A dated 5th June 2025 also reiterated the need for all Procuring Entities to onboard into the eGP system.
- xvii) As part of the rollout, the National Treasury carried out the following:
- a) A massive registration exercise of all Procuring Entities and Suppliers;
 - b) Training of users of the eGP system from all Procuring Entities;
 - c) Training of suppliers;
 - d) issued more circulars for ease of implementation of the eGP system by Procuring Entities; and
 - e) A help desk set up at the 4th floor of KISM Towers to support PEs across the country.
- xviii) The Public Procurement Regulatory Authority (PPRA) is mandated to enforce standards and directives with respect to the Act, Regulations and existing policies regarding Public Procurement. This is in line with the section 9(c) of the Act which states that: -The functions of the Authority shall be to Enforce any standards developed under this Act;
- xix) Pursuant to the above provision of the Act, the PPRA issued Circular No 04/2025 on enforcement of Compliance with mandatory use of the electronic Government Procurement system by all Procuring Entities, to reiterate the need for all Procuring Entities to onboard into the eGP system;
- xx) The said circular by PPRA was the subject of debate by Parliament which led to its annulment;
- xxi) The following is the status of the implementation of the eGP system:
- a) Procuring Entities Registered – 1,379
 - b) Suppliers Registration- 10,000
 - c) ToT's Supporting Rollout of the system – 140 No.
 - d) Persons Trained from various Procuring Entities – over 14,000 No PFM and users.
- xxii) As directed by the Government Policy on digitization as an enabler of among others the Bottom-Up Transformation Agenda (BETA), the National Treasury will continue to implement this key reform agenda;
- xxiii) In the spirit of Stakeholder engagement in the rollout of eGP, a meeting was held by National Treasury officers with the NG-CDF management and NGAAF officers where the following was agreed during for effective implementation with regards CDF procurement in the eGP system;
- xxiv) The need for Capacity Building of Members of parliament, Fund Managers and Staff of NG-CDF and NGAAF – The National Treasury shall undertake the capacity building and provide the support to the two institutions;
- xxv) The need for Stakeholder Engagement when rolling out eGP – The National Treasury will continue engaging MPs, and users of the system for effective implementation;
- xxvi) The need for the system to be have visibility for Members of the Public, and Fund managers- The system is open for oversight by the public, MPS and Oversight bodies;
- xxvii) Flexibility of the system – The system is flexible enough to allow amendments of Annual Procurement Plans when need emergencies arises;
- xxviii) There need for locals will benefit in CDF related procurements – The system accommodates preferences and reservations during procurement planning and implementation; and
- xxix) System availability in remote parts of the country – the EGP system is web based where mobile service providers have reach.

the distinctiveness of the national and county levels of government; (f) carry out general research, develop and promote electronic procurement strategies and policies in both the national and county governments, including state corporations and other government agencies; This gives the Cabinet Secretary for The National Treasury powers to prescribe which option public procurement entities must use.

5. That the Cabinet Secretary usurped the legislative powers of the National Assembly as duly elucidated under Article 94(5) of the Constitution of Kenya, which states that: *No person or body, other than Parliament, has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation. The Cabinet Secretary acted ultra vires by issuing the highlighted circular. The Committee noted that to address this issue, the Ministry should either amend the previous circulars that had been issued or revoke them. Furthermore, introduce an amendment to Section 77(1) of the Public Procurement and Asset Disposal Act, Cap. 412C deletes the provision of manual procurement.*
6. Although the Government of Kenya decided to roll out the e-procurement system (eGP) as early as 2018, the system, jointly run by a Kenyan and an Indian firm, was procured in April 2022 for Kshs. **387,567,570**. The Committee took note that the Cabinet Secretary submitted the documents of the Company in question behind the system.
7. That entities with their own e-procurement systems, like Kenya Pipeline and KENGEN, would be exempted once the Cabinet Secretary approves onboarding the eGP, provided their systems are found to be sufficiently tamper-proof; and
8. That procurements from funds appropriated in the Financial Year 2024/2025, but disbursed late, such as NG-CDF, NGAFF, and County Governments, would be exempt since the system was configured to process procurements starting from July 1, 2025.
9. Furthermore, upon tabling and adoption of this report, the Cabinet Secretary, The National Treasury and Economic Planning will issue a circular with clear timelines and a staggered approach, introducing a clear transition period during which both e-GP and manual procurement will operate in parallel. It is essential that, before the beginning of the second half of FY 2025/26 in January 2026, these transitional measures are formally communicated. This will assure accounting officers that they will not face surcharges or sanctions for temporarily using alternative procedures.
10. The Act came into force on 7th January 2016, but does not have regulations specifically for electronic procurement.

