

Approved for tabling.

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SMA
19/2/15*

*Tabled on 19.2.15 by the
Chairperson, Dept. Committee on
Labour & Social Welfare.
HON. WANGI
RHW*



**KENYA NATIONAL ASSEMBLY
ELEVENTH PARLIAMENT –SECOND SESSION**

**REPORT
OF THE
DEPARTMENTAL COMMITTEE ON LABOUR & SOCIAL
WELFARE**

**ON NATIONAL SOCIAL SECURITY FUND (NSFF) TASSIA II
SETTLEMENT SCHEME INFRASTRUCTURE
DEVELOPMENT**

Clerk's Chambers
Parliament Buildings
NAIROBI.

February, 2015

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1.0 PREFACE

On behalf of the Departmental Committee on Labour and Social Welfare and pursuant to the provisions of Standing Order No.216, it is my pleasure and duty to present the Committees report upon conclusion of the investigation of Tassia II Settlement Scheme Infrastructure Development according to its mandate to the House.

Committee Membership

The Departmental Committee Labour and Social Welfare was constituted on Thursday 16th May, 2013 and its membership comprise of the following:

1. Hon. David Were, MP - Chairperson
2. Hon. Tiyah Galgalo, MP - Vice Chairperson
3. Hon. Janet Teiya, MP
4. Hon. George Muchai, MP
5. Hon. Peris Tobiko, MP
6. Hon. John Ndirangu Kariuki, MP
7. Hon. Winnie Karimi Njuguna, MP
8. Hon. Janet Nangabo, MP
9. Hon. John Serut, MP
10. Hon. Samuel Gichigi, M.P.
11. Hon. Elijah Lagat, MP.
12. Hon. Cornelly Serem, MP
13. Hon. Abdi Noor Ali, MP
14. Hon. Daniel Wanyama, MP
15. Hon Regina Nyeris, MP
16. Hon. Wesley Korir, MP
17. Hon. Kinoti Gatobu, MP
18. Hon. Elijah Mosomi Moindi, MP
19. Hon. James Onyango K'Oyoo, MP
20. Hon. Omondi John Ogutu, MP
21. Hon. Aisha Jumwa Karisa, MP
22. Hon. Patrick Wangamati, MP
23. Hon Rose Museo Mumo, MP
24. Hon. Silvance Onyango Osele, M.P.
25. Hon. Mustafa Idd, M.P.
26. Hon. Nyasuna Gladys Wanga, MP
27. Hon. John Owuor Onyango Kobado, MP
28. Hon. Mwanyoha Hassan Mohammed, M.P.
29. Hon. Mlolwa Jones, M.P.

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29. Hon. Mlolwa Jones, M.P.

Mandate of the Committee

As set out in Standing Order No. 216 (5), the Committee is mandated to:-

- investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- study the programme and policy objectives of ministries and departments and the effectiveness of the implementation.
- study and review all legislation referred to it
- investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary and as may be referred to them by the House;
- vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*); and
- Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

Committee Meetings

The Committee held a total of 22 sittings when deliberating on matter regarding Tassia II Settlement Scheme Infrastructure Development Project during which, it received oral and written submissions from the following:-the Cabinet Secretary for Labour, Social Security and Services; Secretary General, Central Organization of Trade Unions (COTU); Executive Director, Federation of Kenya Employers (FKE); National Social Security Fund (NSSF) Board of Trustees; former NSSF Managing Trustees; Tassia II Occupant Representatives; Nairobi County Secretary; and Managing Director, Multiscope. The Committee also undertook an inspection tour of Tassia Settlement Scheme in Embakasi to assess the infrastructural development,

Acknowledgements

- (a) The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the necessary support extended to it in the execution of its mandate.
- (b) The Chairperson of the Committee takes this opportunity to thank all Members of the Committee for their patience, sacrifice, endurance and commitment to Public Service under tight schedules which enabled us to complete the task within the stipulated period.
- (c) The Committee wishes to record its appreciation for services rendered by the staff of the National Assembly attached to the Committee. Their efforts and input made the work of the Committee and production of this Report possible.
- (d) On behalf of the Departmental Committee on Labour and Social Welfare and pursuant to the provisions of Standing Order No.216, it is my pleasure and duty to present the Committee's Report and recommendations on Tassia II Settlement Scheme Infrastructure Development Project for consideration and adoption by the House as follows;


THAT,

Upon deliberations, Members made the following recommendations;

1. NSSF should ensure that due diligence is carried out when purchasing properties and those involved in illegal transactions must be prosecuted.
2. The group leaders who claimed to be owners of Tassia to be investigated for grabbing, illegal occupation and sale of land.
3. An independent audit should be carried out on the sale and proceeds of Tassia II plots particularly in respect to plots sold at Kshs.800, 000 and those reserved for public utilities..
4. NSSF should not sell plots or other assets to its employees without following due competitive process to avoid conflict of interest.
5. NSSF should reposes all plots reserved for public utility and surrender them to the relevant authorities free of cost.
6. NSSF should give notice, and reposes land that has not been fully paid for.
7. Ratification of the project approval by the Board must be sought and member's contribution to the fund should not be used.

8. The NSSF should suspend the Tassia II project until money is collected from the plot buyers after which the project can proceed.
9. There should be no executive interference with the NSSF Management thus the Cabinet Secretary should only deal with NSSF as per the requirement of the Law.
10. The NSSF Board should ensure that all managerial decisions that are made at management level are within the Law and in case of any irregularity, it should act on time.
11. The officers responsible for advertising the tenders without a budget should take responsibility for violation of Law.

Thank you.

SIGNED..........DATE 16-10-2014

Hon David Were, MP
(Chairperson)

Departmental Committee on Labour and Social Welfare

2.0 CHAPTER ONE

2.1 INTRODUCTION

The Departmental Committee on Labour and Social Welfare was seized of the matter regarding Tassia II Settlement Scheme Infrastructure Development Project following a press statement issued on 5th January, 2014 by Mr. Francis Atwoli, the Secretary General of COTU and workers representative in the NSSF Board. In his statement he alleged that the approval of Ksh 5,053 billion towards the Project was illegal, fraudulent and abuse of office hence NSSF would lose billions of shillings through shoddy procurement process.

Pursuant to Standing Orders No. 216(5) and in line with the Committee's mandate, the Committee commenced investigation into the matter to:-

- (i) Understand the Tassia II Settlement Scheme Infrastructure Development Project;
- (ii) Determine whether relevant law was followed in the approval and procurement in respect of the Project;
- (iii) Determine whether there was intention to irregularly spend NSSF Members contributions on the Project.

The Committee held 22 Sittings to deliberate on the matter during which, it received oral evidence and written submission from the following:-

1. Mr. Francil Atwoli – Secretary General (COTU)
2. Ms Jacqueline Mugo– Executive Director, Federation of Kenya Employers
3. Hon. Kazungu Kambi, MP – Cabinet Secretary, Ministry of Labour, Social Security & Services
4. NSSF Board of Trustees and management
5. Former NSSF Managing Trustees (Ms Hope Mwashumbe, Mr. Naftali Mogere, Mr. Alex Kazongo, Mr. Tom Odongo)
6. Tassia II “Plot Owners”
7. Mr. S. N. Mugo -Managing Director, Multiscope Consulting Engineers
8. Ms Lilian Ndegwa, Nairobi County Secretary.

2.2 BACKGROUND ON TASSIA II SETTLEMENT SCHEME PROJECT

- (i) The NSSF holds titles for Block 97, Block 21189 and Block 21190 respectively in the expansive Tassia Estate, Embakasi region, along Outering Road, Nairobi all measuring 350 Acres. The land was purchased between 1992 and 1995 at a total cost of Kshs.2.2 billion from Tassia Coffee Estate Ltd and Nokin Investment Ltd. with the objective of developing the land into residential/commercial properties as part of its investment portfolio.
- (ii) In September 2001, illegal squatters / land grabbers invaded and subdivided the land into 5,500 plots claiming to have been sold the same by various land buying companies. NSSF took the matter to Court and in October, 2004 a ruling was made in favour of the Fund to evict the grabbers and demolish structures that had been developed thereon.
- (iii) The NSSF Board of Trustees realized that given the level of unplanned subdivision, encroachment and development on the land, effecting the Court Order on eviction and demolition presented a great logistical and security challenge. Following comprehensive consultations between NSSF and the Government, through the then Minister for Labour, Office of the President, and local leaders, the Board of Trustees agreed in 2005 to sell the 5,500 plots to the squatters/grabbers and regularize it.
- (iv) Under the Physical Planning Act, the NSSF needed approval from the City Council of Nairobi. Since the original agreement between NSSF and the buyers did not provide for infrastructure, which was one of the conditions for approval, NSSF came up with Tassia II Project to comply with the City Council requirement

3.0 CHAPTER TWO -SUBMISSIONS BY STAKEHOLDERS ON TASSIA II

The Committee met various stakeholders who made oral and written submissions as presented below;

3.1 MR. FRANCIS ATWOLI, SECRETARY GENERAL (COTU)

Mr. Francis Atwoli appeared before the Committee on 22nd January, 2014 and informed the Committee that:

- (i) The management team had entered into a Kshs 5 billion contract with a Chinese company to construct infrastructure to service the Tassia II plots without getting proper approval from the NSSF Board. He was not aware of where the issue of awarding of Kshs5 billion contract came from since the last time the Board discussed it, was in 2011 and the matter was dropped. The last Board meeting was held on 9th December, 2013 and no such issue was discussed.
- (ii) He had travelled to the United Kingdom and when he returned on 18th December 2013, he learnt through Mrs. Jacqueline Mugo, the Executive Director of Federation of Kenya Employers that an e-mail had been circulated seeking approval for the Kshs 5billion project.
- (iii) He was shocked because he never received the e-mail and wondered why such a huge project was being approved by email and worse still, the contract was hurriedly awarded to a Chinese company, just two days after the e-mail was purportedly circulated.
- (iv) The approval of Tassia II Infrastructure Development was illegal, abuse of office and fraudulent and that is why he decided to go public by issuing a press statement (Annex 1). He called for the prosecution of officers who were involved in its approval and asserted that the NSSF management, led by Acting Managing Trustee Mr. Richard Lang'at, should be taken to court for "abuse of office and fraud" regarding the Tassia II infrastructure development project.
- (v) The Public Procurement and Disposal Act, prohibits procurement of services without a budget as the law also requires that money must be allocated before any such procurement. The right procedure would have been to collect the contributions first before tendering. Advertising the tender without following the laid-down procedure exposed the Fund to immense losses in the event that the tenants failed to pay the Kshs920,000/= meant for the development of the infrastructure.

(vi) The First Schedule to the NSSF Act that was fully in operation at the time as the New Act's commencement date is yet to be gazetted is clear under section 7 that:-

“The Quorum for any meeting of the Board of Trustees shall be two thirds: Provided that there shall be no quorum unless there is present at the meeting at least one Trustee representing Government, one Trustee representing Employers and one Trustee representing Employees.....”

In this case, employees were not represented in the meeting and if this meeting was substantive as opposed to being held through e-mail circulation, in the wisdom of both the Chairman of the Board and the Ag. Managing Trustee, they would have realized that there was no quorum to transact such serious business.

(vii) All Board decisions are made by resolution and not through e-mail circulation and a notice must be issued to the Board of Trustees in time to look at it critically before a meeting. There is no provision in the Act for approval of such a colossal sum of money by the Board of Trustee through circulation of an e-mail without any subsequent full disclosure to the Board on the project's viability so far as safeguarding the Fund is concerned.

(viii) A comprehensive presentation was necessary on the projections involved including how the NSSF would secure its funds bearing in mind that the squatters were yet to pay Kshs 2.5 billion being the principal amount owned on plot.

(ix) It made no economic sense to keep on reviewing the figures upwards in total disregard to the economic plight of the squatters and consistently exposing the Fund to a likelihood of further losses because the squatters were unable to pay for the plots based on the initial amount. This informed the decision by the previous Managing Trustees who were deliberately reluctant to pressurize the Board of Trustees to grant approval for the development of the said infrastructure despite insistence from the then City Council of Nairobi because somebody had to take responsibility.

- (x) The NSSF Board of Trustees flouted Article 227 of the Constitution, the Public Finance Management Act and provisions of the Public Procurement and Disposal Act in awarding the tender to China Jiangxi Company. The NSSF Board members who approved the multi-billion shilling infrastructure development tender for Nairobi's Tassia Estate should be responsible as individual trustees and be made to pay back Sh5.03 billion if the project is cancelled.
- (xi) Hon. Kazungu Kambi, MP, Cabinet Secretary, Ministry of Labour, Social Services and Security should be censured for taking sides with NSSF management over the multi-billion shillings saga by stating that the tender was above board instead of remaining a neutral arbiter.
- (xii) An amendment of the NSSF Act was enacted in December, 2013 in order to give the Board mandate to oversee and audit the decisions of the Fund's Managing Trustee.

3.2 MRS JACQUELINE MUGO - EXECUTIVE DIRECTOR, FEDERATION OF KENYA EMPLOYERS

Mrs. Jacqueline Mugo appeared before the Committee on 15th January, 2014 and informed the committee that;

- (i) The Ag. Managing Trustee of NSSF Mr. Richard Langat circulated an email on 18th December, 2013 (**Annex 2**) requesting for approval of Kshs 5.053 Billion being a revised total cost estimate of infrastructure and development and Kshs. 920,000/= per plot to be advised to plot owners as their contribution towards the cost of development and related professional services in respect of TASSIA II Scheme infrastructure development.
- (ii) The email justified the revised cost on grounds that comprehensive project designs had been approved by Nairobi County Government in July 2013 (**Annex 3**) and the consultant had submitted to the Fund the estimate of Kshs 5.053 billion up from ksh. 3.304 billion. Kshs 3.304 billion had been approved on 5th August, 2011 by the Board as the total preliminary cost estimate for infrastructure and payment of Kshs 650,000/= by plot owners as their contribution towards the cost of infrastructure and related professional services.

- (iii) The email further stated that the project was self-financing through sharing the project cost of Kshs 5.053 billion by the estimated 5500 owners on pro-rata basis whereby collections would be made through the individual Tenant Purchase Scheme Accounts upon approval.
- (iv) She agreed to the proposal in her first response to the email on 19th December, 2013 with an assurance that it would not incur additional cost to the Fund . On 1st January, 2014 she wrote an email to the Chairman (**Annex 4**) and Ag Managing Trustee for clarity on what needed to be done by the board and the email was not responded to. This email was followed up with a formal letter to the Cabinet Secretary, Ministry of Labour, Social Security and Services (**Annex 5**) and Ag. Managing Trustee of NSSF on 18th January, 2014 in which she stated that;
1. The emails circulated by the Ag. Managing Trustee on 18th December, 2013 would not constitute Board approval of an expenditure of Kshs. 5 billion of NSSF funds.
 2. A comprehensive presentation on the rationale, justification and viability of the TASSIA II project should have been made to the Board of Trustee for consideration and determination including the reports on feasibility studies done.
 3. No Board resolution in a formally constituted Board meeting had been made to form the basis of the award of a contract on this project and requested the Ag Managing Trustee to urgently convene a meeting for the Board to deliberate on the matter as per the normal procedure.
- (v) She had not received a response by the time she went to the press(**Annex 6**) and stated further that it was misleading for the Cabinet Secretary and the Ag. Managing Trustee to report to the public that the Board approved the TASSIA II project. She questioned the hurried manner in which a project purportedly approved on 18th December, 2013 had been awarded to a contractor the following day.

- (vi) She stated that employers were opposed to the approval of the project and that the idea of spending a colossal sum of Kshs 5 billion on project based on a purported email approval was indeed ill- advised.

3.3 TASSIA II “PLOT OWNERS”

A group calling itself Tassia II “Plot Owners” led by their representative, Mr. Lawi Nyateng appeared before the Committee on 28th January, 2014 and informed the Committee that:-

- (i) They are the proprietors of Tassia, being leaders of the following registered groups which are stationed in Embakasi East Constituency:-
- i. Fedha Self-help Group
 - ii. Kassim Self-help Group
 - iii. Tassia-East Self-help Group
 - iv. Tassia Resettlement Scheme
 - v. Kwandege Self-help Group
- (ii) The groups were initiated to ensure that school leavers and unemployed citizens have something to do to earn a living. They recruited more members in Jua- kali sector to work as Carpenters, Tailors, block smiths, plumbers, cobblers, grocery vendors, etc. Due to lack of work space, they started looking for idle land around the region and identified the one in Tassia. They informed the Embakasi Local Development Committee (LDC) and the then District Development Committee(DDC), where the matter was positively discussed and approved (**Annex 7**). They moved to the ground in the year 2001 and occupied the said scheme to block land grabbers.
- (iii) Each of the five groups were allocated a portion of the scheme and surveyors were hired to put up beacons to individuals using identification certificate as the required document of ownership as per the regulations of the Groups .Members engaged themselves in building structures since they didn't have anywhere to dwell and they did not have any problem of ownership on the said scheme up to 2004.

- (iv) On the 6th of March, 2005 some strangers who only identified themselves as NSSF officers came claiming ownership of the scheme and consequently served them with an eviction order (Civil Suit No. 529/2002) dated 4th March 2005. Since they had already put up permanent structures on the site by then, they had no option but to have a dialogue with the NSSF, involving the Provincial Administration and local leaders including politicians.
- (v) On 26th July 2005, they reached a consensus with the NSSF which was signed by then Managing Trustee Mr. Nafatli Mogere and agreed that:-
1. A plot measuring 33x 66ft to be paid Kshs 315,000/=
 2. A plot measuring 50 x 100ft to be paid Kshs 800,000/=
- They were given only six months to clear payments, a matter which they argued bitterly about, but fell on deaf ears. They agreed that the group leaders submit names of their members to open individual accounts with the Fund (NSSF).
- (vi) Within this process and period, the Fund breached the agreement by recruiting their own Members from Staffs and friends to sell those pieces of plot from the scheme thereby causing a lot of double allocation, a matter which has never been tackled and some cases are still pending in court. About 800 plots were taken by the Fund and while some of their members made full payment within the period, they did not get the title deeds because the Fund was to do the physical planning and a final survey before issuance of titles, an activity which has never been finalized to date despite paying an extra Kshs12,000/= for the exercise.
- (vii) This activity made them delay payments due to moving of the beacons and double allocation of plots and nothing was done by the Fund despite presentation of the matter by the leaders of the groups in every meeting with the NSSF. The survey is now on-going to identify and create more

plots for some of the Tenant Purchase Scheme (TPS) Staffs to sell and that is why the activity cannot be finalized.

- (viii) A divide and rule tactic arose when the NSSF decided not to work with the group leaders to enable them approve whatever they wanted like forcing them to pay Kshs550,000/= and Kshs1,200,000/= for plots measuring 33x66ft and 50x100ft respectively without agreement. It had been difficult to work with the NSSF because the Fund failed to honor the agreement they signed which clarified the following:-
1. How to get the title deed
 2. How to reposes unpaid plots
 3. How to secure road reserves
 4. Dispute resolutions
- (ix) Considering all these agreements, it was not easy for them as group leaders to respond to them due to lack of access to even their own files from the NSSF to enable them keep the correct record. NSSF has further changed some plot numbers in a bid to confuse those who should be dealing with the arising disputes and also refused to comply with the Physical Planning Act of approval condition which directed them to surrender all public utility plots for free to the County Government instead of selling them out.
- (x) On 30th May, 2013 all Members were given 30 days to clear the payments which was not agreed upon of Kshs 550,000/= and Kshs 1,200,000 for plots measuring 33x66ft and 50x100ft respectively, which made the Members to riot. This called for intervention by Nairobi Senator, Hon. Mike Mbuvi (Sonko), MP, Nairobi County Women Representative, Hon. Rachael Shebesh, MP and Embakasi Member of National Assembly Hon. John Omondi, MP who visited the site and resolved that the matter be left to the Cabinet Secretary Ministry of Lands and Urban development Hon. Charity Kaluki Ngilu.

- (xi) A formal agreement on extension was drafted following a meeting in the office of Hon. Charity Ngilu with the then Managing Trustee, Mr. Tom Odongo which NSSF has never signed to-date and which the group termed as another delaying tactic. On 9th January, 2014, they were surprised upon reading in the Daily Nation Newspaper that a new price of Kshs920,000/= had been put up by the NSSF, a matter which was not within their knowledge as nobody had communicated to them and the NSSF does not recognize their office.
- (xii) The increment on the selling price of the said plots was intended to ensure Members are evicted from the plot upon failure to pay so as to give way for NSSF Officers (TPS Department) to sell those plots to tycoons who are even ready to bribe their way to the Scheme. They requested the Committee to investigate the fraudulent conduct of NSSF and County Government of Nairobi and to assist their innocent members to be granted the following:-
1. All closed accounts with the NSSF to be re-opened unconditionally to allow individuals to make payments.
 2. Title deeds to be issued to all individuals who have made the agreed payments in full.
 3. All prices that were not agreed upon be done away with and refunds be made to affected members as this act can be justified as daylight robbery.
 4. All plots under the scheme to be owned by registered members .
 5. Group leaders be recognized and be involved in all development plans of the area in question.
 6. NSSF to stop charging land rates, rents, and etc. as this should be made to the County Government after acquiring title deeds.
 7. An audit of all plots surrendered to the County Government as per the original approval (CPD/PIS/000522/97/21189).
 8. Motives behind the delaying tactics of NSSF be looked into and plot owners be compensated in terms of payment period.

9. Questionable closure of accounts, endless survey, huge price increments, etc. by the NSSF to be put under investigation and those involved to be brought to book.
10. All infrastructures in Tassia are welcome, as these are their rights expected from the National and County Government as citizens of the Nation.

3.4 NATIONAL SOCIAL SECURITY FUND (NSSF)

3.4.1 NSSF BOARD OF TRUSTEES

The Board appeared before the Committee on 16th January, 2014 and through its Chairman, informed the Committee on the matter regarding Tassia II Settlement Scheme Infrastructure Development Project as follows:

1. BACKGROUND

- (i) The National Social Security Fund (NSSF) holds titles for Block 97, Block 21190 and Block 21189 respectively in the expansive Tassia Estate, Embakasi region, along Outering Road, Nairobi all measuring 350 Acres. The land was purchased between 1992 and 1995 at a total cost of Kshs. 2.2 Billion from Tassia Coffee Estate Ltd and Nokin Investment Ltd with the objective of developing them into residential/commercial properties as part of its investment portfolio.
- (ii) In September 2001, illegal squatters and land grabbers invaded and subdivided the land into 5,500 plots claiming to have been sold the same by various land buying companies. NSSF took the matter to Court and a ruling was made in favour of the NSSF October, 2004 to evict the grabbers and demolish structures that had been developed thereon.
- (iii) The NSSF Board of Trustees however realized that given the level of unplanned sub-division, encroachment and development on the land, effecting the Court Order on eviction and demolition presented a great logistical and security challenge. (Annex 8). Following comprehensive consultations between NSSF and the Government, through the then Minister for Labour and the Office of the President, and local leaders, the Board of Trustees agreed in 2005 to sell the 5500 plots to the squatters/grabbers. (Annex 9 and 10).

- (iv) At the 2nd Audit and Risk Committee Meeting of the Board of Trustees of NSSF held on 7th December, 2009(**Annex 11**) it was decided that the Tenant Purchase Agreements be reviewed and payments for properties be made in full. Of the 5,500 plots, 792 were sold through the NSSF Tenant Purchase Scheme and the balance of 4,708 on cash terms. All were sold as un-serviced plots subject to approval of the Physical Development Plan by the then City Council of Nairobi.
- (v) Due to the unplanned manner in which the land had been sub-divided, this required the land to be re-surveyed and re-planned. A Land Surveyor, M/s Geoinfo Surveys Limited was appointed to carry out land re-survey works and physical re-planning of the sub-divided plots. Unfortunately, the Land Surveyor passed away in April 2008 before completing the re-surveying exercise and submitting any survey reports. However, the Physical Planner, M/s Njuguna & Associates who was working under M/s Geoinfo Surveys Ltd had already submitted Physical Development Plans to the City Council of Nairobi and obtained in May 2008 on behalf of the Fund conditional approval by City Council and the conditions were that:- (**Annex 12**)
- (a) The settlement should be linked with existing neighborhoods of Baraka Estate, Nyayo Estate, Embakasi Village and Donholm with Outer Ring Road as the main entrance.
- (b) There should be a major through transport corridor (bus route) to service the scheme, inclusive of some functional terminal for use by the large number of residents likely to be generated by the proposal. All feeder roads were to link to the proposed bus route(s).
- (c) NSSF is to organize and/or mobilize funds needed for the provision of adoptive and reticulated infrastructure services to service the proposed development. Proposed regularization would be granted conditional approval subject to the proposed scheme being fully serviced. Any transfers to the requisite developer(s) had to be based on finally approved scheme plans in accordance with the provisions of existing statutes.

- (d) Designated access roads, storm water drains and natural drains must be free from any encroachments and/or super-structure developments and the same to be made functional to service the proposal adequately.
- (e) The proposal should incorporate functional type developments likely to observe the residential amenity, aesthetics and sustainable development character.
- (vi) Upon receipt of the conditional approval, NSSF through the mainstream media and individual letters advised the buyers of the requirement by the City Council on the infrastructure development and that the cost of such development would be borne by the buyers. **Annex 13.**

2. LAND SURVEYING

To complete the re-surveying and re-planning exercise, the NSSF competitively procured the services of another Land Surveyor, M/s Survey Plans Ltd in September 2010 and the re-surveying exercise commenced afresh in January 2011 and the preliminary report submitted to NSSF.

3. INFRASTRUCTURE DEVELOPMENT

- (i) To fulfill the terms of the conditional approval set by the then City Council of Nairobi, the NSSF in September 2010 competitively procured a Civil Engineer, M/s Multiscope Consulting Ltd. to carry out comprehensive design works, prepare cost estimates, obtain necessary regulatory approvals of the designs and oversee the project implementation.
- (ii) On 1st March, 2011 vide letter Ref. No. MCE/112/NSSFT/snm/4, **Annex14(i)** MS Multiscope Consulting Engineers Ltd. submitted to NSSF a Preliminary Design Report and a Comprehensive cost estimate of Kshs.4.5 billion, including individual plot access roads, pipe culvert, headwalls and culvert crossings to all plots Excluding the cost of individual plot access estimated at Kshs.1.2 billion, would reduce the preliminary costs to Kshs.3.3 billion (**Annex 14 ii**) However, the Consultant advised NSSF through the same letter that City Council would not approve the preliminary designs without provision of access to each individual plot.

- (iii) On 3rd October 2012, the City Council wrote to the Managing Trustee advising that, development proposals arising from Tassia Estate could not be approved until conditions appended to the subdivision for the Tassia Estate Plot No.20189 are fully met. **Annex 15(i and ii)**. Under the circumstances, Ms/ Multiscope Consulting Engineers Limited was advised to proceed and finalize with the comprehensive project designs and submit them for necessary statutory approvals after which they were to submit to the Fund an updated cost estimate.
- (v) Ms/ Multiscope Consulting Engineers Limited finalized the designs and submitted the same to the City Council vide letter Ref.MCE/112/NSSF/snm/20 dated 4th February 2013 (**Annex 16**) which were approved by the Nairobi City County Government in July, 2013 and approval fee of Kshs.11.244 Million paid by NSSF. Thereafter, the consultant submitted to the Fund a revised cost estimate of the project of Kshs.5.053 Billion. (**Annex 17**).

4. TENDER PROCESS

- (i) Open tenders were advertised in the Standard newspaper on 16th October, 2013 and the Daily Nation on 21st October, 2013 (**Annex18**) inviting interested contractors who are qualified and registered with National Construction Authority to submit their bids on or before 19th November, 2013. On 19th November 2013, the tenders were opened in the presence of bidders who responded to the tender and the results of the tender were as follows:-

- | | | |
|----|--------------------------------------|---|
| 1. | China Jiangxi International (K) Ltd- | |
| | Kshs.4,644,897,307.00 | |
| 2. | China Railway No.5 Eng. Group | - |
| | Kshs.4,771,325,667.00 | |
| 3. | Slok Construction Ltd | - |
| | Kshs.4,834,764,612.00 | |
| 4. | China Wu Yi Company Ltd | - |
| | Kshs.5,565,300,419.00 | |
| 5. | Nanchang Foreign Eng. Co. (K) Ltd- | |

	Kshs.5,604,011,528.13
6.	ParbhatSiyani Co. Ltd - Kshs.6,032,577,494.00
7.	H Young & Company EA Ltd - Kshs.6,998,724,985.00
8.	Magic General Contractors Ltd - Kshs.7,256,670,278.00
9.	N.K. Brothers Ltd - Kshs.7,379,909,101.00
10.	Njuca Consolidated Company Ltd- Kshs.8, 151,444,489.00

(ii) The bids were then subjected to evaluation according to Evaluation Criteria set out in the Tender Requirement and seven (7) of the bids did not meet the tender requirement and dropped out either at preliminary stage or mandatory stage. The three bidders who met both technical and financial requirements were:-

1. China Jiangxi International (K) Ltd
2. China Railway No. Eng. Group
3. China Wu Yi Co. Ltd

(iii) As per tender requirement, the lowest evaluated bidder was to be awarded the tender and the Technical Evaluation Committee therefore recommended award of the tender to China Jiangxi International (K) Ltd at their corrected tender sum of Kshs, 4,629,168,275,70 and contract period of two year.(Annex 19).The Fund Tender Committee subsequently met on 19th December, 2013 and approved award of the tender to China Jiangxi International (K) Ltd as per the recommendation of the Technical Evaluation Committee.

5. FINANCIAL STATUS

The Committee was informed that as at 31st December 2013, the total expected sale proceeds from the Scheme was Kshs.2.5 billion of which Kshs.1.8 billion had been received and that NSSF was aggressively pursuing recovery of the

outstanding balance of Kshs.0.7 billion which was expected to be realized by July 2014. Any unpaid for plots by that date would be repossessed and sold to other willing buyers at market price.

6. BOARD APPROVAL

The Committee was informed that between June 2005 and December 2013, the NSSF Board of Trustees made the following approvals with regard to Tassia II:-

- (i) During a Special Meeting of the Board of Trustees held on 28th June, 2005 the Board approved:-
 - (a) Sale of plots size 33ft x 66ft at a price of Kshs.315, 000.00 per plot.
 - (b) The plots to be sold on cash basis and within a maximum contractual period of six (6) months. **(Annex 10)**
- (ii) During the 28th Meeting of the Finance, Investment and Tender Oversight Committee of the Board of Trustees held on 4th May, 2007, the Board approved the sale of Tassia II and its plots through the Tenant Purchase Scheme. **(Annex 20)**
- (iii) At the 2nd Audit and Risk Committee Meeting of the NSSF Board of Trustees held on 7th December, 2009, it was agreed that the Tenant Purchase Agreements be reviewed and payments for properties be made in full. **(Annex 11)**
- (iv) In June 2011, the Management submitted to the Board of Trustees a Board Paper indicating the initial project preliminary cost estimate of Kshs.4.5billion but with a recommendation that access to individual plots be omitted to bring down the estimated project cost to Kshs.3.3 Billion.**(Annex 21)**
- (v) At the 154th Meeting of the Board of Trustees held on 5th August, 2011, the Board approved the Management's recommended project cost of Kshs.3.3 Billion as preliminary cost estimates of infrastructure

development. The approval excluded Kshs.1.2 billion (**Annex 22**) meant for Civil Works to individual plots.

- (vi) Arising from the advice by M/s Multiscope Consulting Engineers Ltd and the letter from the City Council dated 3rd October 2012 Annex15(i) advising that development proposals arising from Tassia Estate could not be approved until conditions appended to the approved subdivision of May 2008 are fully met, the Consultant submitted comprehensive design works to the City Council which were approved by the Nairobi City County Government in July 2013, after which, the Consultant submitted to the Fund a revised cost estimate of Kshs.5.053 Billion.
- (vii) There was need for the Board of Trustees to grant approval for the revised total project cost estimate of Kshs.5.053 billion of which Kshs.3.3 billion had already been approved in August 2011.

The breakdown of the Kshs.5.053 billion is as follows:-

Item	Kshs.
Construction cost as per award	4.629 Billion
Other related costs	0,424 Billion
Total	5.053 Billion

The Board of Trustees approval was sought through closed email circulation (**Annex23**) by the Ag Managing Trustee and that all the current six (6) Board of Trustees received the email, out of which five (5) members of the Board approved the revised cost estimate of Kshs. 5,053 billion inclusive of consultants cost and other related statutory payments. The approvals received were from the following:-

Mr. Adan Daud Mohamed

Mr. Ali Noor Ismail

Mr. Mutua Kilaka

Ms. Jackline Mugo

Mr. Richard K. Langat (Ag. Managing Trustee)

The sixth Board Member, Mr. Francis Atwoli, Secretary General (COTU) did neither approve nor object and according to the Chair and NSSF for that matter, the sum total of five out of six Trustees approved with no objection and therefore, constituted a valid Board of Trustees approval as per the Kenya Communications Act 2009 Section 83(g) on electronic records.

7. CLARIFICATIONS ON ISSUES RAISED

The Chairperson made further clarifications on the issues raised that:-

- (i) Development of infrastructure in the Tassia Settlement Scheme was a conditional requirement by the City Council of Nairobi upon which the Physical Development Plan (sub-division) was granted in May 2008.
- (ii) The tender process and outcome was open, transparent and above board. The tender documents are available for scrutiny by any interested party and NSSF to-date is not aware of any objection, petition or otherwise against award of the tender to the lowest evaluated bidder
- (iii) The infrastructure development cost to be entirely recovered from the 5,500 plot owners through individual contributions of Kshs.920,000/=per plot. (iv) The project was awarded to M/s China Jiangxi International (K) Ltd at Kshs.4,629,168,275.70 and not Kshs.5.053 billion. The difference between the Board of Trustees approved cost estimate of Kshs.5.053 billion and the tender award sum of Kshs.4.629 billion was to cater for Consultants fees as per Contract i.e. M/s Survey plans Ltd, M/s Njuguna & Associates and Multiscope Civil Engineers Ltd and statutory payments for approvals from Nairobi City County, Director of Survey, National Land Commission, and National Environment Management Authority.
- (vi) Five (5) out of the six (6) current Board Members approved the revised cost through email circulation.

3.4.2 NSSF MANAGEMENT

Led by the Acting Management Trustee Mr, Richard Langat, the NSSF management appeared before the Committee on 13th March 2014 and made the following submission. That;

1. They had brought documents to the Committee that were requested for and had not been submitted in an earlier meeting held on 22nd January, 2014. The documents presented were;
 - i. A letter from the Nairobi County Governor addressed to the Cabinet Secretary for Labour, Social Security and Service on regularization,
 - ii. Names of group leaders and estimated amounts collected by them,
 - iii. A letter of confirmation of payment of land rates from the county secretary to the MT NSSF,
 - iv. Letters confirming surrender of public utility plots to the then police commissioner Mr Mathew Iteere and to the Internal Security,
 - v. Contract agreement signed between China Jiangx International Kenya Ltd and NSSF,
 - vi. Letters from the Cabinet Secretary for Labour Suspending and lifting the suspension on Tassia ii Project Development,
 - vii. A list of NSSF employees owning land in Tassia, The 2005 Minutes approving the sale of Tassia,
 - viii. Minutes on approval of regularization of Tassia, Board Paper on Regularization,
 - ix. Minutes of the 154th meeting held on August 2011,
 - x. Agreement for (Purchase of Tassia Land) sale of certain Plots at Nairobi-Outering Road between Tassia coffee estate Ltd with NSSF,
 - xi. Land transfer letter,
 - xii. Addendum to NSSF tender on proposed civil engineering works,
 - xiii. Revised Evaluation on Civil Engineering works, Tender of the civil works at NSSF Tassia, Evaluation Report on the Tender,
 - xiv. NSSF Board Manual,
 - xv. Payments made to Geoinfo Survey,
 - xvi. Public Utility plots,

- xvii. NSSF letters to a chief and the Officer Commanding Police Division in Embakasi on encroachment,
 - xviii. Letter from the DC Embakasi accepting the offer of land and
 - xix. NSSF notices to buyers and occupants of Tassia.
2. From the records it emerged that, the City Council of Nairobi owes NSSF money that is being offset through land rates payment.
 3. At the 154th meeting of the board of trustees of NSSF held on 5th August 2011, the Board approved the Management's recommendation of 3.3 billion as the preliminary cost estimate of the infrastructure development. The cost was to be met by the land owners and not from the Fund members.
 4. Upon approval, the NSSF did not inform the plot owners on the same since it was a preliminary estimate an actual figure was to be determined before informing the members on the same. After tendering, the actual cost was established to be Ksh 920,000 and was to be advised to the plot owners.
 5. Subsequently the contract agreement with China Jiangx on the infrastructure development provides that no payment will be made to the contractor until June 2014, a period within which the Fund would have collected the money toward the project.
 6. Collection of the aforesaid money towards the infrastructure had been stopped by a court injunction filed by one of the Trustees but was lifted by the Court.
 7. In the year 2012, the Fund had lost control on public utility plots as even those that were supposed to be of help to the fund turned to be grabbers citing a plot that was given to the commissioner of police but was subdivided and sold.
 8. Mr Mtemi Nzatu told the committee that there was no law that provided that the plots be surrendered for free and that the plots needed to be sold to save the Funds money. He persistently insisted that plots for churches cannot be surrendered for free upon denying that they are not public utilities.
 9. The MT Mr Richard Langat took responsibility of going to ensure that Five utility plots that the Fund had sold are regularized by refunding to the owners the payments they had made.
 10. The other public utility plots had been grabbed.

3.5 HON. KAZUNGU KAMBI, EGH, MP - CABINET SECRETARY, MINISTRY OF
LABOUR, SOCIAL SECURITY AND SERVICES

Hon. Kazungu Kambi, EGH, MP, Cabinet Secretary for Labour, Social Security appeared before the Committee on 29th January, 2014 and informed the Committee that:-

- (i) The NSSF bought 1,760 acres of land in Tassia for Sh2.2 billion between 1994 and 1995 from the Tassia Coffee Estate limited and the Nokin Investment Limited with a view of developing the area into a residential place but by the year 2001, the land had been encroached forcing the Fund to move to Court to have the invaders evicted. The Court gave the Fund an order to evict them but the Board of Trustees at the time chose not to do so because of the numerous sub- divisions that had been done and political interventions.
- (ii) A plan was then devised to have the squatters buy the land from NSSF but unfortunately the City Council of Nairobi ordered the NSSF to service the plot as one condition of regularizing the plots e.g. link the settlement to all the existing neighborhoods in the area, develop a transport corridor, develop access roads and drainage systems and other items.
- (iii) The NSSF was then forced to get bidders who would carry out the works with the required technology hence had to advertise the tender. Ten bidders responded and among them was Njuca Consolidated Company Ltd. which had the highest quotation of Kshs8.151 billion while China Jiangxi Ltd had the lowest quotation of Kshs4.6 billion. Consequently, China Jiangxi Ltd. was awarded the tender after technical evaluation thus the tender was signed, sealed and delivered.
- (iv) He called for a probe on the NSSF Procurement Department team following claims by Mr. Francis Atwoli, Secretary General of COTU that the NSSF would lose billions of shillings through a shoddy procurement process for the development works at Tassia II Settlement Scheme on

grounds that he does not tolerate corruption. The probe would look into all the suspected scams that might have hit the Fund including those in past regimes.

- (v) He refuted Mr. Atwoli's claims and challenged him to come out clean and declare his interests in the matter and further stated that Five (5) of the NSSF Board of Trustees approved the infrastructure development works through email circulation, which Atwoli was aware of, but he chose to remain silent on the matter and yet he had the opportunity to say that the project should not go on. Among those who approved were:- Finance Secretary, Mr. Mutua Kilaka; Mr. Ali Noor Ismail, Principal Secretary, Ministry of Labour, Social Security & Services; Mr. Richard Langat, Ag. Managing Trustee ;Mr Adan Daud, NSSF Trustee Chairman and Ms Jacqueline Mugo, Executive Director, Federation of Kenya Employers. The sixth Board member, Mr. Francis Atwoli, did neither approve nor object.
- (vii) As at December 31, 2013 the total expected sale proceeds from the Settlement Scheme was Kshs2.5 billion and so far Kshs1.8 billion had been received while the outstanding amount of Kshs0.7 billion was expected to be realized by June 2014. However, It was difficult for the NSSF to quantify how much it would get once all the squatters pay their dues because the survey works on the parcel had not been conducted.
- (vii) The NSSF will have no option but to pay the money to Jiangxi International Company which won the tender, for breach of contract if the contract is cancelled. He suspended the project to give the Board time to regularize the issues raised by the whistle blower before the work would resume and to give him time to address concerns raised by the public.
- (viii) He was kept in the dark by the Board on the pending Tassia Project when he took over the Ministry of Labour, Social Security & Services and only

learnt of the matter from the media. When he assumed office he was also pre-occupied with the teachers strike that he had no time to concentrate on other matters. Upon asking for a brief, he was furnished with the details by the former Ag. Trustee, Ms Hope Mwashumbe.

3.6 MRS LILIAN NDEGWA- NAIROBI COUNTY SECRETARY

Mrs Lilian Ndegwa, Nairobi County Secretary appeared before the Committee on 12th February, 2014 and informed the Committee that:-

1. The defunct City Council of Nairobi received an application for the subdivision of Land Ref. No. 21190 & 21189 on 9th February, 2007 from M/s SNjuguna & Associates, a registered Planner on behalf of NSSF. The land measuring approximately 204 hectares (493.68 Acres) was to be subdivided into 5000 subplots and on evaluation by the Technical Committee; it was approved under item No. 33 of the meeting held in September, 2008 subject to the following 18 conditions.
 - i. Surrender of 30m road reserve linking the subdivision scheme and Donholm, Embakasi Village and Nyayo Estate.
 - ii. To provide one way traffic flow system through road network across the scheme.
 - iii. Development of 3 No. Bus Terminal located on three different sites across the scheme and other two at the extreme ends of the scheme.
 - iv. The proposed cul-de-sac/ward serving the development to be constructed to adoptive standards including surface water drainage and street lightings. Plans and specifications were to be submitted for approval by the City Engineer.
 - v. Provision of 6m wide drainage way leave discharging the whole scheme to the river.

- vi. All developments encroaching on road reserves, drainage way leaves and sewer way-leave dissenting whole scheme to the river.
 - vii. Type plans to be submitted for approval by the Council
 - viii. All existing unauthorized developments on the sub-plots to be submitted for regularization.
 - ix. Developments outside planning policy framework and not regular sable, lease terms to be limited to the 1st one term of the lease period.
 - x. Public utility plots be marked conventionally and surrendered to the Council free of cost. Further, church sub-plots 2872 to accommodate another public user in addition to the church (e.g. nursery school).
 - xi. Application for water supply to each sub-plot to be made to the General Manager (Water & Sewerage Department) and condition for such supply to be met.
 - xii. A comprehensive water reticulation to be provided and Plans and specifications to be approved by City Council.
 - xiii. Vehicular plot entrance to 30m, 18m roads will not be permitted.
 - xiv. A comprehensive surface water drainage scheme to be submitted and implemented to the specification of the City Engineer.
 - xv. A 3m drainage way-leave to be provided as shown on the deposited plan to be surrendered to Government free of cost.
 - xvi. Area of land coloured blue on the deposited plan to be surrendered to the Government free of cost.
 - xvii. 10m riparian way-leave to be provided along Ngong River
 - xvii. Sizes for public purposes plots to be indicated.
2. Prior to approval, the County had been engaging the developer through their agents M/S S.N. Njuguna on various issues relating to the proposed development. Further communication on the sub-division

followed in November 2007 during a meeting between the Managing Trustee and the City Planning Department. The Developer through their agents M/s Multiscope Consulting Engineers Ltd. Civil Engineering drawings for civil works and the drawings were approved by the County Engineer and the latest communication on the subject was vide the City County Governor letter dated 5thFebruary, 2014.(Annex 24).