Committee Recommendations

Having examined the *Report of the Committee on Delegated Legislation on its Consideration of the Public Procurement Regulatory Authority Circular on the Enforcement of Compliance with the Mandatory Use of the Electronic Government Procurement System (E-GPS) by all Public Procuring Entities (Circular No. 04 of 2025)*, and having considered the responses provided by the Cabinet Secretary, The National Treasury and Economic Planning and Public Procurement Regulatory Authority (PPRA) regarding the implementation status and conformity with the Constitution, the Public Procurement and Asset Disposal Act, (Cap.412C) the Interpretation and General Provisions Act (Cap. 2), and the Statutory Instruments Act (Cap. 2A), the Committee recommends as follows:—

1. That, having considered the contents of the following circulars,
 - a) Circular Ref. No. NT /PPD/1/3/14 Vol VI by the Cabinet Secretary, the National Treasury and Economic Planning dated 26th March 2025, directing Accounting Officers to transition to the eGP system with effect from 1st July 2025; and

**SUBMISSION BY THE CABINET SECRETARY,
NATIONAL TREASURY & ECONOMIC PLANNING &
THE DIRECTOR GENERAL, PUBLIC PROCUREMENT
REGULATORY AUTHORITY (PPRA)**



REPUBLIC OF KENYA
THE NATIONAL TREASURY AND ECONOMIC PLANNING

**MEETING WITH THE COMMITTEE ON IMPLEMENTATION REGARDING
IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

Hon Chairman and Hon. Members of this committee on implementation regarding status of House Resolutions, Good morning.

We are here pursuant to the invitation received from the Clerk of the National Assembly Ref. NA/AA&GPC/COI/2025/061) of 26th August, 2025 addressed to the Principal Secretary National Treasury with request to extend the invitation to the Cabinet Secretary NT & Economic Planning to apprise the Committee on The Implementation Status of the House Resolutions.

Honourable Chairman and Hon Members, before I delve into the status of implementation of the resolutions of the House, (e-GP) allow me to cite various articles of the Constitution of Kenya 2010, provisions of the Public Procurement and Asset Disposal Act, 2015 and the Public Procurement and Asset Disposal Regulations, 2020 relevant to the subject matter.

Article 201 of the Constitution, contemplates a transparent procurement system and sets forth the principles of Public Finance Management. Among them principles is the demand for an open, transparent and accountable system that includes public participation. The National Treasury, the agency behind the circular for mandatory transition to e-procurement, is contemplated under article 225 that required Parliament to enact a legislation to establish it and prescribe a mechanism for expenditure controls and transparency across all government levels.

Parliament enacted the Public Finance Management Act of 2012 to fulfil the requirements of Chapter 12. Section 11 of the Act establishes The National Treasury, with Part III of the Act detailing its general responsibilities, powers and those of the Cabinet Secretary in-charge of it. By deed of this part of the

(f) carry out general research, develop and promote electronic procurement strategies and policies in both the national and county governments including state corporations and other government agencies

Regulation 49 to 64 has prescribed the manner how procurement will be carried out electronically from annual procurement planning to contract management.

Chairman and Honorable members to implement the provisions of the law that I have enumerated above, the National Treasury embarked on the implementation of the e-Government Procurement.

It all started with development of a strategy on eGP implementation in year 2018. The National Treasury with the assistance of the World Bank carried out an eProcurement readiness assessment to assess the Country's readiness and the capabilities of existing IFMIS system to undertake Public Procurement electronically.