3.7 FORMER MANAGING TRUSTEES OF NSSF

3.7.1 MS. HOPE MWASHUMBE- FORMER AG. MANAGING TRUSTEE

Ms. Hope Mwashumbe, appeared before the Committee on 30th January, 2014 and informed the Committee that:-

- (i) NSSF purchased various residential and Commercial plots in NAIROBI Block 97, 21189 and 21190 (serviced and un-serviced) between 1992 and 1995 in various sizes at a total cost of Kshs.2.2billion from Tassia Coffee Estate and Nokin Investments Limited commonly known as Tassia I, Tassia II and Tassia III. In September 2001, illegal squatters invaded and subdivided Blocks 97 -Tassia II, 21189 and 21190 (Tassia III) into 5500 plots claiming they had been sold to them by self- appointed land buying companies/groups.
- (ii) In 2004, NSSF filed a case in Court against the squatters and the Court issued a ruling in favour of the Fund to evict the squatters and demolish the structures built on the land. Tassia I plots were sold separately to various purchasers who were not squatters. Due to logistical and security challenges arising from the unplanned sub-division and encroachment, the Board in 2005 agreed to sell the plots to the squatters after consultations with the Government and the local political leadership.
- (iii) The plots were initially sold on cash basis but the Board later reviewed the terms and agreed to change to Tenant Purchase Scheme. The Fund liaised

with the self-appointed groups to identify the squatters as allocated on the ground but this was stopped after the identification exercise was complete.

- (iv) Ms Geoinfo Surveys Ltd (incorporating S. Njuguna & Associates- Physical Planner) was appointed to re-survey and re-plan the sub-divided plots. Unfortunately, the Land Surveyor passed away before completing the exercise. The physical Planner however, had submitted Physical Development Plans to the City Council of Nairobi who issued conditional approval that required among others, provision of infrastructure development before final approval of the sub-division would be given.
- (v) In order to complete the re-survey and re-planning exercise, the NSSF appointed another Land Surveyor, M/S Survplans and a Civil Engineer and M/S Multiscope Consulting Engineers to complete the re-survey and the design of the infrastructure engineering works in September 2010. The Board subsequently approved the regularization of the estate in October 2010.
- (vi) In 2011, the Board further approved cost estimates of Kshs.3.304billion for the infrastructure development and payment of Kshs.650,000/= by plot owners as their contribution towards the development as well as professional services and payment of professional fees to the civil Engineers was also approved. At a subsequent Board meeting, the Board was informed that the purchasers had been informed of the Board decision with a view to implementing the same. In the meantime, the Surveyors, Planners and Engineers were working on their respective aspects of the project.
- (vii) The sale and regularization of the estate falls under Investments Division which comprises Property Development, Property Management & Capital and Money Markets Departments. Mr. Tom Odongo, General Manager (Investments), was the Head of the Division prior to becoming the

Managing Trustee in February 2012. He left NSSF in July 2013 and she was appointed the Ag Managing Trustee in his place on 23rd July,2013.

- (ix) In September 2013, Dr. Evas Kidero, Nairobi Governor telephone her inquiring why the Fund had not taken any steps to commence the infrastructure works as agreed at a meeting he held with Mr. Tom Odongo in July 2013. He indicated that he was having problems with the residents due to lack of physical infrastructure and scheduled a meeting for the following week to discuss the matter, which did not take place because of the Westgate Terrorist attack.
- (x) On 11th October 2013, a memo was raised by the Manager, Property Development, Mr. Mutemi Nzatu, for approval of a draft tender notice for the works. The memo was brought to her office by the Manager, Capital & Money Markets under whom the sales and budget for the project falls. She enquired from the Manager who assured her that there was a budget for the project and therefore approved the advertisement as is the standard procedure in the Fund for advertisements to be approved by the Managing Trustee before placement in the media. The Manager processed the advertisement with the Procurement and Public Relations Department and the advertisement first appeared in the media on 16th October 2013 and she left the Fund on 31 October 2013.
- (xi) The project was approved by the Board of Trustees way back in 2010 after the conditional approval by the then City Council of Nairobi and the estimates of Kshs.3.304billion was subsequently approved by the Board of Trustees in 2011.She approved the advertisement since the Board had approved the project and estimates as well as assurance on availability of budget by an experienced Head of Department and professional accountant who knew whether there was budget or not. As the Managing Trustee, she had no reason to doubt the Accountant and Procurement

Departments. Further, between October 2013 and the end of the Tender validity period in December 2013, there was sufficient time to inform the Board on progress made on the project.

- (xii) Two Board meetings had previously aborted because as at September 2013, only seven (7) out of Nine (9) Board members were available as one had been removed by the appointing authority while one was facing criminal charges and their replacement had not been done. Of the six members required to attain quorum, one representative from FKE and one from COTU had to be present otherwise the meeting would abort. As at 31st October 2013 only six (6) Board members were available meaning all six must participate for the Board to make a decision or resolution on any matter.
- (xiii) It was mandatory for a meeting to be held in November in line with the legal requirement that no more than four (4) months 'shall' elapse before a board meeting is held otherwise the Board would stand dissolved. It was at these meetings that she would have informed the Board about progress on the project but unfortunately she left the Fund before the meeting(s) took place. Since then, she learnt that three Board meetings were indeed held between November and December 2013 when the evaluation and award of tender took place and Management had the opportunity to stop it before the award was given.
- (xiv) She made further clarifications on the issues raised that:-
 - (a) It has since emerged that there was no line budge yet as at the time of her departure, she was not aware of any issue regarding the advertisement and her attention was not drawn to any anomalies with the tendering process, otherwise she would have cancelled the advertisement in line with the law that permits a procuring entity to terminate the tendering process at any time before the award. It is a

- standard practice in the Fund for the Tender Committee not to award a tender unless there is sufficient budget confirmed by the user department.
- (b) There was sufficient time for the Board to re-allocate the budget or the award put on hold until such a time that the Board makes provision. In any event, such tender is awarded only when re-allocation of the budget is provided within the tender validity period otherwise it is allowed to lapse for re-advertisement or action taken as per Board direction.
 - (c) At the time the tender was advertised, approved estimates for the project was Kshs.3.304 billion and the actual costs for the project could only have been determined after the evaluation process as the bidders may submit a tender sum that is above or below the Fund estimates. Where the tender sum is above the Fund estimates additional funds must be sought from the Board.
 - (d) To illustrate the above, tenders for development of Milimani Flats Nairobi were advertised in June/July 2013, based on Board approved budget of Kshs.1.5billion. After evaluation, it emerged that the bidder to be recommended had returned a bid sum of Kshs.1.7billion which was above the approved budget. When this was brought to her attention, she instructed the Manager, Procurement to advise the Tender Committee accordingly. The tender was allowed to lapse as there was no possibility of the Board meeting and re-allocating additional funds before the expiry of the validity period. The tender was later re-advertised and awarded at a sum below the Fund estimates thus saving more than kshs200million. Other tenders that were put on hold due to insufficient funds, including refurbishment of Social Security House

Block B. It would not have been the first time that a tender process was stopped by the Fund as it was apparent that there was no budget for the project.

3.7.2 MR TOM ODONGO – FORMER MANAGING TRUSTEE

Mr. Tom Odongo, immediate former Managing Trustee, appeared before the Committee on 11th February, 2014 and informed the Committee that:-

- (i) He joined NSSF on 1st November, 2010 as the General Manager Investment when NSSF restructuring exercise was on-going and acted as the Managing Trustee from 18th February, 2012 until August 2012 when he was appointed upon undergoing an interview as a substantive Managing Trustee, a position he held until he learnt of his dismissal through the media on 21st July, 2013.
- (ii) Tassia II was one of the wrong decisions made in NSSF that he inherited as land was bought and a section of it was invaded by “squatters” who subdivided the land and after the irregular sub-division of plots, everybody started developments.
- (iii) On site visit with Mr. Philip Kisia, the then Town Clerk, it was realized that some people had encroached on road reserves while some overlapped other people’s plots hence NSSF went to Court and an order was issued that the squatters be evicted. This created pressure within the NSSF Board to regularize the plots.
- (iv) Following consultations with the Government and local leaders, the NSSF Board agreed to sell the plots to the squatters. However, the plots were undeveloped and the Land Rate paid was for un-serviced plots. In selling the land, each buyer needed to have access to the plot and surveying of the land become necessary hence the surveyor was advised to work out the right size of land for each buyer.

- (v) The Nairobi City Council imposed a condition for tarmacking of the roads by NSSF and as result he held several meetings with the Town Clerk on the same but was sacked when he was about to complete negotiations on the same. The squatters formed various groups through which communication would be made and they would also be reached through meetings held and letters to individuals. The Tenant Purchase Department was responsible for communication and the names of the groups and their officials are with the Department.

- (viii) The Board meeting held in the year 2011 resolved that those purchasing through Tenant Purchase Scheme were to pay additional amount compared to those paying cash. The figures arrived at in 2012 were Kshs 3.3 billion and plot owners were to take responsibility for the development. When he issued a notice of repossession for the unpaid plots, the plot owners went on rampage and called for intervention of leaders. The Hon Charity Ngilu, Cabinet Secretary, Ministry of Lands & Urban Development advised plot owners to cooperate with the NSSF and came up with a mode of payment.

- (ix) There are different sizes of plots in Tassia II that were being sold at different prices. Prices changed from the initial Kshs 300,000/= to Kshs 650,000/= to Kshs 900,000/=. When Mr. Alex Kazongo was the Ag. Managing Trustee, Kshs 650,000/= was to be paid by the time of communication. NSSF was to pay rates for developed plots while plot owners were to pay rates for undeveloped plots.

- (x) At the 154th Board meeting held in 2011, estimates were tabled and the Board approved Kshs 3.3 billion to be divided among the plot owners and each individual was to pay Kshs 650,000/=. The payment was supposed to be made within a year and when the period elapsed, the plot owners being led by their County Senator, Hon. Mike Mbuvi Sonko, MP and Woman

Representative, Hon. Rachel Shebesh, MP held three meetings at Hon. Charity Ngilu Charity office appealing for an extension of the paying period and agreed of the deadline of December 2012.

- (xi) He stated that the contractor can sue NSSF if the tender is cancelled and suggested that the contractor should not move to site since no money is available. Alternatively, NSSF should cancel the tender and regularize it and pay damages. The people on ground may also not allow the contractor to go to site thus out of court negotiations could be a solution and NSSF to bear the cost.
- (xii) He made the following further clarifications on the issues raised that:-
 - (a) The Chairman of the Board of Trustees has no Executive Powers and the Trustees should have raised the issues at the point of advertisement.
 - (b) In the old NSSF Act, the quorum for any decision was six members which included representatives of FKE and COTU. An acting Managing Trustee was also a Board Trustee as per the said Act. Some of the Board members term had expired by the time decisions were being made and the appointing authority was misusing the authority thereby affecting the operations of NSSF in terms of quorum. Circulation by emails is only used when a matter has been taken to the Board.
 - (c) NSSF bought properties in 1990 at exaggerated prices and previous decisions were not prudent. The Ministry of Labour and Treasury should be involved/sanction when the Fund is purchasing land. The repossession of plots for these who have cleared their contractual sum agreement will result to court cases.

- (d) NSSF should not be a parastatal as money is for workers and employers and Trustees who are appointed are only answerable to the appointing authority. There is need to address the governance system of NSSF as there is high turnover of Managing Trustees that is attributed to interference from the Executive i.e. seven (7) Chief Executives within six years.

3.7.3 MR. NAFATALI MOGERE – FORMER MANAGING TRUSTEE

Mr. Nafatali Mogere appeared before the Committee on 13th March, 2014 and informed the Committee that:-

- (i) He joined NSSF as Managing Trustee in August 2002 and left in December 2005 when the process was being implemented. The land in question was bought by NSSF between 1992 and 1995 at a total cost of Ksh.2.2 billion. In September, 2001 illegal squatters and land grabbers invaded the plots claiming they had been sold the same by various land buying companies. NSSF went to Court and a ruling was made in favour of NSSF in October, 2004 to evict the grabbers.
- (ii) The NSSF Board of Trustees however realized that given the level of unplanned sub-division and encroachment on the land, effecting the Court Order on eviction and demolition would present a great logistical and security challenge.
- (iii) Following comprehensive consultations between NSSF and the government and the local leaders, the Board meeting held on 28th June, 2005, resolved to sell the plots measuring 33x66Ft at Ksh.315,000/= and 100x50 Ft at Ksh.800,000/= as un-serviced plots. This was duly communicated to the various groups and local leaders vide a letter dated 26th July, 2005.
- (iv) In order to regularize Tassia II and III, a meeting was held between the Group leaders (Kwa Ndege Self Group, Fedha Self Group, Tassia Resettlement Scheme, Jorsim Group) and it was agreed that the purchaser's

would pay Ksh.12,000/= for planning survey work and issuance of individual titles. This was also duly communicated to the groups on 14th October, 2005.

- (v) He confirmed that the letters presented to him by the Committee dated 26th July, 2005 and 14th October, 2005 on the subject of the sale of land and payment for surveying were authentic and originated from the Fund, having signed them while in office. The said letters were earlier purported as forgery by the Hon. Kambi Kazungu, Cabinet Secretary, Ministry of Labour, Social Security and Services.

3.7.4MR. ALEX KAZONGO - FORMER MANAGING TRUSTEE

Mr. Alex Kazongo appeared before the committee on 6th March, 2014 and informed the Committee that:-

- (i) As part of its property portfolio development, NSSF bought Tassia land between 1992 and 1995 at a total cost of Kshs 2.2 billion. Constrained by cash flow, NSSF could not immediately develop the plots and the property was invaded by squatters in 2001. Following consultations between NSSF, Government and local politicians, a decision was reached in 2005 to sell the plots to the invaders as un-serviced plots in cash or under Tenant Purchase Scheme.
- (ii) The Board, from time to time, was kept abreast of the status of Tassia project through matters arising in the Board Agenda. While reviewing the progress towards recovering the money invested in Tassia, Board of Trustees decided to rationalize the investment in 2009 so as to increase the overall project return by facilitating the development of infrastructure subject to approval by County Council of Nairobi.
- (iii) In order to progress rationalization, he presented Board Paper BSISC/160/2011 to Finance and Operations Committee which after deliberations resolved to recommend the same to 154th Board Meeting held on 5 August,2011 for approval/ratification. In the Board Paper, he was seeking approval to engage and allow the contracted engineer, MS Multiscope Consulting Ltd. to proceed to

detailed design stage and for Management to engage, mobilize and advise the plot owners to start raising the money. The civil engineer had returned their initial cost estimate at Kshs 4.5 billion but he recommended that it be reduced to 3.3 billion taking cognizance of the potential difficulty of raising the monies from tenants/owners.

- (iv) He envisaged that further cost reduction and savings were likely at the detailed design level, considering the low rate of return on the investment. The initial cash outlay on the project was Kshs2.2 billion in 1992/95. Almost 20 years later in 2011, the Fund was still struggling to recoup its initial cash outlay while an average investment in land in Nairobi would possibly return tenfold after 20 years. As consultations between various parties progressed, he had the opportunity to channel NSSF investment funds to projects with higher rates of return including Treasury Bonds and Bills, Nyayo Embakasi, Parking Silo and others as recommended by Asset Managers under Board guidance.
- (v) Against the foregoing background, he recommended to the Board to approve preliminary cost estimate of Kshs 3.3 billion to enable him engage the engineer and surveyor to proceed, and also to mobilize and advise the owners to raise Kshs 650,000/= per owner to cover the infrastructural development. He recommended approval for payment of Kshs 21,153,898 being the engineers' professional fee on the project. His Board Paper envisaged that once the final report from the engineers and consultations with tenants were finalized, the Board would be updated and request to formally approve the final cost estimate. At that time, the Board would have an opportunity to evaluate the viability of the infrastructural development in order to approve, or reject the proposed development. If approved, the project would be duly coded for implementation provided funds are made available from land owners. That is when the procurement process could commence.
- (vi) The primary objective of the Board paper was to seek approval for Kshs 3.3 billion being the total preliminary cost estimate and Kshs650,000 being the

contribution from individual landowners to be communicated to the landowners to start raising the money. The secondary objective was to seek approval for payment of Kshs 22.2 million being engineer's professional fees to let him proceed to technical design stage where he envisaged cost reduction and savings. The engineer would also be required to consult with City Council of Nairobi to obtain their approval.

- (vii) His Paper was not seeking approval for budgetary allocation as this was a self-financing project. This aspect may be confirmed from the fact that no provision for this particular item was posted in all subsequent budgets. At the time of leaving NSSF on 17th February, 2012, none of the prerequisites granted under Board approval of 5th August, 2011 had been finalized. The main pending issues were the following:-
- Engineering design by Muitscope Consulting Ltd. was still work in progress
 - Land survey by Survplans Ltd. was still work in progress
 - Consultations with land owners was still on-going
 - Approval from City Hall had not been received
 - Final Board approval (or rejection) was still awaiting the outstanding items above items.
- (viii) He noted from NSSF File made available to him before appearing before the Committee that NSSF later received a revised cost estimate of Kshs 5.053 billion from the Consulting Engineers Company vide their letter of 4th February 2013, and City Council approval on 18th August, 2013. He further noted that the Board of Trustees, at its Meeting held on 18th December, 2013 through e-mail circulation, granted fresh approval for the whole amount of ksh 5.053 billion to enable Management to implement the development subject to availability of funds from land owners.
- (ix) He also noted from the File that NSSF tendered for the project in the print media on 21st October, 2013. He was made to understand through the media and the Committee's invitation letter dated 21st February, 2014 that the latest Board

approval and subsequent award of tender to develop Tassia II infrastructure informed the investigation.

- (x) The procedures for implementing the project was that the Board would have been updated and requested to approve the final cost estimate that would be advised to land owners to start raising the money and thereafter, for the Management to proceed with the procurement process.

3.8 MANAGING DIRECTOR, MULTISCOPE CONSULTING ENGINEERS

Mr. S. N. Maugo, Managing Director, Multiscope Consulting Engineers Ltd appeared before the Committee on 6th March, 2014 and informed the Committee that:-

- (i) Multiscope Consulting Engineers Ltd participated upon invitation for Expression of Interest (Eoi) advertised by NSSF in August 2010, to offer Civil Engineering Services for NSSF plots at Tassia, off Outering Road, Nairobi, Tender No. 02/2010-2011. The Company compiled documents and submitted them to the Fund on 19th August 2010. Among competing firms were the following:-
- M/s Otieno Odongo and Partners
 - M/s Ochieng Abuodha and Associates
 - M/s Gath Consulting Engineers Ltd
- (ii) Following a successful bidding process for consultancy services, M/S MultiScope Consulting Engineers Ltd was awarded the tender to undertake civil engineering consultancy services through the Fund's letter and accepted the offer. On 23rd December, 2010, the Company signed a Consultancy Agreement with the Fund, under the Ministry of Works "Conditions of Engagement & Scales of Fees for Professional Services for Building and Civil Engineering Works.
- (iii) In line with the terms of reference stipulated in the Consultancy Agreement, the Company embarked on the design works and submitted

to the Fund documents, drawings and reports as per the detailed scope of works set out in the terms of reference which included the following:-

- Preliminary Design Report.
- Draft Final Design Report
- Draft Tender Document
- Final Bid Document
- Engineer's Cost Estimate
- Environment Impact Assessment by NEMA

(iv) Further technical presentations on the project were conducted during meetings and discussions with the Client and in February 2011, the company submitted their preliminary Engineer's Cost Estimate amounting to Ksh. 4.5 billion which the Fund requested the Company to revise by excluding the following items:-

1. Access roads to the various plots
2. Access culverts to the plots.

(v) The Company advised their Client that the above listed items were a pre-condition for approval by the then City Council of Nairobi, without which the designs would not be approved. However, the Company proceeded and submitted on 1st March 2011, a revised cost estimate of KSh.3,304,780,557.00 excluding the provision of access culverts and access roads to each plot and the following approvals obtained were:- Water and sewerage, Roads and storm water drainage, Street lighting and NEMA.

(vi) On 26th August, 2013, the Company submitted a Draft Tender Document to NSSF and the Final Bid Document on 4th October 2013 upon which a Final Cost Estimate of Kshs5,053,520,321.00 was submitted in November 2013. The Company later submitted more copies of Tender documents for issuing to tender bidders and conducted site visit by prospective

contractors. The whole process of tendering, evaluation and award of tender was solely carried out by NSSF.

- (vii) In response to the justification for the tender sum of KSh. 4,629,198,275.70, he stated that Tassia project was a live and congested site with most of it already built, implying that there was need for the contractor to relocate services, provide diversion of traffic hence delivery of materials and carting away of excavated materials would be slow. The site is also overlain by deep black cotton soil and fairly level posing challenges to drainage. The unit prices for these operations would therefore be expected to be high compared to open sites with easy access. He further informed the Committee that M/S Multiscope Consulting Engineers Ltd. was awarded the tender for provision of Civil Engineering services through a competitive bidding process, conducted its services professionally, sought all approvals required by the concerned agencies and complied with the Terms Of Reference of the Consultancy Agreement.

4.0 CHAPTER THREE

2.0 COMMITTEES OBSERVATIONS

The committee made the following observations;

1. The purchase of land; Nairobi block 97, and LR no. 21189 and LR no.21190 by NSSF in the expansive Tassia estate along Outer – ring Road Embakasi region measuring 350 acres between 1992 and 1995 at Kshs.2.2 billion. The cost was manifestly exaggerated at that time.
2. The land was left undeveloped and unprotected. Seven years later, it was invaded by people who had formed themselves into five groups, Fedha Self help group, Tassia Resettlement Scheme, Kassim Self Help Group, Tassia East Self Help Group and Kwandege Self Help Group with alleged approval from the then Provincial Administration.

3. The invaders irregularly and illegally subdivided the land and sold some plots to unsuspecting Kenyans/buyers.
4. In a court case No.529 of 2002, filed by Ms.Racheal Njoki Wainaina against NSSF, on 26th October 2004, a ruling (**Annex 9**) seeking to stop the eviction was made in favor of the NSSF fund that the land belonged to NSSF and orders were issued to evict invaders and demolish structures that had been erected thereon.
5. When the NSSF went to enforce the eviction order, they found that there was massive illegal development in the land and met stiff political resistance that posed a security challenge.
6. The invaders, Provincial Administration and local political leaders approached NSSF with a view of reaching a compromise, an engagement that resulted in an agreement with NSSF to sell the plots to the occupants.
7. During a special meeting of the Board of Trustees of NSSF held on 28th June 2005, the Board approved the sale of plots measuring 33 by 66 ft at a price of Kshs.315,000 per plot which was to be paid within a maximum contractual period of six months with an expectation of raising Kshs.2.5 billion.(**Annex 10**)
8. The committee noted from submission of Acting NSSF Managing Trustee Naftali Mogere and the group leader of Tassia “plot owners” supported by available documents indicated there were indeed two types of plots i.e. 33ft by 66 ft and 50ft by 100 ft that were to be sold at Kshs 315,000, and Kshs. 800,000 respectively, contrary to submission by Board of Management that there was only one category of plots i.e. 33ft by 66ft.
9. By the time of this investigation, NSSF indicated that they had collected Kshs.1.8 billion out of the expected Kshs. 2.5 billion from the plot buyers.
10. Those buyers with completed payments for the approved purchase price have not been issued with titles to date.
11. For NSSF to issue titles, they have to comply with the subdivision condition issued by City Council of Nairobi under the Physical Planning Act(**Annex 12**). Among them is provision of infrastructure by NSSF which gave rise to the current Tassia II infrastructure development project.
12. NSSF had however, sold the plots as un-serviced and they therefore had to revisit the terms of the sale of plots to factor in the cost of infrastructure in terms of a clause in the sale agreement with plot buyers, which provided for such review.
13. NSSF engaged Multiscope Consulting Engineers Ltd on 1st March, 2011 to advise on the cost of infrastructure who came up with a comprehensive preliminary design report and a comprehensive cost estimate of Kshs.4.5 billion.(**Annex 14(I)**)

14. The board in its 154th sitting held on 5th August, 2011 accepted the advice of the consultant but adjusted the figure to Kshs.3.3 billion by reducing Kshs.1.2 billion which was meant to be the cost of access of roads to individual plots and further gave approval to the Management to communicate to the plot owners a further sum of Kshs. 650,000 to be paid by individual plot owners for provision of the infrastructure.(Annex 22)
15. The then Nairobi City Council declined to approve plans which exclude civil works to individual plots through a letter dated 3rd October, 2012.(Annex 15)
16. This prompted the NSSF to engage Multiscope Consulting Engineers Ltd who proceeded and finalized a comprehensive project design and a revised cost estimate of Ksh 5.053 Billion on 4 February, 2013.
17. On 18th July, 2013 Nairobi City County issued a letter giving provisional approval of civil work in Tassia II on the basis of the new report(Annex15(II)).NSSF proceeded to advertise and tender the project on 30th Oct 2013.
18. The tender was advertised (Annex 18) despite there being no budget for the same as required by law. The then AG Managing Trustee Ms. Hope Mwashumbe claimed to have been misadvised by the property investment manager Mr. Mtemi Nzatu that the budget was in place.
19. For purpose of approval of enhancement of the project cost from Kshs.3.3 billion to Kshs.5.053 billion, the Ag Managing Trustee Mr.Richard Langat circulated an email (Annex 2) to the Board of trustees on 18th December 2013 seeking approval and five out of the six trustees approved the same vide email (Annex 23).However Mrs Jackline Mugo the Executive Director FKE was conditional and Mr Francis Atwoli did not receive the email and did not approve hence the whistleblowing.
- 20.A visit by the committee to the site established various sizes of plots and the most visible were 50 by 100ft, 33ft by 66ft and others. There are no proper roads, sewer lines, most of road reserves have been blocked and the scheme is characterized by unplanned and disorganized development (Annex 25).
21. Plots reserved for public utilities such as schools, churches, roads, security posts, and former Provincial Administration are said to have been sold by NSSF, grabbers and senior civil servants.
- 22.NSSF is accused of repossessing plots from defaulters without giving sufficient notice to the buyers.
- 23.The NSSF admitted to selling some of the plots to some of its staff members though they were not part of the occupants.

24. The Cabinet Secretary for Labour, Social Security and Services Hon Kazungu Kambi, the chairman of the NSSF Board Mr Adan Mohamed, AG Managing Trustee Mr. Richard Langat, former Managing Trustees Mr. Alex Kazongo, Mr. Naftali Mogere and Mr. Tom Odongo asserted that the project was self financing and that the entire cost would be met by the plot buyers, hence no intention to use members contribution to the fund however the Committee's investigation established that workers money was meant to be used in the development of the project.
25. The former AG Managing Trustee Ms. Hope Mwashumbe submitted that Board approval by email circulation was a common practice subject to ratification in subsequent board meetings.
26. Under the first schedule of the then NSSF Act section seven, for any board meeting to have quorum it was mandatory for at least one representative of employers and workers to be present. However, the chairman NSSF board asserted that the approval of five out six trustees constituted a valid board of trustees' approval prompting award of the tender.
27. The tender was awarded on 20th December, 2013 to China Jiangxi and a contract signed on 28th January, 2014.
28. The cost of infrastructure of Ksh 920,000 plot buyer which is a shared cost of the Ksh 5.053 approved by the board vide email circulation was not communicated to the buyers, and by the time of the tender no funds had been collected from the plot buyers.
29. The Committee observed that there has been high turnover of Managing Trustees in NSSF.

5.0 COMMITTEES RECOMMENDATIONS

Upon deliberations, Members made the following recommendations;

1. NSSF should ensure that due diligence is carried out when purchasing properties and those involved in illegal transactions must be prosecuted.
2. The group leaders who claimed to be owners of Tassia to be investigated for grabbing, illegal occupation and sale of land.
3. An independent audit should be carried out on the sale and proceeds of Tassia II plots particularly in respect to plots sold at Kshs.800, 000 and those reserved for public utilities.

4. NSSF should not sell plots or other assets to its employees without following due competitive process to avoid conflict of interest.
5. NSSF should reposes all plots reserved for public utility and surrender them to the relevant authorities free of cost.
6. NSSF should give notice, and reposes land that has not been fully paid for.
7. Ratification of the project approval by the Board must be sought and member's contribution to the fund should not be used.
8. The NSSF should suspend the Tassia II project until money is collected from the plot buyers after which the project to proceed.
9. There should be no executive interference with the NSSF Management thus the Cabinet Secretary should only deal with NSSF as per the requirement of the Law`.
10. The NSSF Board should ensure that all managerial decisions that are made at management level are within the Law and incase of any irregularity, it should act on time.
11. The officers responsible for advertising the tenders without a budget should take responsibility for violation of Law.

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ANNEX A- MINUTES

MINUTES OF 78th SITTING OF THE DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD IN COMMITTEE ROOM 9 ON 16TH OCTOBER, 2014 AT 10.00A.M.

PRESENT

1. Hon. David Were, MP - Chairperson
2. Hon. Tiyah Galgalo, MP - Vice Chairperson
3. Hon. Janet Teyiaa, MP
4. Hon. Peris Tobiko, MP
5. Hon. John Ndirangu Kariuki, MP
6. Hon. John Serut, MP
7. Hon. Samuel Gichigi, M.P.
8. Hon. Abdi Noor Ali, MP
9. Hon. James Onyango K'Oyoo, MP
10. Hon. Omondi John Ogutu, MP
11. Hon. Patrick Wangamati, MP
12. Hon. Silvance Onyango Osele, M.P.
13. Hon. John Owuor Onyango Kobado, MP
14. Hon. Mwanyoha Hassan Mohammed, M.P.
15. Hon. Elijah Mosomi Moindi, Mp
16. Hon Dan Wanyama, Mp
17. Hon. Cornelly Serem, Mp

ABSENT

1. Hon. George Muchai, MP
2. Hon. Winnie Karimi Njuguna, MP
3. Hon. Janet Nangabo, MP
4. Hon. Elijah Lagat, MP.
5. Hon Regina Nyeris, MP
6. Hon. Wesley Korir, MP
7. Hon. Kinoti Gatobu, MP
8. Hon. Aisha Jumwa Karisa, MP
9. Hon Rose Museo Mumo, MP.
10. Hon. Mustafa Idd, M.P.
11. Hon. Nyasuna Gladys Wanga, MP
12. Hon. Mlolwa Jones Mwagogo, M.P.

NATIONAL ASSEMBLY SECRETARIAT.

1. Erick Nyambati Third Clerk Assistant
2. Abdirahman Gele Hassan Third Clerk Assistant
3. Ella Kendi Mwenda Third clerk Assistant

MINUTE NO.206/2014 PRELIMINARIES.

The meeting was called to order at 10.30a.m followed by a word of prayer from the Chairperson. The Chair informed the members that the letters for trips to Philippines, Switzerland, Germany, Belgium and China were declined on the grounds that the aforementioned Countries had been visited by other Committees of the National Assembly or Senate. The Chair was tasked by the Committee Members to engage the Clerk on the same.

MINUTE NO.207/2014 CONFIRMATION OF THE PREVIOUS MINUTES

Confirmations of the minutes of the 70th to 77th sittings were deferred to the next sitting.

MINUTE NO.208/2014 CHILDREN AMENDMENT BILL, 2014

The Committee observed that despite having equal parental responsibility, custody of a kid of a tender age remains with the mother unless in exceptional circumstances where the court decides otherwise. The Committee resolved to adopt the report.

MINUTE.NO 209/2014 PERSONS WITH DISABILITIES AMENDMENT BILL, 2013

The Committee adopted the report on Persons with Disabilities.

MINUTE NO.210/2014 TASSIA REPORT

The Committee members adopted the Tassia report with the following amendments:

1. The NSSF Board should ensure that all managerial decision that are made at management level are within the law and incase of any regularity, it should act on time.
2. The officers responsible for advertising the tender without a budget should take responsibility for violation of law.
3. There should be no executive interference with the NSSF Management thus the Cabinet Secretary should only deal with NSSF as per the Requirement of the law.

MINUTE NO.211/2014 PREPUBLICATION SCRUTINY OF NATIONAL YOUTH EMPLOYMENT AUTHORITY BILL, 2014

The Committee adopted the report with the amendments on the Memorandum of objects and reason by substituting "Youth Employment" with "National Employment".

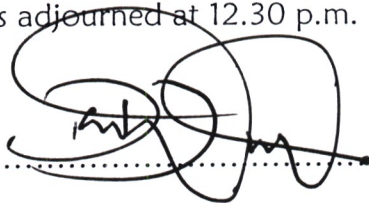
MINUTE NO.212/2014 ANY OTHER BUSINESS.

The members resolved to invite the Principal Secretary State Department of Planning and the Director of National Youth Service to apprise members on the restructuring programmes going on at National Youth Service aimed at social transformation of the youths on Thursday 23rd Oct 2014. The Committee further resolved to invite the CEOs of the National Council for Persons with Disabilities and National Gender and Equality Commission in due course.

MINUTE NO 213/2014 ADJOURNMENT

The meeting was adjourned at 12.30 p.m.

Signed.....



Chairperson

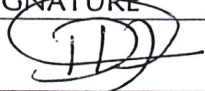
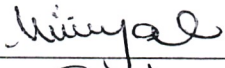
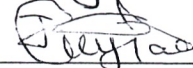
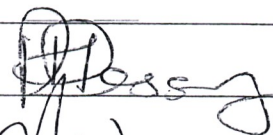
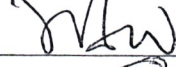

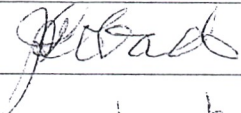
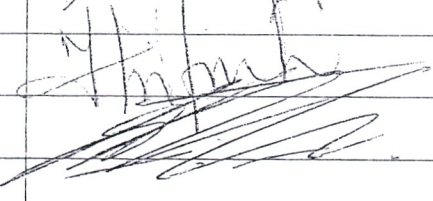

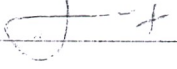
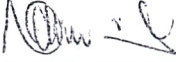
Hon. David Were, MP

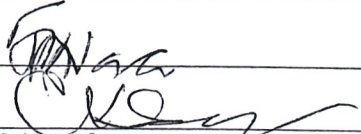

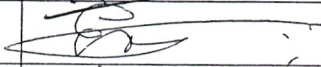
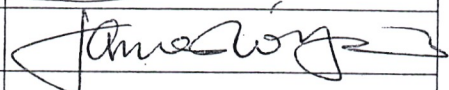
Date.....

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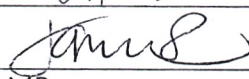
**THE DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE
ATTENDANCE LIST**

DATE..... 16th OCTOBER 2024
 AGENDA..... ADOPTION OF REPORTS: (1) Children Amendment Bill 2024 (2) Persons with Disabilities Amendment Bill, 2024 (3) Tazara Report (4) National Youth Employment Authority Bill, 2024.

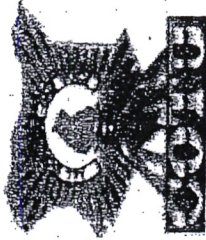
NO.	NAME	SIGNATURE
1.	Hon. David Were, MP -Chairperson	
2.	Hon. Tiyah Galgalo, MP-Vice Chair	
3.	Hon. Janet Teyiaa, MP	
4.	Hon. George Muchai, MP	
5.	Hon. Peris Tobiko, MP	
6.	Hon. John Serut, MP	
7.	Hon. Samuel Gichigi, MP	
8.	Hon. Kinoti Gatobu, MP	
9.	Hon. Nyasuna Gladys Wang, MP	
10.	Hon. John Onyango Kobado, MP	
11.	Hon. Mlolwa Jones Mwangogo, M.P.	
12.	Hon. Wangamati Patrick.MP	
13.	Hon. Dan Wanyama, MP	
14.	Hon. Winnie Karimi, MP	
15.	Hon. Regina Nyeris .MP	
16.	Hon. John Omondi Ogutu, MP	
17.	Hon. Mwanyona H. Mohammed, M.P.	
18.	Hon. Mustafa Idd, MP	
19.	Hon. Elijah Lagat, MP.	
20.	Hon. Abdinoor Ali. MP	

21	Hon. Rose Museo, MP	
22	Hon. Wesley Korir, MP	
23.	Hon. John Ndirangu, MP	
24	Hon. Cornelly Serem, MP	
25	Hon. Silvance Osele, MP	
26	Hon. Elijah Mosomi, MP	
27.	Hon. James K'oyoo, MP	
28.	Hon. Aisha Jumwa Karissa, MP	
29.	Hon. Janet Nangabo, MP	

MOINDI



ANNEX 1



COTU/CONF/SG/VOL.VIII/23

9th January, 2014

PRESS RELEASE

RE: COTU (K) REPLY TO THE NSSF ACTING MANAGING TRUSTEES' BLATANT LIES ON TASSIA II SETTLEMENT SCHEME INFRASTRUCTURE DEVELOPMENT

The Central Organisation of Trade Unions, COTU (K) as the umbrella workers' body in the country representing over 1.5 Million Members that equally pay a monthly contribution to the National Social Security Fund (NSSF), has read with utmost bemusement a paid-up advertisement appearing in the local dailies by the National Social Security Fund Ag. Managing Trustee Mr. Richard Langat detailing generalities, explanations and 'clarifications' on the status of the Tassia II Settlement Scheme Infrastructure Development hitherto with omissions that may constitute a breach of the National Social Security Fund Act, NSSF Chapter 258 of the Revised Edition 1989 (1978).

Whereas, the Central Organisation of Trade Unions, COTU (K) holds no objection to the Scheme's background information including the processes involved in land surveying and approvals from the Nairobi City County Government; we are hesitant and not ready to be duped in the explanation of the Tender process and Board approvals as the law is clear, any Board approvals are by **RESOLUTION** where members take a vote not by **CIRCULATION**. At our last board meeting of 9th December, 2013, the Ag. Managing Trustee never indicated that he intended to call another meeting on 18th December, 2013 or do so by way of circulation as he wants the public to believe.

Further, he has gone ahead to state that I was aware of the amount involved and I declined when I am on record for having

Indeed it makes no economic sense to keep on reviewing the figures upwards in total disregard of the economic plight of these squatters and consistently expose the Fund to a likelihood of further losses because if the squatters are unable to pay for the plots based on the initial amount, how will they now pay-back to the Fund to refund a whopping Kshs 5.053 billion to the NSSF?

In fact this informs the decision by the previous Managing Trustees who deliberately skipped pressurizing the Board of Trustees to grant approval for the development of the said infrastructure despite insistence from the then City Council of Nairobi because somebody had to take responsibility.

The Trustees that the Ag. Managing Trustee alleges to have approved the Kshs. 5.053 billion, they were approving on the basis of what? Were there any documents attached detailing how the Fund will be able to fully recover this colossal amount of money from the tenants bearing in mind that NSSF no longer now owns these plots? Where are the Minutes through which the Fund will defend the decision when called upon to justify? These are questions that the workers whom I represent on the Board will have to seek from me together with the Fund management and it will be absurd for me to rally behind a process that is clear in my mind is **fraudulent** and so casual yet involving billions of workers money.

was convened on the same to seek approval the amount involved in the whole process, it remains fraudulent irrespective of whether one or two trustees approved on mail circulation or not. As a Board, we have held Board retreats where we have deliberated on various issues but without a substantive Board Meeting convened in accordance with the Act, such views have remained not implementable and should be viewed as so and this calls upon the government and its investigative agencies to prove who is right in this whole saga of blatant theft in the glaring open eyes of the Cabinet Secretary in charge of Labour Social Security and Services together with those involved.

COTU (K) has, and remains opposed to such fraudulent processes that clearly flouts the laid down procedures including ignoring the law as well as pushing for such personal interests in a project where plots were sold as " **Unserviced Plots**", according to the agreements with tenants in our possession. Indeed a plot sold in this respect does not require any service from the seller and that is why we are humbly appealing to His Excellency the President of the Republic of Kenya Hon. Uhuru Kenyatta who in no uncertain terms promised Kenyans that whatever his government does will remain above board to proceed and cancel these fraudulent deal.

Informed my fellow trustees including himself soon after the 9th December, 2013 meeting that I was leaving the country on 12th December, 2013 for London, United Kingdom.

1.0 Finance, Social Security and Investment Committee

The core business of the Finance, Social Security and Investments Committee of which I serve as Chairman is and not limited to, vetting and approving all Financial and Investment engagements by the National Social Security Fund (NSSF) and forwarding the same with recommendations for the Full Board's decision in terms of endorsing wholly such recommendations or with variations.

Equally, debate on whether the amount involved was either Kshs. 4,629,168,275.70 or Kshs. 5,053 billion does not arise since the Ag. Managing Trustee himself in a Memo addressed to the Fund's Ag. General Manager Finance and Investment dated 19th December, 2013 quoted the figure Kshs. 5,053 billion as the sum 'approved' and nowhere in the Memo that is in our possession does he mention the figure 4,629,168,275.70 (see the memo separately).

2.0 Board Approval

The first schedule of the NSSF Act that was fully in operation at the time as the New Act's commencement date is yet to be gazetted is clear under section 7 that:

"The Quorum for any meeting of the Board of Trustees shall be two thirds. Provided that there shall be no quorum unless there is present at the meeting at least one Trustee representing Government, one Trustee representing Employers and one Trustee representing Employees."

In this case, employees were not represented in the meeting and if this meeting was substantive as opposed to being held through circulation, in the wisdom of both the Chairman of the board and the Ag. Managing Trustee they would have realized that there was no quorum to transact such serious business.

Further, nowhere in the Act is provided that such a colossal sum of money involved can be approved by the Board of Trustee through circulation of an Email without any subsequent full disclosure to the Board on the projects viability so far as safeguarding the Fund's is concerned nor any comprehensive presentation on the very projections involved including on how the NSSF secure its funds bearing in mind that these squatters are yet to even pay the Kshs 2.5 billion that is the principal amount owned on plots.

As a long serving member of the NSSF Board of Trustees, there is nowhere in the History of the Fund has even Kshs 5 (five shillings) been approved through circulation. In our possession we have a letter dated 6th January, 2014 from our social partner, the Federation of Kenya Employers (FKE) which clearly denies any involvement in the alleged circulation approval.

Thus the approval that the Ag. Managing Trustee is alleging to have received from a section of the Board of Trustees may be from the two Principal Secretaries of Labour Social Security and Services, the Treasury, the Chairman and himself and this out of nine board of trustees members, three retired, to approve such a colossal amount of Kshs 5,053 billion cannot be taken lightly especially by poor worker who toil day and night to save with the Fund with a view that the Fund will exercise prudence, accountability and transparency in investing the funds.

Notwithstanding, COTU (K) reads a sinister motive in the fact that the alleged Email circulation was done on 18th December, 2013 to which COTU (K) did not receive and as the Board of Trustees were "approving" the proposal through 19th December, 2013 it is the same day the Fund's Tender Committee met and approved the award of the Tender to China Jiangxi International (K) Ltd and soon after, the Finance, Social Security and Investments Committee was overstepped deliberately and this is in no doubt informed by my historical background of this project.

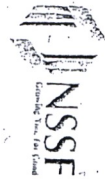
The haste with which the process was done and bearing in mind that in our previous Board meeting there was no such communication from the Fund nor had there been any request for the process to be completed in a period of two days even without involving the plot owners who are now the tenants and whom the money would be recovered from through their payments of Kshs. 650,000 that was equally and fraudulently adjusted to Kshs. 920,000.

As representative of workers on the NSSF Board of Trustees, COTU (K) has fought all manner of battles in efforts to not only secure but safeguard workers' funds and this has not been easy since we have had to take personal risks in order to serve NOT our personal interests but our Members. This is a duty we have been duly elected and confidence bestowed on us to execute without flinching and those keen on seeing us back-off should prepare for even bitter battles. Our members out there are looking upon us and we will not betray this trust no matter the intimidation to our course.

It is unfortunate that the attempts to qualify a fraudulent process in efforts to formalize an illegality and as long as no Board meeting


Yours sincerely,

Francis Atwoli, EBS, MBS
SECRETARY GENERAL COTU (K) &
MEMBER NSSF BOARD OF TRUSTEES/CHAIRMAN
FINANCE, SOCIAL
SECURITY & INVESTMENTS COMMITTEE



SF/ADM/4/9vol. V


Ag. General Manager,
(Finance & Investment)

ACTION ON BOARD DECISIONS

By circulation, on 18th December, 2013, the Board of Trustees National Social Security Fund made the following decision for implementation.

Regularization of Tassie II Scheme Infrastructure development

The Board approved Kshs 5,053 Billion being the revised total cost estimate of infrastructure development and Kshs 920,000.00 per plot to be advised to plot owners as their contribution towards the cost of development and related professional services.


RICHARD K. LANGAT
AG. CEO/MANAGING TRUSTEE

19th December, 2013

ANNEX 2

ACEL DOCUMENT

NAIROBI CITY COUNTY

22 JUL 2013

Multiscope Consulting Engineers Ltd.
P. O. Box 12012-00100 (Tel: 2724744), Nairobi, Kenya



Telephone: +254 20 2224281
Web: www.nairobi.go.ke

City Hall,
P. O. Box 30075-00100,
Nairobi,
KENYA.