Chairman and Honorable Members, the findings of the study revealed that the country was ready for eProcurement system. It is against this background that the eGP strategy was developed and it provided for among others the following: -

- 1) A Steering Committee chaired by Principal Secretary National Treasury to drive eGP implementation;
- 2) A Technical Committee comprising of membership drawn from MDAs, State Corporations and County Governments to provide technical assistance in the implementation of eGP;
- 3) Steps in the implementation of the eGP system which include; Design of the system; development of the specifications and business requirements, tendering arrangements; and delivery of the system.

Chair and Honorable Members,

A vendor was procured to deliver the system in line with the requirements of the Public Procurement and Asset Disposal Act, 2015, and upon Procurement

the government through standardization of processes and practices; and enhanced procurement information management that will facilitate procurement planning, monitoring, evaluation and reporting.

Further I issued a circular Ref. No. NT/PPD/1/3/14 Vol VI dated 26th March 2025 directing Accounting Officers to transition to eGP system w.e.f 1st July, 2025. The Head of Public Service vide Circular No. OP/CAB.6/2A dated 5th June 2025 also reiterated the need for all Procuring Entities to onboard into the eGP system.

Chairman and Honorable Members,

As part of the rollout, the National Treasury carried out the following:

- i. A massive registration exercise of all Procuring Entities and Suppliers;
- ii. Training of users of the eGP system from all Procuring Entities;
- iii. Training of suppliers;
- iv. issued more circulars for ease of implementation of the eGP system by Procuring Entities; and
- v. A help desk set up at the 4th floor of KISM Towers to support PEs across the country.

Chair and Honourable Members,

As you are aware, the Public Procurement Regulatory Authority (PPRA) is mandated to enforce standards and directives with respect to the Act, Regulations and existing policies regarding Public Procurement. This is in line with the section 9(c) of the Act which states that: *-The functions of the Authority shall be to Enforce any standards developed under this Act*

Chair and Honorable Members,

Pursuant to the above provision of the Act, the PPRA issued Circular No 04/2025 *on enforcement of Compliance with mandatory use of the electronic Government Procurement system by all Procuring Entities*, to reiterate the need for all Procuring Entities to onboard into the eGP system.

Chair and Honourable Members, the said circular by PPRA was the subject of debate by Parliament which led to its annulment.

THE PUBLIC FINANCE MANAGEMENT ACT, 2012

PART III— NATIONAL GOVERNMENT RESPONSIBILITIES WITH RESPECT TO THE MANAGEMENT AND CONTROL OF PUBLIC FINANCE

11. (1) There is established, pursuant to Article 225 of the Constitution, an entity of the national government to be known as the National Treasury.

(2) The National Treasury shall comprise of—

(a) the Cabinet Secretary;

(b) the Principal Secretary; and

(c) the department or departments, office or offices of the National Treasury responsible for economic and financial matters.

(3) The Cabinet Secretary shall be the head of the National Treasury.

PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT, 2015

7. Role National Treasury on public procurement and assets disposal

(1) The National Treasury established under section 11 of the Public Finance Management Act, 2012, shall be responsible for public procurement and asset disposal policy formulation.

(2) In the performance of its role under subsection (1), the National Treasury shall—

(a) formulate, evaluate, promote and research on national and county public procurement and asset disposal policy and standards;

(b) develop policy guidelines for the efficient procurement management and disposal system for national executive;

(c) design and prescribe an efficient procurement management system for the national and county governments to ensure transparent procurement and asset disposal as contemplated by Article 227 of the Constitution:

Provided that the National Treasury shall prescribe through Regulations a system under this paragraph which operates, respects and promotes the distinctiveness of the national and county levels of government;

(d) provide technical assistance on procurement and assist in the implementation and operation of the public procurement and asset disposal system;

(e) manage and administer the scheme of service of the procurement and supply chain management services cadre for the national government;

(f) carry out general research, develop and promote electronic procurement strategies and policies in both the national and county governments including state corporations and other government agencies;

(g) carry out review of procurement and supply chain management system to assist procuring entities;

(h) develop and review policy on procurement of common user items in the public sector both at national and county government levels;

(i) develop policy on the administration of preference and reservations scheme and registration of target groups under preference and reservations scheme as prescribed;

(j) facilitate affirmative action for disadvantaged groups in accordance with the Constitution and advance their participation in the procurement process;

(k) develop and review policies and guidelines on the management of assets;

PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT, 2015

The Public Procurement Regulatory Authority

9. Functions of Authority

The functions of the Authority shall be to—

- (a) monitor, assess and review the public procurement and asset disposal system to ensure that they respect the national values and other provisions of the Constitution, including Article 227 and make recommendations for improvements;
- (b) monitor the public procurement system and report on the overall functioning of it and present to the Cabinet Secretary and the county executive member for finance in each county, such other reports and recommendations for improvements;
- (c) enforce any standards developed under this Act;
- (d) monitor classified procurement information, including that of specific items of security organs and make recommendations to the Cabinet Secretary;
- (e) monitor the implementation of the preference and reservation schemes by procuring entities;
- (f) prepare, issue and publicise standard public procurement and asset disposal documents and formats to be used by public entities and other stakeholders;
- (g) provide advice and technical support upon request;
- (h) to investigate and act on complaints received on procurement and asset disposal proceedings from procuring entities, tenderers, contractors or the general public that are not subject of administrative review;
- (i) research on the public procurement and asset disposal system and any developments arising from the same;
- (j) advise the Cabinet Secretary on the setting of standards including international public procurement and asset disposal standards;
- (k) develop and manage the State portal on procurement and asset disposal and ensure that it is available and easily accessible;
- (l) monitor and evaluate the preference and reservations provided for under this Act and provide quarterly public reports;
- (m) create a central repository or database that includes—
 - (i) complaints made on procuring entities;

PUBLIC PROCUREMENT AND ASSET DISPOSAL REGULATIONS, 2020

FORMS OF COMMUNICATIONS, ELECTRONIC PROCUREMENT AND ASSET DISPOSAL

49. (1) The National Treasury when designing and managing an efficient procurement management system as envisaged under section 7(2)(c) and in accordance with section 64(2) of the Act, shall ensure that the system is interfaced with the State Portal in respect of—

- (a) procurement planning;
- (b) registration of suppliers;
- (c) publication of notices;
- (d) submission and opening of tenders;
- (e) tender evaluation;
- (f) requesting for information on tender or disposal process;
- (g) dissemination of laws, regulations, directives and circulars;
- (h) digital signatures;
- (i) publication of tender awards;
- (j) notification and acceptance of tender awards;
- (k) administrative review of tender disputes;
- (l) publication of contract awards;
- (m) requisition;
- (n) invoicing;
- (o) generation of orders;
- (p) termination or cancellation of procurement proceedings; and
- (q) any other as may be specified by the Cabinet Secretary.

(2) The conduct of e-procurement procedures for the supply of goods, works and services shall be carried out by a procuring entity using an e-procurement system which is integrated to the State Portal.

(3) The e-procurement system referred to in paragraph (2) shall—

- (4) Tenderers shall be allowed to submit modifications to bids or proposals or withdraw previously submitted bids or proposals electronically up to, but not after, the bid submission deadline.
 - (5) Receipt of modification or notice of withdrawal including the date and time shall be acknowledged electronically.
 - (6) A bid or proposal submitted online shall be scanned for malware by the system administrator before being uploaded and accepted into the online bid box.
 - (7) Where a scan causes a bid to be rejected, the tenderers shall be notified immediately.
 - (8) A procuring entity shall accept only those bids in electronic format received within the tender submission deadline.
 - (9) Receipt of electronic submissions, including the date and time, shall be acknowledged electronically.
 - (10) Proof of tender security as required by the procuring entity, where applicable, shall be scanned and uploaded along with the bid, and the original physical copy shall be submitted to the procuring entity so as to reach before the date of closing of the bids.
 - (11) Failure to submit the original physical copy of a tender security before the closing of the bid shall lead to the disqualification of the bid.
 - (12) A procuring entity shall not charge any fee for tender documents obtained electronically by candidates.
 - (13) In order to submit the bids electronically, candidates shall be required to secure a digital signature certificate from a certifying agency licensed by the Communications Authority of Kenya.
 - (14) The bids or proposals submitted online shall be signed electronically with a digital signature to establish the identity of the bidder submitting the bid or proposal online.
56. (1) Where a candidate or tenderer makes an inquiry relating to the amended tender documents under section 75(2) of the Act, the procuring entity shall promptly respond in writing in both manual and through electronic mail where possible, and such correspondence shall be sent through the official communication address of the procuring entity.