CE/3916/SMM/rmm/LR 21190

18th July, 2013

Multiscope Consulting Engineers Ltd.,
P.O. Box 12012-00100

NAIROBI

**RE: CIVIL ENGINEERING REGULARISATION SERVICES OF
SUBDIVISION, FOR NATIONAL SOCIAL SECURITY FUND,
NAIROBI- PLOT LR 21190 & 21189, TASSIA 11 AND 111,
EMBAKASI.**

Your letter dated 28th November, 2012 under reference MCE/112/NSSFT/Snm/16 and the submitted drawings refers.

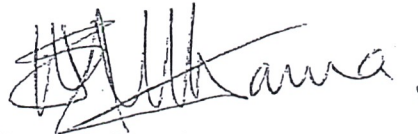
The civil engineering drawings for the road works and surface water drainage in regard to meeting sub-division conditions for plot Lr. 21190 and 21189 are approved as long as you comply with the following conditions before commencement of the works:-

- (a) Submission of drawings for street lighting, road marking and traffic signs for our approval.
- (b) The works to be carried out under supervision and to Nairobi City County adoptive standards.
- (c) Submission of standard details for all road cross-sections to adoptive (premix) standards.
- (d) Submission of road layout drawings at a scale that can be legible, preferably at the scale 1:1000.
- (e) Submission of road layout drawings providing the one-way system on all 9m and 12m wide roads and a public transport route along the 15m wide road with appropriate bus lay bys.

.. /2.

- (k) Proof of payment of KShs. 1 million being submission fees and inspection fees for the above works.

The work should be carried out as per these approved/stamped drawings. A copy of these drawings will be available for your collection and should be kept at the construction site for ease of reference during inspection.


Eng. S. K. Mburu

For: INTERIM COUNTY SECRETARY

Copy to: — Managing Trustee,
National Social Security Fund,
P.O. Box 30599-00100
NAIROBI

ANNEX 4

Maureen Jura

From: Jacqueline Mugo
Sent: Wednesday, January 15, 2014 1:14 PM
To: Maureen Jura
Subject: FW: BOT-257-2013: REGULARIZATION OF TASSIA II SCHEME
INFRASTRUCTURE DEVELOPMENT

-----Original Message-----

From: Jacqueline Mugo
Sent: Wednesday, January 01, 2014 6:47 PM
To: Richard Langat; adandaud@yahoo.com
Cc: info@cotu-kenya.org; pslabour@labour.go.ke; fs@treasury.go.ke
Subject: Re: BOT-257-2013: REGULARIZATION OF TASSIA II SCHEME INFRASTRUCTURE DEVELOPMENT

Dear Richard/ Chairman,

My efforts to reach both the Chairman and the Acting Managing Trustee have been unsuccessful.

The major issues arising from the proposed "Regularisation of Tassia II Scheme" need to be urgently addressed and resolved before further damage is done to the image of the FUND and that of the Trustees. The impression created that the board has approved the plunder of NSSF funds should be urgently clarified and FULL DISCLOSURE publicly made on the status of expenditure on this project and other big projects.

The email circulated by the AG. Managing Trustee on 18th December 2013 cannot constitute Board approval of expenditure of NSSF funds as the Managing Trustee said the project would be self financing and he wanted the go ahead to send out communication to the tenants to pay the required kshs 920,000 towards the project. Surely, the idea must be first sold to the tenants and money collected from them to finance the infrastructure work!

Further, a comprehensive presentation on the TASSIA II project should be made to the board of Trustees to consider and determine the project viability given the colossal amount of money involved.

As far as I am aware, no board resolution has been made to form the basis of the award of a contract on this project. There should be no award of a contract UNTIL and UNLESS a formal meeting of the board is held to discuss and ascertain that the project will be done on a self financing basis and a formal approval is given.

This matter requires urgent attention.

Regards,

Jacqueline Mugo

Sent from my iPad

On 18 Dec 2013, at 10:55, "Richard Langat" <langat.r@nssfkenya.co.ke> wrote:

> REGULARIZATION OF TASSIA II SCHEME INFRASTRUCTURE DEVELOPMENT

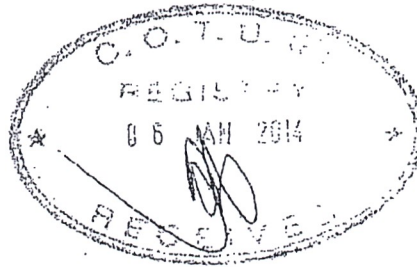
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ANNEX 5



FEDERATION OF
KENYA EMPLOYERS

The Voice of Employers



6th January 2014

Mr. Richard Langat,
Ag. Managing Trustee,
National Social Security Fund,
P.O. Box 30599-00100,
NAIROBI.

Dear Richard,

RE: BOT-257-2013: REGULARIZATION OF TASSIA II SCHEME
INFRASTRUCTURE DEVELOPMENT

Please refer to my previous email sent to you and the Chairman on 1st January 2014. Given that I have not received any response to my e-mail, I now write to you formally on the above subject.

The NSSF board seems divided on this issue and has not had opportunity to discuss this matter in a formal meeting. It is for this reason that a section of the Board should not decide to push ahead with the project heedless of the objections raised. It is time that we as Trustees learnt to resolve issues of the FUND within the board taking the best interests of the Fund into account, hence my earlier appeal to you and the chair to clear the air publicly on this matter which has so far been ignored.

The email circulated by the Ag. Managing Trustee on 18th December 2013 cannot constitute Board approval of expenditure of Kshs. 5 billion of NSSF funds as the Managing Trustee said the project would be self financing and he wanted the go ahead to send out communication to the tenants to pay the required Kshs. 920,000 towards the project. My position is that the idea must first be sold to the tenants and money collected from them to finance the infrastructure development before any work starts. The idea of spending a colossal sum of kshs 5 billion on a project based on a purported email approval is indeed ill-advised.

Further, a comprehensive presentation on the rationale, justification and viability of the TASSIA II project should be made to the board of Trustees for consideration and determination including the reports on feasibility studies done. Indeed if it is true that the plots were sold as unserviced plots then why would NSSF get involved in infrastructure development at this point and expose itself to a loss of Kshs. 5 billion of contributors money?

Headquarters:

Wanjiki House, Argwings Kodhek Road- Millimani, Nairobi,
P. O. Box 48314-20100 Nairobi, Kenya
Tel: 020-272424/484934, 222424/62, 0743-323591, 0722-203487
Fax: 020-272424, 2712299, 2720297. Email: fkehq@fke-kenya.org

Coast Branch Office:

P.O. Box 8415-80100 Mombasa,
Tel: 041-231111 Fax: 041-2276596
Email: fkecsa@fke-kenya.org

Western Kenya Branch Office:

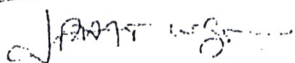
P. O. Box 1449-40100 Kisumu,
Tel: 057-202620/0202533477 Fax: 057-2021453
Email: fkeksm@fke-kenya.org

Rift Valley Branch Office:

P.O. Box 5216-20100, Nakuru,
Tel: 051-2216690, Fax: 051-2216745
Email: fkenkr@fke-kenya.org

As far as I am aware, no board resolution has been made to form the basis of the award of a contract on this project. Hence there should be no award of a contract UNTIL and UNLESS a formal resolution and approval is granted by the board, if at all, in a formally constituted meeting.

Regards,



Jacqueline Mugo, MBS
EXECUTIVE DIRECTOR

Cc. The Cabinet Secretary, Ministry of Labour Social Security and Services

The Chairman, NSSF Board of Trustees

All Trustees

ANNEX 6

TASSIA II INFRASTRUCTURE DEVELOPMENT PROJECT



FEDERATION OF
KENYA EMPLOYERS

The Voice of Employers

The Federation of Kenya Employers wishes to clarify its stance on the ongoing TASSIA II Infrastructure development debate and the continued assertion by the Acting Managing Trustee of NSSF that I am among the members of the Board of Trustee who approved the project.

The Acting Managing Trustee of NSSF circulated an email to 6 Board of Trustee Members on 18th December 2013 on the TASSIA II project and one of the actions requested was to "Approve Kshs. 5.053 Billion being the revised total cost estimate of infrastructure development and Kshs.920,000.00 per plot payment to be advised to plot owners as their contribution towards the cost of development and related professional services." The email also indicated that the project would be self financing.

I sent an email to the Chairman and Acting Managing Trustee on 1st January 2014 as a follow-up to clarify what needed to be done by the Board and copying the 6 current Board of Trustee Members raising questions on the project. The email was not responded to. Amongst the key questions was the need to ensure financing of the project by the tenants as indicated in the Acting Managing Trustee's email. This email was followed up by a formal letter to the Cabinet Secretary for Labour Social Security and Services and the Acting Managing Trustee in which I stated the following:

1. The email circulated by the Ag. Managing Trustee on 18th December 2013 CANNOT constitute Board approval of expenditure of Kshs. 5 billion of NSSF funds.
2. A comprehensive presentation on the rationale, justification and viability of the TASSIA II project should be made to the Board of Trustees for consideration and determination including the reports on feasibility studies done.
3. No board resolution in a formally constituted Board meeting has been made to form the basis of the award of a contract on this project. FKE requested the Acting Managing Trustee to urgently convene a meeting for the Board to deliberate on this matter as per normal procedure.

By the time of going to the press FKE had not received a response.

It is therefore misleading for the Cabinet Secretary and the Acting Managing Trustee to report to the public that the board approved the TASSIA II project. It is also worrying to witness the hurried manner in which a project purportedly approved on 18th December 2013 has already been awarded to a contractor.

Employers are thus still opposed to the project. The Acting Managing Trustee should convene a formal meeting of the Board of Trustees to deliberate on the project. The idea of spending a colossal sum of Kshs. 5 billion on a project based on a purported email approval is indeed ill-advised.

JACQUELINE MUGO, MBS
EXECUTIVE DIRECTOR

www.fke-kenya.org

ANNEX 7

EMBAKASI DIVISIONAL DEVELOPMENT COMMITTEE
2001 ON 10TH MARCH

PRESENT MEMBERS
NAME:

LOCATION

1. Benjamin W. Gachichio	- District Officer	Chairman
2. David K. Mwenje	- Embakasi M.P	
3. Julius K. Wanjau	- Chief	Kayole
4. James B.O. Anunda	- Chief	Umoja
5. John Kiendi	- Chief	Embakasi
6. S.G Gachie	- Chief	Ruia
7. Philip A. Ambuka	- Chief	Dandora
8. Francis K. Langat	- Ass Chief	Mihango/Sub.Loc.
9. Jeremiah K. Lagat	- Ass Chief	Njiru-Maili Saba
10. Mrs. Mary Odhiambo	- Employment Officer	
11. Vincent Oketch	- Social Dev. Officer	
12. Muthuri Muchiri	- Chairman Embakasi Ranching Company	
13. Mr Maina	- Head teacher Mwangaza Primary school	
12. John Esolio	- Inner Core	Umoja Location
13. Eliud Opiche	- Umoja Location	Location
14. Eunice Maina	- Forester	Ruai Loc/Embu/Div
15. Peter Kamau	- Kariobangi South CLLR	
16. Mwangi Thuita	- KANU	Embakasi
17. Margaret Katua	- KANU Women Leader	Nairobi
18. CLL. Mwangi Thayu	- Dandora Ward	
19. CLL. Mwololon	- Airport Ward	
20. Okwaro j. Imbuye	- Adult Education Office	
21. Moses K. Kamau	- Dandora Girls Women Center	
22. Didakus Mases	- Spring Valley	
23. Lydia Wanjiku	- Chairlady	
24. Phyllis Musau	- Spring Valley	
25. David Mwaura	- Spring Valley	
26. Mary Muthoni Kamau	- Embakasi	Loc.
27. David Kamau Githiji	- Suda Chairman	Loc.
28. A.F. Abik	-	Umoja Loc.
29. M.M. Maingi	-	"
30. Samuel Gichuki	- Shauri Yako Zone	
31. John Kamau	- Bahati Zone	
32. Flowrence Kimongo	- Central	Umoja
33. Jacinta Syombua	- Chairlady	Air Port
34. Phyllis N. Makenzi	- W.C	Embakasi Loc
35. Francis Ngugi	- V.C. Embakasi	Airport
36. Samuel Nzuki	- Chairman Embakasi Slums	
37. Esther Kamuyu	- V.C Embu/Airport	
38. Teresia Mungai	- V.C Embakasi Airport	

39. Agnes Munini	-	Chairlady Maili Saba	Njiru
40. Martha Munini	-	Sec. Maendeleo	Airport Ward
41. Benson Mbole	-	Undugu Society of Kenya	Dandora
42. Joseph Kagai	-	Chairman D.P	Embakasi
43. Nyaga Kibira	-	Secretary D.P	
44. Elizabeth Mwangi	-	Women Co-ordinator	Kariobangi South
45. Samuel Njeru	-	V.C D.P	Embakasi
46. Elizabeth Mwikali	-	Kwa Rueben	Mukuru
47. John Mwaura	-	Mutarakwa	
48. John Kinundu	-	Jua Kali	
49. Patric Mwangi	-	Ruai	
50. Lucy Muthoni	-	Ruai	
51. Rev. Joseph Namiti	-	Kenya Children Fund Trust	
52. E. Evans Omondi	-	Poverty Eradication	Mukuru
53. Francis Sewala	-	Kayole	
54. Gabby obbeka	-	Director-Saidia children centre	
55. Racheal Kudara	-	Mudavadi Jua Kali	
56. James Simpon Saka	-	S.D.P Chairman	Embakasi
57. Tom M. Kinara	-	Livestock Dev. Officer	"
58. Eng. Stanly W. Njoroge	-	Chairman Umoja II resident Welfare Ass.	
59. Fatuma Ibrahim	-	Chairlady	Mukuru centre
60. Khadija Ali	-	Treasurer	
61. Beth Musembi	-	Maendeleo-Embakasi Reuben	Mukuru
62. Scolastica Mwongeli	-	Vice-Chairlady	
63. Dishon M Mathenge	-	Mihango	Embakasi
64. Mary Akwany	-	Umoja II	
65. P.S Mburu Kinyanjui	-	Umoja II	
66. Isaac Gitau Njonjo	-	K.C.C Village	Kariobangi South
67. Jmaes Njoroge Gitau	-	"	
68. Waweru Kiratu	-	Chairman Mairi Saba	Njiru
69. Chege Macheru	-	Dondora	
70. M/s Irene W. Katua	-	Sec. KANU Mihango Ward	
71. Casta K. Nguru	-	Ruai Ward	
72. Wairegi	-	Chairman	Ruai
73. Zainabu Mohamed	-	P.T.A Thalendi of Embassy	
74. Rose Kula	-	Chairlady Bidii Women G	Airport Ward
75. Rev. David G. Mwangi	-	Chairman I.C.D.P	Mukuru
76. Joseph Muthuri	-	Chairman Reuben	Mukuru
77. Jeremiah Gitau	-	Chairman Reuben	
78. David Otieno Okello	-	KANU Dev.	Embakasi
79. Mutinda Mueni	-	Vijana Dandora Location	
80. Paul Wambua Musinga	-	Chairman Catholic Ruai Parish	
81. Peter Ngugi Mutua	-	Muthengia Soweto Kayole	
82. J.K Kimani	-	Sec.Soweto Plot Owners Ass.	Kayole
83. Jane Nyokabi	-	V.C Wamumu	Kayole
84. David Kariuki	-	V.C	Ruai D.P

85.	Peterson Nyaga	-	L.C.D	Ruai Loc.
86.	Adan Galgalo	-	Airport Ward	Embakasi
87.	Duba Jarson	-	Ass.Treasurer Airport Ward	
88.	Daniel Mbugua	-	Vise Sec.	Ruai D.p
89.	Stanley Mwaura	-	Chairman Umoja Inner Core	
90.	Zipporah Ndaka	-	Nyayo Estate	Embakasi
91.	Celestine Omondi	-	Disabled School	Mukuru
92.	Edwin Munau	-		Mukuru
93.	Dawwies kangethe	-	Mukuru Wa Njenga	Mukuru
94.	Mutie Kividyoo	-	Mukuru Wa Njenga	
95.	Zachariah Njoroge	-	Saika	Njiru
96.	Benson Mwongela	-	Saika	
97.	Phyllis Kilonzo	-	Reuben	Mukuru
98.	Rose Buyu	-	Good Neighbours	Dandora
99.	Margaret Njau	-	Umoja Ward	
100.	Florence W. Muthee	-	Suda	
101.	Josephine Mwelu	-	Reuben	Mukuru
102.	Beatrice Mwikali	-	Reuben	
103.	Michael Katitu	-	Mwenenye	Njiru
104.	Haron Ndambuki	-	Embakasi Jua Kali Sector	
105.	Pastor. Stanley Nganga	-	Baptist Church	
106.	Francis K. Macharia	-	Soweto Com. Centre	
107.	Gerald G. Mwangi	-	Soweto Com. Centre	
108.	Benjamin J. Imbalo	-	K/South Jua Kali	
109.	Moses Wanyeki	-	Kayole Location	
110.	James Muthusi Musyoki	-	Soweto Open Air Market	
111.	Lucy Nyokabi	-	Chairlady KANU K/SOUTH	
112.	Margarate M. Kavanja-	-	Maendeleo ya Wanawake	k/south
113.	Priscilla Nzilani	-	Treasurer Mathina W Group	
114.	Agnes Mathembo	-	Muindi mbingu Women Group	
115.	Rhoda Mutua	-	Social Worker	mukuru
116.	Jane Njuguna	-	Wazeshwa watoto wa Kenya	
117.	Paul Musihi	-	Chairman Embakasi Slums	
118.	Philip K. Adunga	-	Sec. Enviroment com.	Embakasi
119.	John Ndungu	-	Chairman Open air Market	"
120.	Adela Evans	-	Embakasi Village	
121.	John Mwangi	-	Nairobi city Council-Enviroment	
122.	Stanley M Macharia	-	Njiru/Komarock	
130.	Mwaura Gathuru	-	Maili Saba Njiru	
131.	Tabbed Muiruri Mungai	-	Chairman njiru	
132.	Peter Njugu	-	Wanga njuakali V/C	
133.	Hezekiah Nganga	-	Chairman Maili Saba Njiru	
134.	Joshua Kimorgo	-	See Maili Njiru	
135.	David Githii Philip	-	Wamumu C.R.C Njiru	
136.	Justus Waweru	-	Chairman Songa Mbebe Njiru	
137.	Joseph Makanga	-	V/C wanga self help Group	

138.	Winnie Njambi	-	Wamumu children's home
139.	Ann Nduku	-	"
140.	Ruth W. Kamande	-	Songa Mbele
141.	Esther Mwikali	-	Maendeleo Chairlady Mukuru
142.	Samuel Atoyo	-	Chairman
143.	Agnes W. Gitau	-	K/South
144.	John M Musau	-	"
145.	Pastor John Kioko	-	Mukuru location
146.	Evans K Njoroge	-	H.B.T.I.J
147.	Julias Ngara	-	Youth Coordinator Dandora
148.	David K Wanyoike	-	"
149.	Wilfred M. Kimaru	-	Kayole
150.	Abongo Nyaga	-	D.R.A.
151.	Chalres Muraya	-	Kayole
152.	Mauled A Boile	-	Komarock
153.	Magdarene Wangui	-	Kayole
154.	James Maina	-	"
155.	Moses Wachira	-	Ruai Loc
156.	Oloo O J Garoto	-	Gatoto sch Embakasi
157.	Thiong'o Kagicha	-	Komalock
158.	Clement M. Tantaftanta	-	Ruai Ward
159.	Samuel Mungai	-	Kayole location
160.	Benson Mutua	-	"
161.	Catherine Kioko	-	Social Worker
162.	Harrison G O njiwe	-	KANU Sec. Komarock Ward
163.	Joseph Nthenge	-	Chairman Soweto
164.	David Mwaura	-	V/Kayole Spring Valley
165.	Mary W Wangu	-	Chairlady Muungano -Kayole

ABSENT WITH APOLOGIES

1. Blasyo Nabulete - Chairman KANU Kayole
2. Joseph Otwero -Ruai location
3. Josephat Indesia -Dandora location
4. Mwangi Kariuki -
5. John Njaria -

EMBAKASI DIVISIONAL DEVELOPMENT COMMITTEE 2001 POVERTY ERADICATION

RESSOLUTIONS AND ENDORSEMENTS

Following the Embakasi Divisional Development Committee meeting held on 10TH March 2001, with the main agenda as ERADICATION OF POVERTY IN EMBAKASI DIVISION, EMBAKASI LOCATION, the DDC approved of the following.

HEALTH:-

The city council to expand on the existing dispensary and the health center in the embarked location to provide equitable healthcare to residence of Embakasi.

EDUCATION:-

A secondary school is needed to help the pupils coming from various primary schools. Proposal has been submitted for allocation of space to allow building of a community school

SQUATTERS:-

That as was proposed by the LDC that the squatters known as Kwa Ndege Self Help Group be settled at Nairobi Block 97/40/6 and Nairobi block 97/40/7 which is a government land. This would ensure decongestion and security in the area.

SECURITY:-

A police post be established in Mihango for security purpose and the chairman to facilitate the said tasks.

WATER:-

The chairman directed the city council to put water in areas where water is not available and asked the LDC to make a committee to see the project is done and should liase with the D.O.S Office.

FORCES' LAND:-

The administration police shall be deployed around the land to facilitate scurity. The residents to help by informing the concerned. Quarry area cannot be given to public or individual as suggested by the area councilor.

STADIUM:-

The remaining 10 acres in Kayole area be allocated for a stadium to help the youth in recreation.

14

RUAI LOCATION

Allocation of land: - the owners of plot should be given title deeds

Public utility: - the 100 acres plot which have been left for the people of the area should not be taken by anybody but should be for the future development of the ruai people

Security: - the area is in need of the police post to be elevated to police station. There is only one police post and chiefs camp which are not enough to serve all the citizens in this area

Squatters: - the squatters should be added more land for increasing e.g. the kamunyinge seasons

There is a need of bridge in the area for its area impossible to pass some of the area during rainy seasons.

Education: - there is only one secondary school and two primary school which needs to be developed and added more to cater for the Ruai people.

Electricity: - Electricity is needed for the rural development.

Health: - a problem of garbage should be solved for its health hazard to the people of the area. A health center is needed to help the people.

Roads: - the main road should be repaired and completed.

Water: - there has been a big problem in the supply of water in this area. The chairman agreed with the DDC that the contractor of the work should be stopped and given to somebody else to do the job quicker. The councilor revealed that already the contractor has been stopped and the plans area going onto make work continues.