(11) The procuring entity shall on request provide a copy of the tender opening register to a tenderer.

(12) Bids or proposals in electronic format shall be protected against access by unauthorized persons until the publication of the contract award.

(13) A procuring entity shall open bids or proposals in electronic format.

(14) A procuring entity shall ensure that financial proposals in electronic format shall only be accessed and opened after the technical evaluation of the proposals where so required in the e-tender documents.

(15) Until the price bids are opened, the bid-offers shall be kept confidential.

(16) Financial bids for unsuccessful bidders at the technical stage shall not be opened.

58. (1) An accounting officer of a procuring entity shall, upon appointment of any ad hoc evaluation committee, register its members and give them access to the e-procurement system.

(2) An evaluation committee shall access the system only in specified and restricted time for specific procurement defined by a procuring entity for submitting the evaluation results and reports.

(3) The tender evaluation committee shall evaluate the tenders using the evaluation criteria contained in the e-tender document.

(4) The clarifications, particulars, if any, required from the tenderers to assist in evaluation pursuant to section 81 of the Act, shall be obtained electronically.

(5) The tender evaluation report shall be submitted and accessed electronically by the head of the procurement function for professional opinion.

(6) A procuring entity shall use pre-approved automated evaluation process so long as the evaluation aligns with the criteria established in the bidding documents is consistent with the principles of economy, effectiveness, efficiency, equal opportunity, and transparency.

59. (1) A digital signature certificate required by a procuring entity shall be obtained from a certifying agency licensed by the Communications Authority of Kenya for accounting officer, head of procurement function, tender opening and evaluation committee, as the case may be.

(2) When an officer with a digital signature ceases to work for the procuring entity, the digital signature shall be surrendered to the issuing authority immediately.

**CIRCULAR BY THE CHIEF OF STAFF
AND HEAD OF THE PUBLIC SERVICE**

EXECUTIVE OFFICE OF THE PRESIDENT
CHIEF OF STAFF AND HEAD OF THE PUBLIC SERVICE

Telegraphic Address
Telephone: +254 20-2227436
When replying please quote

STATE HOUSE
P.O. Box 40530-00100
Nairobi, Kenya

Ref. No. **OP/CAB.6/2A**
and date

5th June, 2025

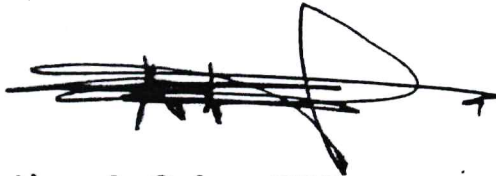
All Principal Secretaries

All Chief Executive Officers/State Corporations

RE: TRANSITION TO E-PROCUREMENT SYSTEM

This is to notify you that as from 1st July, 2025 all Government Procurement will be through the e-Government Procurement system, and all procuring entities are expected to prepare for transition to the e-GP system.

Ensure, therefore, that all your institutions are registered on e-GP by latest **Tuesday, 10th June 2025.**



Arthur A. Osiya, CBS
FOR: CHIEF OF STAFF AND HEAD OF THE PUBLIC SERVICE

Copy to: **Mr. Felix K. Koskei, EGH**
Chief of Staff and Head of the Public Service
Executive Office of the President
NAIROBI

**CIRCULAR BY THE PUBLIC
PROCUREMENT REGULATORY
AUTHORITY**

REF: PPRA/6/5 VOL. II (228)