Rehabilitation centre: - DDC to stimulate water provision and support have been made to this rehabilitation centre not to fall.

Plots: - for grave yard a land should be set for graves

KAYOLE LOCATION

1. Quarries: - the quarries should be removed from this area and be located somewhere else. The quarries owners had been given up to 31st December, 2000 as their deadline the government has been the matter and they will vacate immediately.

2. Allocation of plots:-The DDC to assist the chief's office and Mwangaza Primary School to remain in their present land. Youth should be provided with a piece of land to provide recreation purpose. The church to be removed from the river area and given somewhere else. The Ngurue village Dwellers should be moved from their present area to another place. The thirteen

Security: - the police post to be elevated in police station for the area. This area is too big and has a lot of people thus more officers are needed

Commercial bank: - in this area many people are businessmen thus getting it hard to go to town centre to Bank their money and therefore would request the DDC to assist in inviting the commercial Bank to open up their branches in Dandora.

Rehabilitation of Squatters/ flood victims from slums areas:- the DDC to allow the block area to settle those victims. Electricity to be Provided to the slum areas and the repairing of the roads quickened.

Jua Kali:- The jua kali sectors play a big role in Kenya for there is shortage of jobs. Therefore the DDC to assist in helping the jua kali sectors for the lack of infrastructure, financials support, marketing, lack of suitable premises and loans facilities among others.

Assistance to informal secondary school. The informal are doing a good job in preparing the children who are poor. the school are performing well in the national exams despite their many problems especially in the last year examination the DDC to assist the informal school to cater for the large number of student on the area. A good example of an informal school in Dandora girls which has helped a many children.

Formation of HIV/AIDS Committee:- the committee should be made by the LD.C numbers in conjunction with religious leaders in the grass root levels as it continues to expand in higher levels. It should not be the individual or private organizations

Shelter: - during rainy seasons there are a lot of problems in this area and the DDC to assist in settling them in other better areas for some houses can be taken away by the floods

Roads: - the roads attached to the outerring road have been closed and the DDC to assist in opening these roads.

Disabled: - there are many disabled children who are learning and the LDC would request to assist in building the disabled centres

KARIOBANGI SOUTH LOCATION

Fly – over: - is needed in outerring road to make the transport easier.

Allocation of land:- K.C.C. Village should be re settled somewhere else for the plot belongs to a secondary school. The DDC to assist in re-locating those villagers.

UMOJA LOCATION

Security: - there is need of an assistant chief's camp in this area, the DDC to assist in this proposal.

Roads: - DDC to assist in repairing a bridge between Soweto and Embakasi. There is need of bumps near the Unity Primary School. The roads in the area should be up graded.

Health care Environment: - there is a sewage problem in this area and we ask the DDC to help in conjunction with the city council to put new underground pipes and repairing the blocked ones.

Education: - DDC to assist in restoring the grabbed land of Umoja Secondary School. This secondary school should be building and developed for there is no other secondary school in this location.

Jua Kali: - there is a clinic built by the non-governmental organization but should get blessed of the DDC for them to be mandated in their operations

The chairman of the DDC gave the direction for the proposal to be implemented which are to the LDC'S ability and promised to take a step on the ones which need his authorized forward to the right authority which need higher authority and to the right department.

A.O.B

Employment: - the member of parliament asked the employment officer to check the unemployment problem in Embakasi Division and takes the right step the M.P promised to support the employment officer where necessary

Health: - the aid programme should be taken seriously:- the location development committee should be organized and mandated. The DDC should support the LDC, and have the divisional committee which is headed by the district officer

Bursary: - in this division there are lot of children who cannot afford to go to a secondary schools. There should be a harambee for a bursary for education the needy children. The M.P. has already planned for a harambee for their bursary to help the needy pupils and students.

Open air market: - there should be an open air market in Embakasi division which will be of the whole Nairobi but will be controlled by traders from Embakasi.

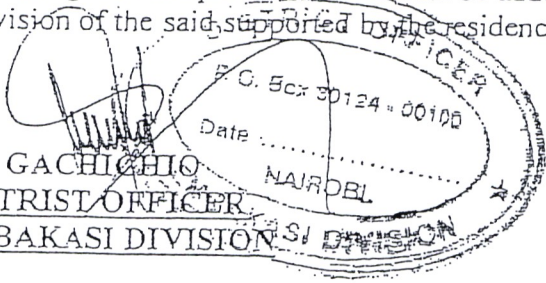
Allocation of lands: - the Gitari Marigu residence have been given the plots they own only the title deeds which are remaining. There were 530 squatters in Kariobangi South and they were provided with land but not yet settled. The DDC was requested to assist in settling them.

Adult education /village polytechnic schools: - there are qualified teachers in Embakasi Division but there are problems of classes. The DDC with the adult education officers to assist in providing the classes to adult education, LDC level and also committee in divisional level which is supported by the DDC and headed by the district officer.

Public utility: - there should be a committee in location level as well as the divisional level to stop the grabbing of land in Embakasi division. The closed road in Tena Estate should be opened

for the resident to be reached properly. The bridge between King stone Village and Mukuru Kwa Reuben should be build for during the season its impossible to pass through.

Security: - Kayole police station has been completed but only telephone and electricity which is remaining also the police house should be added for the officer to be added. The DDC promises provision of the said supported by the residence to ease the work of the police.



BW GACHICHIO
DISTRICT OFFICER
EMBAKASI DIVISION

18

ANNEX 8

ANNEX 9 II

(93)

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL SUIT NO. 529 OF 2002

RACHAEL NJOKI WAINAINA (suing on her behalf and on behalf of all Members of Embakasi Fedha Self Group)..... PLAINTIFF

VERSUS

NATIONAL SOCIAL SECURITY FUND
BOARD OF TRUSTEES DEFENDANT

IN CHAMBERS ON 26TH OCTOBER, 2004
BEFORE THE HONOURABLE MR. JUSTICE PROF. J.B.OJWANG

DECREE

CLAIM FOR:-

- (i) A permanent injunction restraining the Defendants, their Servant, Agents, authorised representative and all person acting under the Defendants from trespassing, entering, evicting or in any manner interfering with the quiet occupation by the Plaintiffs of land comprised in the letter of allotment Ref: 31500/CVIII dated 16th July, 1987.
- (ii) General damages for trespass
- (iii) Costs of this suit.
- (iv) Interest on (ii) and (iii) above at Court rates.
- (v) Any other or further just relief.

COUNTERCLAIM FOR:-

- (i) THAT the Defendant prays that the Plaintiff's case against the Defendant be dismissed with costs and Judgment be entered for

otherwise in any way or manner interfering with the Defendant's ownership and Title in the properties known as Nairobi/block 97/482, Nairobi/Block 97/811, Nairobi/Block 97/1063, 1066, 1072, 1097 to 1102, 1961 to 1995, 2149 to 2199, 2218 to 2281, 2287 to 2292, 1000 to 1062, 1900 to 1959, 1200 to 1299, 1885 to 1899, 1103, 1182 to 1199, 1300 to 1347, 900 to 999, 814 to 899, 1064, 1065, 1068, 1069, 1073 to 1096, 1349 to 1388, 1104 to 11811, 1390 to 1478, 1544 to 1555, 1996 to 2147, 2200 to 2217, 2284 to 2286, 993 and LR No. 21189 and 21190, situated along Outering Road in Nairobi.

- 5. THAT the Plaintiff do pay to the Defendant the costs of this suit and the Counterclaim to be taxed and certified by the Taxing officer of this Court.

GIVEN under my hand and the Seal of this Court this 26th day of October, 2004

ISSUED this 26th day of NOV 2004

DEPUTY REGISTRAR
HIGH COURT OF KENYA AT NAIROBI

ANNEX 9/10



NATIONAL SOCIAL SECURITY FUND

BOARD OF TRUSTEES

SF/ADM/1/19 VOL.II

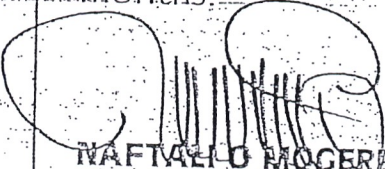
INVESTMENTS MANAGER

RE: BOARD DECISION

During a Special Meeting of the Board of Trustees, National Social Security Fund held on 28th June, 2005 the following decision was made for implementation.

SALE OF TASSIA II & II PLOTS

The Board approved sale of plot size 33 X 66 ft at a reserved price of Kshs.315,000 per plot. The plots to be sold on cash basis, and within a maximum contractual period of six (6) months.


NAFTALEO MOCERERE
MANAGING TRUSTEE

c.c. Deputy Managing Trustee
(Finance & Investment)

30th June, 2005

ANNEX 11



NATIONAL SOCIAL SECURITY FUND

BOARD OF TRUSTEES

SF/ADM/4/9 VOL.VII

General Manager

Estates Manager

✓ Ag. Investments Manager

Ag. Finance Manager

BOARD DECISIONS

At the 2nd **Audit and Risk Committee** Meeting of the Board of Trustees held on 7 December, 2009 the following decisions were made for implementation.

Insurance Matters

Prepare a detailed report on the advantages and disadvantages of dealing direct with the Insurance underwriters and not the brokers for presentation to the Operations and Investments Committee at the meeting to be held on 26 January, 2010.

Debt Monitoring

All TPS accounts be activated and proper demand notices be sent failure to which the properties be re-possessed.

Marketing and Sale of Fund Properties

- (i) The Legal Department be involved at the onset of the sale transactions through to finalization. All letters of offer be issued by the Department.

BOARD OF TRUSTEES



- (i) A forensic audit of Fund properties being sold be carried out to unearth malpractices.
- (ii) The investments department be restructured to enhance efficiency.
- (iv) The staff who converted 14 plots into tenant purchase sales on NBI/BLK 97/1585 to deny the Fund income be identified.
- (v) A reconciliation of Tenant Purchase properties/houses be carried out.
- (vi) Action on TPS arrears be ranked in terms of impact to the Fund, action officers by name and the given time frames be provided for the Trustees to monitor progress.
- (vii) An independent surveyor be hired to identify unaccounted for plots and houses at Kapsoya Estate, Eldoret.
- (viii) That cracks in houses under TPS be repaired as a matter of urgency.
- (ix) The External Audit report on the Fund be presented to the Audit and Risk Committee at the next meeting.

ALEX KAZONGO
MANAGING TRUSTEE

16 December, 2009

ANNEX 12

APPENDIX B
CITY COUNCIL OF NAIROBI



FOR ENQUIRIES ASK FOR:

Kazungu.....

TEL No 224281.....

EXT 2119.....

AND QUOTE

REF CPD/PIS/001930/97/21189&21190

CITY HALL

P. O. BOX 30075

DATE: 6/05/2008.....

CITY PLANNING DEPARTMENT

NAIROBI, KENYA

S. N. Njuguna
P.O. Box 74707-00200
NAIROBI

RE : REGULARISATION TO A SUB-DIVISION OF BLOCK NO. 97/21189 & 21190, OFF
OUTERING ROAD - TASSIA II & III EMBAKASI

Reference is made to the above referenced subdivision scheme submitted in March 2007. This is to highlight the following outstanding issues that need to be addressed in order to facilitate approval of the same.

- 1) The settlement should be linked with existing neighbourhoods of Baraka Estate, Nyayo Estate, Embakasi village and Dolholm. Outering road as the main entrance and exit point is a bottleneck taking into consideration the envisaged population of minimum 100,000 people likely to be generated by the proposal.
- 2) There should be a major through transport corridor (Bus route) to serve the scheme, inclusive of some functional terminal for use by the large number of residents likely to be generated by the proposal. All feeder roads are to link to the proposed bus route(s).
- 3) In order to protect the existing properties in Baraka and Nyayo Estates, the proposed trunk road reserve adjacent to Baraka Estates perimeter wall has to be maintained. No sub-plots should be introduced within the proposed trunk road between Baraka Estate and the above mentioned scheme.
- 4) The NSSF is to organize and/or mobilise funds needed for the provision of adoptive and reticulated infrastructure services to service the proposed development. Proposed regularization will be granted conditional approval subject to the proposed scheme being fully serviced. Any transfers to the requisite developer(s) have to be based on finally approved scheme plans in accordance with the provisions of existing statutes.
- 5) To accommodate the generated demand on public utilities, approval of church use on plot 2872 is subject to inclusion of another public user (that will support the public) eg. Nursery school, vocational training etc.
- 6) All land planned for public purposes is to be surrendered to the government at no cost. The proposed scheme should provide adequate and functional public utility spaces for schools, religious purposes, vocational training police station, Health centres etc to serve the population to be generated.
- 7) Designated access roads, storm water drains and natural drains must be free from any encroachments and/or super-structure developments and the same to be made functional to service the proposal adequately.

ANNEX 13



Appendix 6

ISO 9001:2008 Certified

National Social Security Fund

P.O. Box 30599 – 00100 Nairobi

NOTICE TO ALL BUYERS OF TASSIA II & III PLOTS

The National Social Security Fund (NSSF) has been implementing Tassia II & III Regularization Programme which involves re-surveying of all the plots and implementation of Civil Engineering works that include infrastructure design, costing, approval and development. The costs involved in the infrastructure development will be advised to the buyers once approvals and costing are ready.

The Civil Engineering design work was completed in early 2012 and the technical drawings, submitted to the then City Council of Nairobi for approval. 90% of the plots have been re-surveyed except for Tassia Resettlement Scheme (Mama Kanyoni) and Tassia East (River Bank) Areas. NSSF plans to complete re-survey of the remaining areas in the next three months.

Unfortunately, it has been noted that a significant number of plot buyers where re-surveying has been completed have deliberately neglected or refused to pay up for their plots.

Buyers in the areas listed below are hereby given Thirty (30) days from the date of this advertisement within which to settle their accounts with NSSF in full. Take notice that on expiry of the said period, the Fund shall invoke its rights under the EVICTION ORDER under CIVIL SUIT NO.529 of 2002 dated 4th March, 2005 and carry out evictions/demolitions without further reference to you.

1.	All that area popularly known as Kwandege Settlement Scheme
2.	All that area popularly known as Fedha Self Help Group Area
3.	All that area popularly known as Jorsim Jua Kali (Kassim Area)
4.	All that area popularly known as Pipeline (Masai Area)
5.	LR. No.97/2292 – 40 Commercial plots thereon
6.	LR. No.97/2659 & 97/2660 - Tassia Market Stalls (formerly school plot)
7.	LR. No.97/2872 - Jesus Fellowship International Church (Bishop Lawi Nyateng)
8.	LR. No.21190/3784 - Redeemed Gospel Church
9.	LR. No.97/2130/057 - Tassia Community Mosque
10.	LR. No.97/490 – Mr. Lee Kimani

Further, land grabbers led by the Local County Representative who have, with great impunity, been erecting structures on public utility plots including recreational areas, road reserves, police post next to quarry, administration block and schools are advised to stop any construction activities forthwith and remove structures erected thereon with immediate effect. Failure to do so will lead to NSSF removing the structures at your cost including but not limited to legal costs, demolition and site clearance expenses, opportunity costs and in addition sue you for court contempt.

The general public is also hereby notified that NSSF has not engaged any person or group of persons to transact on its behalf on matters related to Tassia II & III plots. All transactions on the said plots must therefore receive prior written confirmation and approval from NSSF.

TOM ODONGO, EBS
CEO/MANAGING TRUSTEE

29 May, 2013

Appendix 7

BOARD OF TRUSTEES

Telegrams: "AKIBA", Nairobi
Telephone: Nairobi 2729911/2729977/2710552
Fax: 2710957
E-mail: mt@nssfkenya.co.ke
info@nssfkenya.co.ke
When replying please quote



NATIONAL SOCIAL SECURITY FUND
SOCIAL SECURITY HOUSE
P. O. BOX 30599
NAIROBI, KENYA

TPS/T/21190/00/048

28th December, 2012

TO WHOM IT MAY CONCERN

Dear Sir/Madam,

RE: SALE OF LR. NO. NBI/BLK.TASSIA-II-21190/00/048

The above matter refers.

This is to confirm that the Board of Trustees, National Social Security Fund has sold the above referenced property to JOSEPH HAMISI JUMA of National Identification No.22243679 of P.O. Box 57-01015, ITHANGA- THIKA. He has fully paid the purchase price.

However the Fund may at a future date require the purchaser to pay additional money to cater for other costs including but not limited to: development of infrastructure, survey fees etc.

Yours faithfully,

AGGREY O. NYANDONG
FOR: MANAGING TRUSTEE

ANNEX 14(i)



MCE/112/NSSF/snm/4

1st March 2011
 The Managing Trustee,
 National Social Security Fund,
 P.O. Box 30599 - 00100,
 NAIROBI.

Attn: Mr. Nzatu

Dear Sir,

 RE: CIVIL ENGINEERING SERVICES FOR PLOTS 21190 & 21189 IN TASSIA,
 EMBAKASI

Our preliminary cost estimate is as attached KES. 4,553,073,473.40 (Kenya Shillings Four Billion, Five Hundred and Fifty Three Million, Seventy Three Thousand, Four Hundred and Seventy Three and Forty Cents only). This cost estimate includes access roads and pipe culvert crossings to all plots and headwalls which are a precondition for approval by Nairobi City Council. Excluding these items as per your request results in a preliminary cost of KES. 3,304,780,557.00 (Kenya Shillings Three Billion, Three Hundred and Four Million, Seven Hundred and Eighty Thousand, Five Hundred and Fifty Seven and Fifty One Cents Only).

But please note that Nairobi City Council will not approve the design without provision of the accesses to each plot, pipe culvert crossings and headwalls.

We hope you will find this in order.

 Yours faithfully,
 MultiScope Consulting Engineers Ltd.

 Eng. S.N. Maugo
 Managing Director

ANNEX 14(ii)

BILL OF QUANTITIES SUMMARY

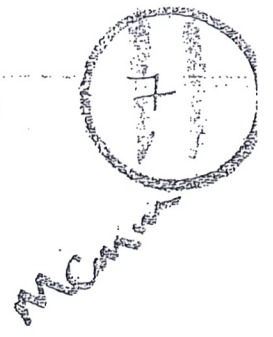
BILL PART	DESCRIPTION	AMOUNT (Ksh.)
1	General Items	301,318,231.88
4	Site Clearance	38,208,000.00
5	Earthworks	457,147,500.00
7	Excavation for Structures	13,492,750.00
8	Culverts and Drainage	478,807,756.00
12	Natural Material Sub Base and Base	61,325,000.00
13	Graded Crushed Stone Base	58,500,000.00
16	Bituminous Mix Bases, Binder Courses and Wearing Courses	376,664,000.00
17	Concrete Works	41,896,400.00
20	Road Furniture	96,386,505.00
22	Dayworks	15,644,772.50
23	Street Lighting	200,000,000.00
25	Sewerage	676,437,960.00
26	Water Supply	188,517,086.00
	SUB TOTAL (1)	3,004,345,961.38
	Add 10% of (1) for Contingencies to be Expended in part or deleted entirely by the Engineer in accordance with sub-clause 52(4) and Clause 58 of the Conditions of Contract (2)	300,434,596.14
	TOTAL (3)	3,304,780,557.51
	Bid Price (3)	3,304,780,557.51
	Grand Total Carried Forward to Form of Bid	3,304,780,557.51

ANNEX 15(i)

CITY COUNCIL OF NAIROBI



15(1)



CITY HALL
P. O. BOX 30075
NAIROBI

TELEPHONE 2224281

Tel: 2034707

CE/3881/SMM/jr/20189 & 20190

3rd October, 2012



The Managing Director,
National Housing Security Fund,
P.O. Box 30599
NAIROBI.

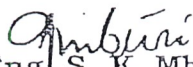
RÉ: APPROVED SUBDIVISION OF LR 20189 & 20190, TASSIA ESTATE

We acknowledge receipt of your letter to the Director of City Planning dated 17th July, 2012 and ref TPS/T/97/0778/008 on Tassia Estate.

We would like to remind your office that development proposals arising from Tassia Estate cannot be approved until conditions appended to the approved sub-division for the Tassia Estate Plot LR No. 20189 are fully met.

Your consultant, M/s Multiscope Consulting Engineers, wrote to the City Council for consultations on the submission of civil engineering drawings for the infrastructure works and has never followed up the matter since.

This is to request your office to liaise with the consultant so as to finalize the design for infrastructure and submit them for approval. Further let us know your programme of the designs and implementation of the design as we continue to get requests to approve development proposals on this scheme.


Eng S. K. Mburu
For TOWN CLERK

ANNEX 15(ii)

NAIROBI CITY COUNTY



Telephone: +254 20 2224281
web: www.nairobi.go.ke

1511

City Hall,
P. O. Box 30075-00100,
Nairobi,
KENYA.

CE/3916/SMM/rmm/LR 21190

18th July, 2013.

Multiscope Consulting Engineers Ltd.,
P.O. Box 12012-00100
NAIROBI

RE: CIVIL ENGINEERING REGULARISATION SERVICES OF
SUBDIVISION, FOR NATIONAL SOCIAL SECURITY FUND,
NAIROBI- PLOT LR 21190 & 21189, TASSIA 11 AND 111,
EMBAKASI.

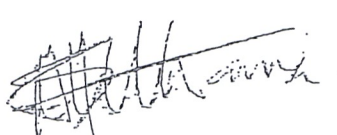
Your letter dated 28th November, 2012 under
reference MCE/112/NSSFT/Smm/16 and the submitted drawings refers.

The civil engineering drawings for the road works and surface water
drainage in regard to meeting sub-division conditions for plot Lr. 21190 and
21189 are approved as long as you comply with the following conditions
before commencement of the works:-

- (a) Submission of drawings for street lighting, road marking and traffic signs for our approval.
- (b) The works to be carried out under supervision and to Nairobi City County adoptive standards.
- (c) Submission of standard details for all road cross-sections to adoptive (premix) standards.
- (d) Submission of road layout drawings at a scale that can be legible, preferably at the scale 1:1000.
- (e) Submission of road layout drawings providing the one-way system on all 9m and 12m wide roads and a public transport route along the 15m wide road with appropriate bus lay bys.

- (k) Proof of payment of KShs. 11million being submission fees and inspection fees for the above works.

The work should be carried out as per these approved/stamped drawings. A copy of these drawings will be available for your collection and should be kept at the construction site for ease of reference during inspection.