27th June, 2025

CIRCULAR No: PPRA/03/2025

To: The Clerk of the Senate
The Clerk of the National Assembly
The Chief Registrar of the Judiciary
All Principal Secretaries and Accounting Officers of Ministries and State
Departments
The Solicitor General
The Controller of Budget
All Commission Secretaries, Constitutional Commissions
All CEOs/Accounting Officers of State Corporations and SAGAs
All Vice Chancellors, Public Universities
All Ambassadors/ High Commissioners, Kenya Diplomatic Missions
All County Secretaries
All Clerks, County Assemblies
All County Executive Committee Members for Finance
All Accounting Officers, County Departments
All CEOs/Accounting Officers of County Corporations/Agencies
All Managing Directors, Public Water Companies
All Principals of Public Colleges, Polytechnics, Technical and Vocation Training
Institutions
All Principals and Headmasters of Public Secondary & Primary Schools
All Trust Secretaries, Pension Funds for Public Entities
All Regional National Government Coordinators
All County Commissioners, County Service Delivery Coordination Units
All Fund Account Managers, National Government Constituency Development
Funds
All County Coordinators, National Government Affirmative Action Funds
All Managers, City Boards and Municipalities
All Heads of Project Implementation Units/Offices
All Heads of Other Public Institutions

**PROCESSING OF FRAMEWORK AGREEMENTS AND FRAMEWORK
CONTRACTS DURING THE TRANSITION TO THE ELECTRONIC
GOVERNMENT PROCUREMENT SYSTEM (e-GPS)**

The public procurement and asset disposal system in the country has undergone tremendous reforms to enhance efficiency, transparency, competition and accountability aimed at guaranteeing value for money and effective service delivery. One of the landmarks in public procurement reforms is the development of the Electronic Government Procurement System (e-GPS), pursuant to Section 7(f) of the Public Procurement and Asset Disposal Act, Cap. 412C (the Act). The e-GPS is designed to automate and streamline public procurement processes from planning stage to payment.

Mr. Felix K. Koskei, EGH
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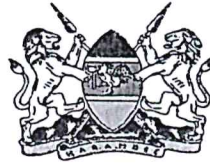
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**CIRCULAR BY THE CABINET
SECRETARY, THE NATIONAL
TREASURY AND ECONOMIC
PLANNING**



REPUBLIC OF KENYA
THE NATIONAL TREASURY AND PLANNING

Telegraphic Address: 22921
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THE NATIONAL TREASURY
P O BOX 30007 - 00100
NAIROBI

When Replying Please Quote

Ref. No. NT/PPD 1/3/14 Vol. VI

26th March, 2025

All Accounting Officers/Principal Secretaries
All Chief Executive Officers of State Corporations and Semi-Autonomous Agencies
The Clerk, Senate
The Clerk/ National Assembly
The Chief Registrar of the Judiciary
All Chief Executive Officers of Commissions and Independent Offices
All County Executive, Members for Finance
All Clerks, County Assemblies
Other Public Institutions

**ROLL OUT OF AN END-TO-END ELECTRONIC GOVERNMENT PROCUREMENT
(e-GP) SYSTEM FOR THE GOVERNMENT OF KENYA**

A. INTRODUCTION

Reference is made to The National Treasury Circular issued on **10th July, 2024** directing all Accounting Officers of Procuring Entities to prepare for a seamless transition to the use of e-GP System (*Copy attached*). Additionally, His Excellency, the President in his State of the Nation address on **21st November, 2024** directed the National Treasury to roll-out the e-GP system by the first quarter of 2025 and that going forward only procurements undertaken on the system are sanctioned and paid for.

The implementation and use of the e-GP system will result in reduced cost of goods, works and services; increase transparency in procurement processes and practices; improve efficiency in procurement by minimizing the procurement cycle time; maximize value for money; foster accountability; improve confidentiality, integrity and authenticity of transactions between procuring entities and suppliers; streamlining procurement procedures across the government through standardization of processes and practices; and enhance procurement information management that will facilitate procurement planning, monitoring, evaluation and reporting.

The National Treasury has been employing a phased incremental approach to develop, test and pilot the e-GP system as indicated below;

- c) Supply Chain Management/Procurement Officers;
- d) Public Finance Management Officers (Finance, Audit and Accounts);
- e) Technical Officers in User Departments;
- f) ICT officers; and
- g) Legal officers.