Eng. S. K. Mburu

For: INTERIM COUNTY SECRETARY

Copy to: Managing Trustee,
National Social Security Fund,
P.O. Box 30599-00100
NAIROBI

ANNEX 16



MULTISCOPE
Consulting Engineers

Silverpool Office Suites, 3rd Floor, Suite B30,
Jobavu Lane, Off Argwings Kodhek Road, Hurlingham
P.O. Box 12012 - 00100, Nairobi, Kenya. Tel: 20 2734744, 20 8022473,
Fax: 2717736, Mobile: 0721 367435, E-mail: info@multiscope.co.ke

MCE/112/NSSFT/snm/20

4th February 2013

The Managing Trustee
National Social Security Fund
P.O. Box 30599 - 00100
NAIROBI

Att: Mr. M. Nzatu

Dear Sir

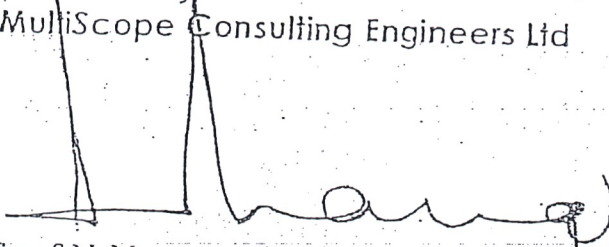
① MVD
② PDD(R)
Pse discuss
13/2/13

RE: CIVIL ENGINEERING REGULARIZATION SERVICES OF PLOTS AT
TASSIA, EMBAKASI FOR NATIONAL SOCIAL SECURITY FUND,
NAIROBI.

Approval Fee for Civil Engineering Drawings

Following our submission of Civil Engineering Drawings for the above project to the City Engineer for approval (MCE/112/NSSFT/snm/18), we have received an invoice for Kshs. 11,244,000.00 as approval fee. Please make arrangements to pay the approval fee as per attached invoice.

Yours faithfully
MultiScope Consulting Engineers Ltd


Eng. S.N. Maugo
Managing Director

BILL OF QUANTITIES SUMMARY

MultiScope

BILL PART	DESCRIPTION	AMOUNT (Ksh.)
1	General Items	301,318,231.88
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22	Dayworks	15,644,772.50
23	Street Lighting	200,000,000.00
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	TOTAL (3)	3,304,780,557.51
	Bid Price (3)	3,304,780,557.51
	Grand Total Carried Forward to Form of Bid	3,304,780,557.51



CT/608

CITY COUNCIL OF NAIROBI

BEING PAYMENT FOR CIVIL
ENGINEERING DRAWINGS AND
SEWER WATER DRAINAGE - TASSIA
ESTATE ROADS EMBAKASI

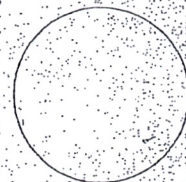
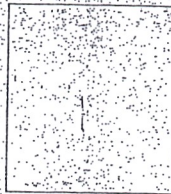
CITY HALL,
NAIROBI

DATE 1ST FEB 2013

AMOUNT	
Shs	Cts
11,244,000	=
CODE	
1-9137	

Name	MULTISCOPE CONSULTIVE ENGINEERS
Address	P.O. BOX 12012-00100 NAIROBI

ONLY THE COUNCIL PRINTED RECEIPT BELOW WILL BE RECOGNISED
RECEIVED the sum here stated in printed figures.



ANNEX 17



BILL OF QUANTITIES SUMMARY

BILL PART	DESCRIPTION	AMOUNT (Ksh.)
1	General Items	427,881,230.00
4	Site Clearance	38,477,880.00
5	Earthworks	618,204,000.00
7	Excavation for Structures	12,272,000.00
8	Culverts and Drainage	560,584,300.00
9	Passage of Traffic	8,022,500.00
12	Natural Material Sub Base and Base	61,000,000.00
13	Graded Crushed Stone Base	107,160,000.00
15	Bituminous Surface Treatments and Surface Dressings	67,980,000.00
16	Bituminous Mix Bases, Binder Courses and Wearing Courses	328,540,000.00
17	Concrete Works	36,040,760.00
20	Road Furniture	132,064,290.00
22	Dayworks	15,644,772.50
23	Street Lighting	200,000,000.00
24	HIV & AIDS Awareness and Education	6,800,000.00
25	Sewerage	667,560,740.00
26	Water Supply	342,170,057.00
1	SUB TOTAL (1)	3,630,402,529.50
	Add 10% of Sub-total (1) for Contingencies to be expended in whole or in part or deleted entirely by the Engineer in accordance with sub-clause 52(4) and Clause 58 of the Conditions of Contract (2)	363,040,252.95
	Add 10% of Sub-total (1) as Provisional Sums for Variation of Prices in accordance with Clause 70 of the Conditions of Contract	363,040,252.95
2	SUB TOTAL (2)	4,356,483,035.40
3	Add 16% of Sub total (2) for V.A.T (3)	697,037,285.66
	GRAND TOTAL CARRIED FORWARD TO FORM OF BID (SUB-TOTAL 2+3)	5,053,520,321.06

ANNEX 18

CIC relaxes stand on counties Bill

Constitution rollout body agrees with senators to have contested clause in Bill changed

BY MOSES NJAGIH

The Commission on the Implementation of the Constitution (CIC) has struck deal with the Senate over a contentious Bill seeking to create a county development forum chaired by senators.

The Senate Committee on Legal Affairs and Human Rights and CIC agreed to water down some powers given to the County Development Boards.

The current Bill proposes to create the boards to bring together elected leaders in counties to draw up development plans for the devolved units.

CIC chairman Charles Nyachae had opposed the County Government (Amendment) Bill, arguing that the bill proposes to create would strip the constitutional powers granted to other county organs.

During the meeting with the committee chaired by Busia Senator Amos Wako, the senators agreed to address the constitutional issues raised by the commission. The Vice-Chairman, Nairobi Senator Stephen Sang has also thrown his weight behind the proposed law.

Among the agreements reached is to remove a clause that gives the powerful County Development Boards room to first adopt county annual budgets before the same are tabled in the County Assemblies.

CIC had opposed the clause which also appeared to set senators and governors on a collision course.

"Our reservations related to some functions that the Bill sought to give to the boards, but our fears have now been addressed. As long as these boards do not usurp the powers of county assemblies and other organs, we feel the law is within the principle of consultations enshrined in the law," said Nyachae.

ADVISORY POWERS

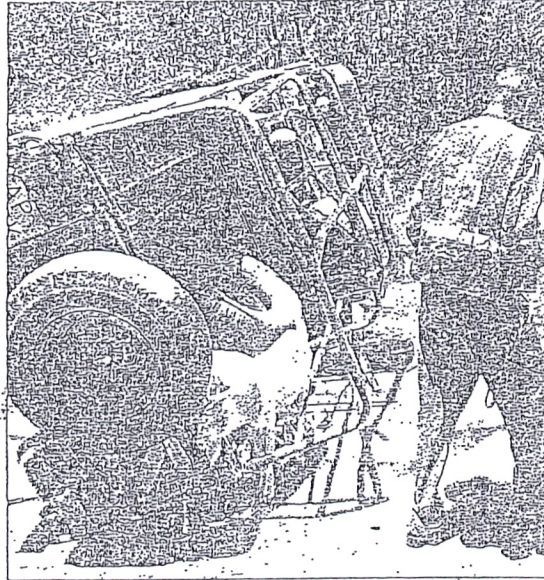
The CIC chairman said they had agreed that the boards would only have advisory powers, where members make recommendations, have no authority on implementation and adoption.

"Having arrived at a consensus, we now only need to make amendments to take into account what we have agreed on. These boards should have an advisory mandate where they only make recommendations," said Wako.

Last week, senators and governors hammered out an agreement on the Bill after the senators agreed to drop their demands to chair the boards.

The senators also agreed to make amendments to address fears raised that the forum would clip the executive powers of governors.

Ill-fated journey



A Red Cross official at the scene where this vehicle travelling to Marsabit from Bursali overturned. A police reservist was killed and six other passengers seriously injured during the incident. (PHOTO: MICHAEL SAIOTI/STANDARD)

Tender process locks out women, Government told

BY ABIGAIL SUM

Maendeleo ya Wanawake has appealed to the Government to simplify procurement procedures to allow more women to apply for Government tenders.

The body's National Vice-chair Rahab Muiu said the current documents are complex and lock out women at the grassroots level who cannot understand them.

"The procurement document has about 41 pages which should be reduced and simplified to maybe two or three pages so that those at the local level can access and understand its content," said Muiu.

She said there is need for county governments to engage with women at the grassroots so that they can access the document and apply for tenders.

"It is time for us women to seize the opportunity to venture into big business. The government spends over sh400 billion annually on public procurement and only a few women take part in this lucrative business of government tenders," said Muiu, who added that no single woman was among those awarded Government tenders last year.

She lauded the Government's directive to have 30 per cent of all Government tenders reserved for women, youth and people with disabilities.



UNIVERSITY OF NAIROBI

Tender Notice

<http://procurement.uonbi.ac.ke>

The University of Nairobi invites interested and qualified bidders for the following tenders:

Tender Number	Tender Name	Tender Fee	Bid Bond	Closing Date
UON/1/16/2013-2014	Proposed Construction of Boundary Wall at the University of Nairobi	1000.00	10,000.00	Wednesday 30th October 2013, at 10.00 am
UON/1/17/2013-2014	Supply of Graduation Attire for College of Humanities and Social Sciences	1000.00	10,000.00	Thursday 31st October 2013, at 10.00 am
UON/1/18/2013-2014	Supply, Installation and Commissioning of LAN Switches for ICT	1000.00	10,000.00	Thursday 31st October 2013, at 02.30 pm
UON/1/19/2013-2014	Re-advertisement Supply Installation, Testing and Commissioning of 4.No Adoie Connect Server and External Back Up for the UNITE Fellowship Program University of Nairobi	1000.00	10,000.00	Friday 1st November 2013, at 10:00 am

The tender documents with further detailed information may be obtained from The Procurement Manager University of Nairobi, Main Campus, Administration Block 1st Floor Room A104 during normal working hours from Monday to Friday between 8:00am and 5:00pm, upon payment of a non-refundable cash fee deposit of Kshs 1,000.00 (Kenya Shillings one thousand only) at Barclays Bank A/c. No. 094-624553 Queensway House Branch and thereafter obtaining an official receipt from Gandhi Wing Room G4.

Prices quoted must be net, inclusive of all taxes and remain valid for 120 days from the closing date of the tender.

Tenders should be accompanied by bid bonds as stated above in the form of bank guarantee, insurance company guarantee approved by the Public Procurement Oversight Authority, a letter of credit or guarantee by a deposit taking Microfinance institution, SACCO Society, the Youth Enterprise development fund or women enterprise fund which must be attached to the tender document.

Completed tender documents must be submitted in plain sealed envelope marked with tender number and description Procurement Manager/Secretary, University of Nairobi Tender Committee, P.O. Box 30197-00100, Nairobi. The documents should be placed inside the Tender box at the reception area, Administration Block, Main Campus on or before the date. Opening will be done on the same day thereafter at the Council Committee Room in the presence of representatives who choose to attend.

Sealed and returned unopened.

The committee reserves the right to accept or reject a tender in whole or in part. Conveying will be at the discretion of the committee.



NATIONAL SOCIAL SECURITY FUND

TENDER NOTICE

NSSF TENDER NO. 07/2013-2014 PROPOSED CIVIL ENGINEERING CONSTRUCTION WORKS AT NSSF TASSIA PLOTS, NAIROBI

The National Social Security Fund invites sealed Tenders from eligible and competent Contractors for Proposed Civil Engineering Construction Works At NSSF Tassia Plots, Nairobi.

Interested Contractors who must be qualified and registered with The National Construction Authority (NCA) for the following works:- Civil Engineering works, Roads, Electrical Installations, Sewerage and Plumbing works should obtain the Tender documents from the Procurement Office, 9th floor upon payment of Kshs. 1,000.00 non-refundable fee either in cash or bankers cheque payable to National Social Security Fund at cash office Podium Floor, NSSF Building, Block A, Western Wing, Bishops Road Nairobi.

Tenders may also view and download the relevant tender document from the NSSF website <http://www.nssf.or.ke/tenders> provided that they ensure their names are entered in the register at the procurement office before the closing/opening date.

Completed Tender documents shall be submitted in accordance with the instructions therein and addressed to:

The Managing Trustee
National Social Security Fund
P.O. Box 30599 - 00100
NAIROBI

The documents should be deposited in the Tender Box on 2nd Floor Block 'A', Western Wing, Social Security House Nairobi on or before 11.00 a.m. local time on 19th November, 2013.

Bids will be opened immediately thereafter in the Seminar Room on 4th floor, Social Security House, Block 'A', Western Wing, Nairobi in the presence of Tenderers representatives who choose to attend.

A pre-tender meeting for interested tenderers is scheduled to be held at 10.00a.m on 29th October, 2013 in the Seminar Room on 4th floor, Social Security House, Block 'A', Western Wing, Nairobi followed by a guided visit to the site.

The NSSF reserves the right to accept or reject any tender either in whole or in part without giving reasons for either rejection or acceptance.

100-0001-0000 CERTIFIED

Approved X: 15

NAME	ACADEMIC QUALIFICATION	DATE	TIME
Isak Cheruvot	M BSC	26/11/2013	4.30 pm
Lancy Jeokombi	F BBA	21/11/2013	8.30 am
Richard Kipito Lelai	M BSC	21/11/2013	9.00 am
Scholastica Jebet Kosogel	F BED	21/11/2013	9.30 am
Uphost Chepkosoi Korir	F MED, BED	21/11/2013	10.00 am
Uphost Jelmo Masul	F BED	21/11/2013	10.30 am

2. NANDI HILLS

NAME	ACADEMIC QUALIFICATION	DATE	TIME
Abraham Kipkooy Rutto	M BED	21/11/2013	12.00 noon
Caroline Jeochirchir Tiony	F MBA, BBA	21/11/2013	12.30 pm
David Kimani Ketez	M M.COM, B.COM	21/11/2013	2.30 pm
David Kimani Sum	M BBA	21/11/2013	3.00 pm
Eliud Kipkosoi Bet	M BED	21/11/2013	3.30 pm
Emmanuel Kipkrono Rono	M MED, BED	21/11/2013	4.00 pm
Jenny Kiorono Simas	M MED, BED	21/11/2013	4.30 pm
Jene Cephal	F BSC	22/11/2013	8.30 am
Japhet Kipngelich Cheruvot	F BED	22/11/2013	9.00 am
Juliana Jerng	F BED	22/11/2013	9.30 am
Lelai Joan Jechumba	M BSC, BSC	22/11/2013	10.00 am
Michael Kipkem Chelulei	F BBA	22/11/2013	10.30 am
Farmelah Jerop Chebit	M B.COM	22/11/2013	11.00 am
Philip Kibet Koo	F BSC	22/11/2013	11.30 am
Rael Jechochir Cheruvot	F BSC	22/11/2013	12.00 noon
Richard Kiprolch	M M.PHIL, BSC	22/11/2013	12.30 pm
Samuel Kipsang Rono	M BSC	22/11/2013	2.00 pm
Saroti Kipkozi	M MA, BA	22/11/2013	2.30 pm
Simon Kiplirane Kofit	M BA	22/11/2013	3.00 pm
Solomon Chaira Kital	F BA	22/11/2013	3.30 pm
Teresa Jeremah	M BSC	22/11/2013	4.00 pm

3. ALDAI

NAME	ACADEMIC QUALIFICATION	DATE	TIME
Augustine Kipyego Rono	M BED	25/11/2013	8.30 am
Bernard Kiprono Laqal	M MED, BED	25/11/2013	9.00 am
Christine Jeroban	F BSC	25/11/2013	9.30 am
Dan Isachar Kipchumba Tio	M M.THEO, B.THEO	25/11/2013	10.00 am
Daniel Kital Biran	M BA	25/11/2013	10.30 am
Dorilla Jerng	F B.COM	25/11/2013	11.00 am
Evanston Kimayo Masvo	M BSC	25/11/2013	11.30 am
Gilbert Kirw	M M.PHIL, BED	25/11/2013	12.00 noon
Gloria Chenbet Kugun	F BA	25/11/2013	12.30 pm
Jane Chemtai Misoy	F BED	25/11/2013	2.30 pm
Joseph Kipoo Masvo	M BSC	25/11/2013	3.00 pm
Julius Kipome Maindira	M BED	25/11/2013	3.30 pm
Julius Kipoom Kembol	M BIT	25/11/2013	4.00 pm
Julius Sima	M BED	25/11/2013	4.30 pm
Kipkambel Patrick Tororei	M BA	25/11/2013	5.00 am
Michael Kiplorit Too	M BA	26/11/2013	9.30 am
N'jah Kimel Tarus	M BA	26/11/2013	9.30 am
Peter Nony	M BA	26/11/2013	10.00 am
Philster Jeroban Masvo	F M.COM, BA	26/11/2013	10.30 am
Ronald Kipchirchir Bor	M BED, CPA (K)	26/11/2013	11.00 am
Stivy Kipchumba A. Kessio	M BED	26/11/2013	11.00 am

4. CHESUMEI

NAME	ACADEMIC QUALIFICATION	DATE	TIME
Barnabas Kibet Too	M BED	26/11/2013	2.00 pm
David Kiorome Kermel	M BED	26/11/2013	2.30 pm
Eddah Jekpor	F BBA	26/11/2013	3.00 pm
Felix Kibwet Masvo	M BBA	26/11/2013	3.30 pm
Heken Niki Alim	F BED	26/11/2013	4.00 pm
Henry Kipkosoi Rutto	M BBA	26/11/2013	6.30 pm
Julius Kembol	M BED	27/11/2013	9.00 am
Jepchirchir Lino	M M.PSC, BA	27/11/2013	9.30 am
Lelai Esther Jelagat	F BBA	27/11/2013	9.30 am
Lilian Chelomo Barnogelony	F MA, BA	27/11/2013	10.00 am
Marcene Chebitok Leting	F MED, BA	27/11/2013	10.30 am
Martha Chepkosoi Mutai	F BA	27/11/2013	11.30 am
Mic' Jekposoi	F M.PHIL, BED	27/11/2013	12.00 noon
Mikah Jepkembol Korir	F BBA, B. AGR BUS	27/11/2013	12.30 pm
Naomi Jelmo	M BBA	27/11/2013	2.00 pm
Neilsen Kimani Kosogel	M BBA	27/11/2013	2.30 pm
Scholastica Jekposoi Tuwei	F MED, BED	27/11/2013	3.00 pm
Too Chepkochirchir	F BBA	27/11/2013	3.30 pm
Trisah Jesang Limo	F CPA (K), BBA	27/11/2013	4.00 pm
Wilson Kipchirchir Koo	M BED	27/11/2013	4.00 pm

5. EMGOWEN

NAME	ACADEMIC QUALIFICATION	DATE	TIME
Bernard Kipkosoi Bar	M MSc, BSC	26/11/2013	6.30 am
Diana Jekembol Rolich	F BBA	26/11/2013	9.00 am
Dominic Kipooat Siel	M BA	26/11/2013	9.30 am
Donald Kibet Koros	M BA	26/11/2013	10.30 am
Edwin Bet Kimutai	M BBA	26/11/2013	11.00 am
Elsie Chepkosoi Rolich	F MBA, BBA	26/11/2013	11.30 am
Eunice Jelagat Maru	F BBA	26/11/2013	12.00 noon
Nashon Mazava Isumba	M M. DIV, BA	26/11/2013	12.30 pm
Norben Kiprolch Lagat	F BA	26/11/2013	2.00 pm
Patricia Chemel	F BA	26/11/2013	2.30 pm
Philip Kipsang Siel	M BA	26/11/2013	3.00 pm
Philip Kipsang Towell	M BED	26/11/2013	3.30 pm
Rose J. Marim	F B.COM	26/11/2013	4.00 pm
Sammy Malna Keter	M BA	26/11/2013	4.30 pm
Silah Kipko Rono Isaac	M BBA, CPA (K)	26/11/2013	8.30 am
Stella Chepkembol Rutto	F M.PHIL, BED	26/11/2013	9.00 am
Stella Cheongeno Laqong	F BBA, BED	26/11/2013	9.30 am
Teresa Jebet Masvo	F BED	26/11/2013	10.00 am
William Some Masvo	M BSC, BSC	26/11/2013	10.30 am

6. TINDIRET

NAME	ACADEMIC QUALIFICATION	DATE	TIME
Philip Kipkiri Bilok	M MSc, BSC	26/11/2013	11.30 am
Isaac Kimel Biwoti	M MA, BA	26/11/2013	12.30 pm
Henry Kipkorir Tarus	M MBA, BED	26/11/2013	2.00 pm
Michael Kipngelich	M BA	26/11/2013	2.30 pm
Reuben Kiplanool Selim	M M.COM, B.COM	26/11/2013	3.00 pm
Michael Kiprolch Ng'ok	M BBA	26/11/2013	3.30 pm
Joyce Jelagat Busienel	F BSC	26/11/2013	4.00 pm
Kiprono Isaac Too	M BSC	26/11/2013	4.30 pm
Moses Kimari Sang	M BSC	21/12/2013	8.30 am
Moses Kipkemei Yeon	M BBA	21/12/2013	8.30 am
John Kiplanui Lelai	M B.T	21/12/2013	10.00 am
Ernest Kipkorir Kurgal	M BBA	21/12/2013	10.30 am
Daniel Rutto Bett	M BED	21/12/2013	11.00 am
Rebecca Mwikali Maitwa	F BBA	21/12/2013	11.30 am
Colins Oraso Oloo	M BA	21/12/2013	12.00 noon
Richard John Omondi Kadindo	M BA	21/12/2013	12.30 pm
Chebet Evaline	F BA, CPA (K)	21/12/2013	12.30 pm

(/B. All interviews will take place in former Kapsoel Municipal council offices. All applicants are expected to report at least 10 minutes before the scheduled time.

SECRETARY
NANDI COUNTY PUBLIC SERVICE BOARD

THE THARAKA NITHI COUNTY GOVERNMENT



Telephone: 054 - 630871
Email: tharakanithi@kenya2010@gmail.com

P. O. BOX 2-60400
CHUKA

EXPRESSION OF INTEREST

Request for expression of interest for designing, development, maintenance and hosting of official website for Tharaka Nithi County Government.