C. SUPPLIER REGISTRATION IN THE E-GP PORTAL

Suppliers are required to self- register on the e-GP portal that is accessible through

www.egpkenya.go.ke. Procuring entities are therefore required to notify their registered suppliers on the following:

1. Suppliers may contact the support address indicated below in case of challenges faced during registration:
Email address: support@egpkenya.go.ke
Telephone: +254 (020) 3341030/3340400/3340433
2. Suppliers within Nairobi may visit e-GP offices situated on **6th Floor, Room 622 Treasury Building, Harambee Avenue** to receive registration assistance between **9.00 a.m.- 4.00 p.m.** Suppliers may also visit The National Treasury desk located in all Huduma Centres during office working hours.
3. Supplier Registration Module Manual is available on the e-GP Portal.
4. The National Treasury will be organizing weekly supplier registration webinar on Thursdays commencing **11th April 2025 to 30th May 2025**. Suppliers will be required to register for training through links provided on www.egpkenya.go.ke under Supplier Training Tab., Only suppliers who have registered for the training will be invited to the webinar.

D. REGISTRATION OF PROCURING ENTITIES IN THE E-GP SYSTEM

Procuring entities (not in piloting phase) and their user departments will be registered by The National Treasury in the e-GP system. The following information is required to facilitate the registration of a procuring entity:

1. Executive order or any other supporting documents establishing the procuring entity
2. Organization structure;
3. Official contact details (active telephone/mobile number, active contact email, website);
4. Address details (postal address, postal code, physical address, country, county, sub-county);
5. List of Directorates/Departments/Divisions/Units as established in the organization structure including their abbreviations for ease of identification in the e-GP system;
6. IFMIS Budget codes for the Directorates/Departments/Divisions/Units where applicable;
7. A letter authorizing/nominating Head of Procurement as the e-GP system Procuring Entity Administrator; and



REPUBLIC OF KENYA
THE NATIONAL TREASURY
STATE DEPARTMENT FOR PUBLIC INVESTMENTS AND ASSETS MANAGEMENT
OFFICE OF THE PRINCIPAL SECRETARY

Telegraphic Address: 22921
Finance - Nairobi
Telephone: 252299
When replying please quote

THE NATIONAL TREASURY
P.O. Box 30007
NAIROBI
KENYA

Ref: NT/PPD/1/3/14 TY. 3 (68)

23rd July, 2025

All Accounting Officers/Principal Secretaries of Ministries and State Departments
The Clerk, Senate
The Clerk, National Assembly
The Solicitor General
The Chief Registrar of the Judiciary
All CEOs/Accounting Officers of State Corporations and SAGAs
All County Executive Committee Member for Finance
All Clerks, County Assemblies
All Chief Executive Officers of Commissions and Independent Offices
All Accounting Officers, County Corporations
All Vice Chancellors of Public Universities
All Principals, Technical and Vocational Training Institutes
All Principals, Teachers Training Colleges

Dear

RE: GUIDELINES ON THE USE OF E-GP KENYA

I) Definition

- a) e-GP Kenya is a system that automates all procurement processes in compliance with the Public Procurement and Asset Disposal Act (PPADA), CAP 412 C and attendant Regulations.

II) General guidelines

- a) From 1st July 2025, only procurements undertaken through the e-GP Kenya will be sanctioned and paid for. For avoidance of doubt, The National Treasury shall not exempt any procurement to be carried outside the e-GP Kenya. Procuring entities facing challenges in implementation of e-GP shall contact The National Treasury for guidance.

- iii. The National Treasury recognizes the need to on-board public entities as suppliers in the e-GP system. This functionality shall be included in future e-GP system releases. In the meantime, Government to Government procurements shall be carried outside the e-GP System.

IV) e-GP Kenya Procuring Entity Registration

- a) In line with Sections 7(2)(c) and 64(2) of the PPADA, CAP 412 C read together with Regulation 24 and 54, The National Treasury shall ensure that all procuring entities are registered in e-GP Kenya to enable them to carry out their procurement and asset disposal processes. In this regard:
 - i. The National Treasury shall register all procuring entities as provided in the Registration Circular NT/PPD 1/3/14 TY IV dated 26th June,2025.
 - ii. The National Treasury shall register the Cabinet Secretary/Chairperson of the Board/ Authorizing officer, Accounting Officer and Head of Procurement on the e-GP system. The National Treasury shall be notified in writing of any changes in particulars of the aforementioned officeholders.
 - iii. The Head of Procurement who is the Procuring Entity (PE) System Administrator shall register entity's users in the e-GP system. In addition, all entity users MUST have appointment letters from their Accounting Officer to perform pre-defined roles the e-GP system. The PE System Administrator (Head of Procurement) shall ensure compliance with Section 45 of the PPADA,2015 during registration of entity users and use of e-GP Kenya.
 - iv. The e-GP Kenya will be sending system generated email notifications to registered end-users. Procuring entities shall use official email addresses during registration of end-users. The ICT Department should ensure e-GP Kenya generated emails are not filtered by ICT security devices to allow end-users to receive e-GP Kenya email notifications. Specifically, emails from the domain *egpkenya.go.ke* should not be filtered.

V) Upload of the Budget in e-GP Kenya

a. Procuring entities using IFMIS for their financial management

- i. The National Treasury shall import the already existing budget code structure from IFMIS for the vote and administrative segments to register a procuring entity up to the user department level.
- ii. The National Treasury shall be uploading the approved annual budget at the beginning of each financial year and subsequent approved supplementary budgets for each procuring entity.
- iii. Procuring entities users at department level will be able to view the budget during the annual procurement planning.

- c) Tender security providers shall be required to register in the e-GP system, attend to tender security requests from suppliers and furnish suppliers with the requested tender security.
- d) Suppliers shall be required to ensure that, before submitting a tender security in a procurement proceeding, such security shall have verification mechanism appended on it.

VIII) Integration of e-GP Kenya with IFMIS or ERPs

- a) To allow for seamless flow of data from the e-GP Kenya to the financial management systems, The National Treasury shall publish Application Program Interface (APIs) which will import or export data to/from IFMIS and Enterprise Resource Planning (ERP) used by procuring entities.
- b) Integration of e-GP Kenya with state corporation ERPs will be on case-by-case basis and state corporations are requested to liaise with the National Treasury once the API's are published.
- c) The broad integration touch points have been identified as follows:
 - i. Budgeting
 - ii. Requisition
 - iii. Purchase order generation
 - iv. Payment
- d) To facilitate payment to suppliers, procuring entities without an ERPs, or not in IFMIS, or not integrated with e-GP system, shall be required to print supporting documents arising from a procurement process carried out in the e-GP system.

IX) On-going contracts/ Framework agreement/Low value procurements

- a) The e-GP Kenya records and keeps data including metadata for a procurement proceeding from procurement plan through contract management to payment and contract closure. An audit trail in regard to the procurement is also maintained.
- b) Since ongoing/existing contracts including framework agreement, were not originally planned under the e-GP system and the system lacks records or data for such contracts, no existing contracts shall be entered into the e-GP system.
- c) Accordingly, procurement entities are hereby directed to exclusively utilize the e-GP Kenya for the planning and initiation of new procurement activities within the current fiscal year.
- d) Low value procurements, where payment shall be in cash shall be processed in line with the entities procurement policy and not through the e-GP Kenya unless otherwise directed.
- e) For existing contracts to be approved for payment, only those duly reported to the Public Procurement Regulatory Authority (PPRA) in compliance with

- c) The National Treasury has entered into a Memorandum of Agreement with The Kenya School of Government for provision of training services and will publish a training calendar on the e-GP Kenya system modules in due course. To facilitate hands-on training, a dedicated training environment has been established at training.egpkenya.go.ke. This environment shall serve as the primary platform for all e-GP system training sessions.

XII) Help desk support

- a) In case of any challenges e-GP Kenya users can reach out the following contacts for support:

Email address: pesupport@egpkenya.go.ke

Telephone: +254 (020) 254 20 2252299, +254 (020) 3341030/ 3340400 /3340433.

- b) e-GP Kenya users may also visit e-GP offices situated on **6th Floor, Room 622 Treasury Building, Harambee Avenue** to receive assistance between **9.00 a.m.- 4.00 p.m.**

Yours

Sincerely


**HON. FCPA JOHN MBADI NG'ONGO, EGH
CABINET SECRETARY**

Copy to: - **Mr. Felix Koskei, EGH**
Chief of Staff & Head of the Public Service
Executive Office of the President
Nairobi

All Cabinet Secretaries

FCPA Nancy Gathungu, CBS
Auditor General
Nairobi

Mrs. Mary Mwiti
Chief Executive Officer
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