TENDER NO. TNCG/4/E/01/2013-2014

- Background:-**
Tharaka Nithi County Government intends to design, develop, host and maintain an official county website. The website is intended for communication between Tharaka Nithi County Government and the entire world.
- Objective:-**
The main objective is to develop a user friendly, well designed, clearly structured and professional website that effectively disseminates information on the core mandates and operations of Tharaka Nithi County Government, with ease to use content management system.
- Overview of the scope:-**
 - Design and develop a website interface; the design should be appealing, easy to navigate, professional, and unified to the county theme and feel.
 - Convert existing county content into new website
- Bidder should provide the following information:-**
 - Evidence of having developed existing professional website for an organization
 - Necessary registration and incorporation documents
 - Necessary expertise (copies of technical and professional certificates)
 - Tax compliance certificates

A complete expression of interest document in plain sealed envelope marked "designing & developing of official website for Tharaka Nithi County Government" should be addressed to:

The County Secretary
Tharaka Nithi County Government
P.O. Box 2 - 60400
CHUKA

Or be deposited in the Tender Box situated at old Chuka Municipal Offices so as to be received on or before 28th October 2013 at 12.00 noon

HEAD, SUPPLY CHAIN MANAGEMENT



NATIONAL SOCIAL SECURITY FUND

TENDER NOTICE

NSSF TENDER NO. 07/2013-2014
PROPOSED CIVIL ENGINEERING CONSTRUCTION WORKS AT NSSF TASSIA PLOTS, NAIROBI

The National Social Security Fund invites sealed Tenders from eligible and competent Contractors for Proposed Civil Engineering Construction Works At NSSF Tassia Plots, Nairobi.

Interested Contractors who must be qualified and registered with The National Construction Authority (NCA) for the following works:- Civil Engineering works, Roads, Electrical installations, Sewerage and Plumbing works should obtain the Tender documents from the Procurement Office, 9th floor upon payment of Kshs. 1,000.00 non-refundable fee either in cash or bankers cheque payable to National Social Security Fund at cash office Podium floor, NSSF Building, Block A, Western Wing, Bishops Road Nairobi.

Tenderers may also view and download the relevant tender document from the NSSF website <http://www.nssf.co.ke/tenders> provided that they ensure their names are entered in the register at the procurement office before the closing/opening date.

Completed Tender documents shall be submitted in accordance with the instructions therein and addressed to:-

The Managing Trustee
National Social Security Fund
P.O. Box 30599 - 00100
NAIROBI

The documents should be deposited in the Tender Box on 2nd floor Block 'A', Western Wing, Social Security House Nairobi on or before 11.00 a.m. local time on 19th November, 2013.

Bids will be opened immediately thereafter in the Seminar Room on 4th floor, Social Security House, Block 'A', Western Wing, Nairobi in the presence of Tenderers representatives who choose to attend.

A pre-tender meeting for interested tenderers is scheduled to be held at 10.00 a.m on 29th October, 2013 in the Seminar Room on 4th floor, Social Security House, Block 'A', Western Wing, Nairobi followed by a guided visit to the site.

The NSSF reserves the right to accept or reject any tender either in whole or in part without giving reasons for either rejection or acceptance.

ANNEX 19

REVISED EVALUATION REPORT FOR TENDER NO. 07/2013-2014: PROPOSED
CIVIL ENGINEERING CONSTRUCTION WORKS AT NSSF TASSIA PLOTS

Introduction

The purpose of this tender is to acquire the services of a construction firm to undertake the Proposed Civil Engineering Construction Works at NSSF Tassia Plots.

This is an Open Tender, in which NSSF invited tenders for construction of Proposed Civil Engineering Construction Works at NSSF Tassia plots, Nairobi, through an advertisement in the Daily Nation and Standard Newspaper on 21st October 2013.

Tender documents detailing the requirements were issued to the tenderers upon payment of a non-refundable fee of Kshs. 1, 000. Tenderers were advised to submit the completed tender documents in a plain sealed outer envelope enclosing separately sealed envelopes marked 'Original and Copy' on or before 11.00 a.m. local time on 19th November, 2013. This date was however extended to 22nd November vide a notice sent to all bidders.

A pre-tender meeting was held on 29th October, 2013 at 10.00am. Two addenda were issued on 6th November and 13th November, 2013 respectively to clarify some of the issues arising from the pre-tender meeting.

Only ten firms out of the thirty four who bought the tender documents submitted their bids by the closing time as indicated below:-

Bid No	Bidder Name
1.	Njuca Consolidated Company Ltd
2.	Magic General Contractors Ltd
3.	NK Brothers Ltd
4.	China Jiangxi International (K) Ltd
5.	Nanchang Foreign Eng. Co. Ltd
6.	H Young & Company EA Ltd
7.	China Railway No.5 Eng. Group Co. Ltd
8.	China Wu Yi Company Ltd
9.	Parbat Siyani Co. Ltd
10.	Slok Construction Ltd

Stage I: PRELIMINARY EVALUATION

The Evaluation Committee conducted a preliminary evaluation to determine whether the bidders fully complied with the stated requirements as illustrated in the attached Appendix 1...

Bidder No. 7 *China Railway No.5 Engineering Group* had its name indicated on the outer envelope. According to clause 20.3 of the tender document, the disclosure of the bidder's identity on the outer envelope will not guarantee the anonymity of the bid submission, but this shall not constitute grounds for rejection of the bid.

It was noted that the tender document did not contain the form for Surety Undertaking even though the bidders were required to complete the same. The evaluation committee decided to exclude this requirement from the mandatory requirements during the preliminary evaluation. *Not in tender document*

The committee in consultation with the Procurement unit decided to evaluate the expiry date for the bid bonds using the originally advertised closing date of 19th November 2013 as the start date considering that some of the bidders had already procured bid bonds before the date was extended.

The format of the NCA certificates varied from bidder to bidder with some having more details than others. The committee, through the user unit consulted the National Construction Authority for clarification and established that the certificate for Water Works will suffice for Sewerage while that for Mechanical Installations would suffice for plumbing works: (See Appendix XI)

Three bidders fully complied and therefore met the preliminary and mandatory requirements. (See Appendix I) and qualified to proceed to stage II (Technical Evaluation).

Bid No. Bidder Name

Bid No.	Bidder Name	Comments
4	China Jiangxi International (K) Limited	<ul style="list-style-type: none">Joint Venture with China Jiangxi Corporation for International Economic & Technical CooperationSub-contracted Reliable Electrical Engineers (M) Ltd for Electrical Works
7	China Railway No.5 Engineering Group	<ul style="list-style-type: none">Chinese registered companyNo subcontractors
8	China Wu Yi Co. Ltd	<ul style="list-style-type: none">Chinese registered company with a fully owned Kenyan branchBid submitted by the Chinese companyNo subcontractors

Bid No.	Bidders Name	Reason(s) for failing mandatory requirements
3.	N.K. Brothers Limited	<ul style="list-style-type: none"> Submitted only one copy of the tender document. Did not submit a bid bond. Did not submit the following: NSSF compliance certificate, Tax compliance certificate, Company registration certificate, Sworn affidavit, Current NCA 1 registration certificates for Civil Engineering works, Roads, Sewerage, Electrical and plumbing works.
5.	Nanchang Foreign.Eng. Company (K) Limited	<ul style="list-style-type: none"> Did not submit current NCA 1 registration certificate for electrical works.
6.	H Young & Company EA Limited	<ul style="list-style-type: none"> Did not submit a sworn affidavit. Did not submit current NCA 1 registration certificate for sewerage.
9.	Parbat Siyani Company Limited	<ul style="list-style-type: none"> Did not submit a sworn affidavit. Did not submit NCA 1 registration certificate for roads, sewerage, electrical and plumbing works. Did not provide duly signed joint agreement with proposed domestic subcontractors.
10.	Slok Construction Company Limited	<ul style="list-style-type: none"> Did not submit NCA 1 registration certificate for civil engineering works, roads, sewer, electrical and plumbing works.

Note: Detailed analysis of the bids are presented in appendix I

FINANCIAL EVALUATION

Three firms M/s. China Jiangxi International (K) Limited, M/s China Railway No.5 Engineering Co. Ltd, and M/s China Wu Yi Co. Ltd were subjected to financial evaluation.

Bidder No	Tenderer	Tendered amount	Contract Period (Months)
4	China Jiangxi International (K) Ltd	4,644,897,307.77	22.4
7	China Railway No.5 Engineering Co. Ltd	4,771,325,667.54	18
8	China Wu Yi Co. Ltd	5,565,300,419.00	24

Subsequent to the arithmetic checking, the errors detected led to the adjustments of the quoted tender sum as given in the table below;

Bidder No.	Tenderer	Tendered Sum (Kshs)	Error (Kshs)	Adjusted Tender Sum (Kshs)
4	China Jiangxi International (K) Ltd	4,644,897,307.77	15,729,032.07	4,629,168,275.70
7	China Railway No.5 Engineering Co. Ltd	4,771,325,667.54	135,977,464.32	4,635,348,203.22
8	China Wu Yi Co. Ltd	5,565,300,419.00	37,352,261.00	5,527,948,158.00

Observation on arithmetic errors

China Jiangxi International (K) Ltd

The bidder submitted a tender sum of Kshs. 4,644,897,307.77 (Four billion, Six hundred and Forty Four million, Eight Hundred and Ninety Seven thousand, Three Hundred and Seven shillings and Seventy Seven cents only).

However, on checking their submission, the committee observed that the bidder made an arithmetic error of Kshs.15, 729,032.07 (Fifteen Million, Seven hundred and

CLARIFICATIONS TO THE FUND TENDER COMMITTEE

The Fund Tender Committee, at its sitting on 11th December 2013 sought further clarifications from the evaluation committee in response to the initial evaluation report vide a memo ref. SF/A/10/16 VOL.XXV dated 11th December 2013 (See Appendix XII)

DIRECTORSHIP & SHAREHOLDING OF BIDDERS

The tender document only required the bidders to disclose their directorship and the respective shareholding of the directors only, however the committee also noted the principal shareholders for the three companies that qualified for financial evaluation as follows:

Bidder	Directors	Shareholders
China Jiangxi International (Kenya) Limited	Tan Yong Xu Guojian Wang Junqiang Li Zonggen	Tan Yong (11%) Wang Junqiang (1%) China Jiangxi Corporation For International Economic & Technical Cooperation (87%) Peter Ochola (1%)
China Railway No. 5 Engineering Group Limited	Ma Jiangqian Su Wu Yi Guohua Yang Liuqing Li Zigang	China Railway Corporation Ltd (100%)
China Wu Yi Company Limited	Fujian Construction Engineering Group Fujian Coal Industry (Group) Co. Ltd Huang Qiliang Lin Yanqiu Yang Tufa	Fujian Construction Engineering Group (31.5%) Fujian Coal Industry (Group) Co. Ltd (25.06%) Mr Huang Qiliang (0.34%) Mr Lin Yanqiu (0.28%) Mr Yang Tufa (0.27%)

DUE DILLIGENCE ON LOWEST EVALUATED BIDDER

The committee noted the following about the lowest evaluated bidder:

1. Joint Venture: There is joint venture agreement between the two companies; China Jiangxi International (Kenya) Limited and China Jiangxi Corporation for International Economic & Technical Cooperation dated 18th November, 2013 signed by both parties. Power of Attorney is also provided on page 159 (See Appendices XIII & XIV)

ANNEX 20



NATIONAL SOCIAL SECURITY FUND

BOARD OF TRUSTEES
SF/ADM 19 VOL.III


The Investments Manager

RE: BOARD DECISION

During the 28th Meeting of the Finance, Investment and Tender Oversight Committee of the Board of Trustees, National Social Security Fund, held on 4th May, 2007, the following decision was made for implementation:-

SALE OF TASSIA II AND III PLOTS

The Committee approved sale of Tassia II and III plots through the Tenant Purchase Scheme.


R.K. LUMBASYO
MANAGING TRUSTEE

8th May 2007

c.c. Ag. General Manager (Finance & Investments)

ANNEX 21

Board of Trustees

BOARD PAPER NO. BSISC/160/2011REGULARIZATION OF TASSIA II SCHEME

1.0 BACKGROUND

The Fund bought a total of 1,760 (most 1/8 acre plots) in 1994/1995 for Kshs.2.2 billion. In September 2001, illegal squatters invaded the land claiming to have been sold the same by various groups. The Fund took the matter to court and in October 2004 a ruling was made in favour of the Fund to evict the grabbers.

After several discussions, Management agreed to sell the plots on Tenant Purchase Scheme (TPS) basis to the invaders. A Land Surveyor, Geoinfo Surveys Ltd (Incorporating S. Njuguna & Associates-Physical Planner) was appointed to carry out survey works and physical planning of the plots.

Unfortunately, the Lead Surveyor passed away in April 2008 before completing the exercise. However, the Physical Planner had already submitted Physical Development Plans to City Council of Nairobi (CCN) and obtained, on behalf of the Fund conditional approval by CCN in December, 2008.

During the 14th meeting of the Operations and Investment Committee held on 12 October 2010 approval of the Tassia Regularization exercise was granted.

2.0 FINANCIAL STATUS

As at 31 May 2011, the total expected sale proceeds from the Scheme was Kshs.2.5 Billion of which Kshs.1.1 Billion had been received. The outstanding balance of Kshs.1.4 Billion is expected to be realized by the end of the regularization exercise.

3.0 STATUS

Status of the regularization exercise is as follows:-

3.1 LAND SURVEYING

The Land Surveying exercise for the estimated 5,500 plots commenced in January 2011 and is progressing well albeit slowly. As at 20 June 2011, 2,700 plots had been surveyed out of which 1,400 plots had survey beacons erected on them and survey reports submitted to the Fund. The Land Surveyor, M/s Survplans Ltd projects that the remaining 2,800 plots shall have been surveyed by 31 August 2011.

Management has issued demand letters for full payment to plot owners whose plots have been surveyed and have outstanding balances. The response has been noted to be fairly good.

3.2 CIVIL ENGINEERING WORKS

The Civil Engineer, M/s Multiscope Consulting Engineers submitted to the Fund preliminary design report and initial cost estimates of Kshs.4.5 billion in March 2011. The Engineers were, however, advised by Management to omit civil works within individual plots which reduced the cost estimates to Kshs.3.304 Billion (Copy attached) to cover construction of roads, sewer, water reticulation, street lighting and storm water drainage.

Further cost reductions and savings are expected to be realized at the detailed technical design stage. Approval is therefore sought for the preliminary cost estimate of infrastructure works of Kshs.3.304 billion to allow the Engineer to proceed to detailed design stage and for Management to advise the plot owners to start raising the money. Each 5,500 plot owners in Tassia will have to raise Kshs.650,000.00 to cater for infrastructure facilities and consultancy services.

The Civil Engineer has also submitted their Professional Fee Note of Kshs.21,153,898.00 as per the contract agreement.


4.0 FINANCING

The project is expected to be self financing through sharing of project costs by plot beneficiaries on a prorata basis to the size of the plot held. The Fund will collect and process payments to project consultants and contractors in accordance with the laid down financial policy and procedures.

5.0 ACTION REQUESTED

The Social Security, Investments and Strategy Committee of the Board is requested to:-

- (i) Note the status of the Tassia Regularization exercise.
- (ii) Approve Kshs.3.304 billion being the total preliminary cost estimates of infrastructure and Kshs.650,000.00 per plot to be advised to the plot owners as their contribution towards the cost of infrastructure and professional services.
- (iii) Approve payment of Kshs.21,153,898.00 to Ms Multiscope Consulting Engineers Ltd.


ALEX KAZONGO
MANAGING TRUSTEE

June 2011

ANNEX 22



NATIONAL SOCIAL SECURITY FUND

BOARD OF TRUSTEES

SE/ADM/4/9 VOL

General Manager (Investments)

RE: ACTION ON BOARD DECISIONS

At the 154th Meeting of the Board of Trustees National Social Security Fund held on 5 August 2011 the following decisions were made for implementation.

1) NSSF Representation at the National Bank of Kenya

Seek an opinion or clarification from the Governor on prudential guidelines with a view to having Trustees represent the Fund in the Bank at the next Annual General Meeting.

2) Alleged Homicide at Social Security House Nairobi

A meeting be held with the Provincial Police Officer on the progress made on the homicide incident and a status report be provided at the next meeting.

3) Installation of CCTV Cameras at Social Security House Nairobi

The contract be re-negotiated with the contractor and finalized.

ANNEX 23

Appendix # 24/3

From: Jacqueline Mugo <jmugo@fke-kenya.org>
To: Richard Langat <langat.r@nssfkenya.co.ke>
Date: 19/12/2013 10:46
Subject: Re: BOT-257-2013: REGULARIZATION OF TASSIA II SCHEME INFRASTRUCTURE DEVELOPMENT

CC: "info@cotu-kenya.org" <info@cotu-kenya.org>, "p... Richard,

I support the proposal given the assurance that it will not pose additional cost to the Fund.

J Mugo

Sent from my iPad

On 18 Dec 2013, at 10:55, "Richard Langat" <langat.r@nssfkenya.co.ke> wrote:

> REGULARIZATION OF TASSIA II SCHEME INFRASTRUCTURE DEVELOPMENT

>

> At the 154th Meeting of the Board of Trustees of National Social Security Fund held on 5th August 2014 the Board approved Kshs.3.304 Billion being the total preliminary cost estimates of infrastructure and payment of Kshs.650,000.00 by plot owners as their contribution towards the cost of infrastructure and related professional services.

>

>

> CURRENT STATUS

>

> The Comprehensive Project Designs were finally approved by the Nairobi County Government in July, 2013 after which the Consultant submitted to the Fund a revised cost estimate of the project of Kshs.5.053 Billion.

>

> FINANCING

>

> The project is self financing through sharing of the project cost of Kshs.5.053 Billion by the estimated 5,500 owners on prorata basis. Collections will be done through the individual Tenant Purchase Scheme accounts once approval is granted.

>

> ACTION REQUESTED

>

> The Board of Trustees, National Social Security Fund is requested to:-

>

> (i) Note the status of the Tassia II Scheme Infrastructure development.

>

> (ii) Approve Kshs.5.053 Billion being the revised total cost estimate of infrastructure development and Kshs.920,000.00 per plot to be advised to plot owners as their contribution towards the cost of development and related professional services.

>

>

>

> RICHARD K. LANGAT

> AG. CEO/MANAGING TRUSTEE

>

> December, 2013

>

>

Zimbra

ATTENDI
241
fs@treasury.go.ke

Re: BOT-257-2013: REGULARIZATION OF TASSIA II SCHEME INFRASTRUCTURE DEVELOPMENT

From : fs <fs@treasury.go.ke>

Wed, 18 Dec, 2013 15:46

Subject : Re: BOT-257-2013: REGULARIZATION OF TASSIA II SCHEME INFRASTRUCTURE DEVELOPMENT

To : langat2001@gmail.com

Cc : soi j <soi.j@nssfkenya.co.ke>

MT,

This is to confirm that I am in agreement with the proposal on the above subject matter.

Thank you..

Mutua Kilaka

----- Original Message -----

From: "Richard Langat" <langat.r@nssfkenya.co.ke>

To: info@cotu-kenya.org, jmugo@fke-kenya.org, pslabour@labour.go.ke, fs@treasury.go.ke, adandaud@yahoo.com

Sent: Wednesday, 18 December, 2013 10:41:19 AM

Subject: BOT-257-2013: REGULARIZATION OF TASSIA II SCHEME

INFRASTRUCTURE DEVELOPMENT

REGULARIZATION OF TASSIA II SCHEME INFRASTRUCTURE DEVELOPMENT

At the 154th Meeting of the Board of Trustees of National Social Security Fund held on 5th August 2011 the Board approved Kshs.3.304 Billion being the total preliminary cost estimates of infrastructure and payment of Kshs.650,000.00 by plot owners as their contribution towards the cost of infrastructure and related professional services.

CURRENT STATUS

The Comprehensive Project Designs were finally approved by the Nairobi County Government in July, 2013 after which the Consultant submitted to the Fund a revised cost estimate of the project of Kshs.5.053 Billion.

FINANCING

24/5

From: adon daud <adandaud@yahoo.com>
To: "info@cotu-kenya.org" <info@cotu-kenya.org>, "J..."
Date: 12/12/2013, 11:50
Subject: Re: BOT-257-2013: REGULARIZATION OF TASSIA II SCHEME
INFRASTRUCTURE DEVELOPMENT

MT,

Approved.

Chairman

Sent from Yahoo Mail on Android

RICHARD K. LANGAT
AG. CEO/MANAGING TRUSTEE

December, 2013

From: adan daud <adandaud@yahoo.com>
To: "info@cotu-kenya.org" <info@cotu-kenya.org>, "j...
Date: 18/12/2013 11:50
Subject: Re: BOT-257-2013: REGULARIZATION OF TASSIA II SCHEME
INFRASTRUCTURE DEVELOPMENT

MT,

Approved.

Chairman

Sent from Yahoo Mail on Android

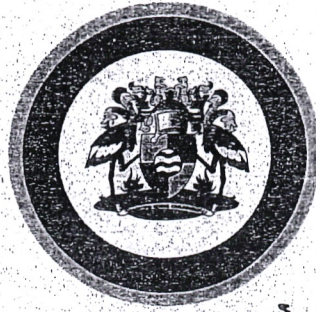
ANNEX 24

Appendix 1(c)

NAIROBI CITY COUNTY

4

Telephone: +254 20 2221349
web: www.nairobi.go.ke



City Hall,
P.O.Box 30075 - 00100,
Nairobi,
KENYA.

① Ag Gm FI

② Brintile 9/6/2

CECM/LHUP/PTO/00139/2014

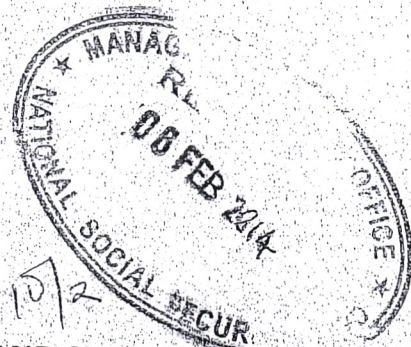
5th February, 2014

Kazungu Kambi
Cabinet Secretary
Ministry of Labour, Social Security & Services
P. O. Box 40326 - 00100

NAIROBI

Dear

③ MIS
Pse take note
mste 9/10/2



RE: REGULARIZATION OF AMALGAMATIONS AND SUBDIVISION OF PLOTS Nos. BLK.97, LR Nos. 21189 & 21189 & 21190 – TASSIA II AND III SCHEMES

The above subject matter refers.

The matter of Tassia II and III in regard to NSSF proposed infrastructure development has attracted a lot of attention that require clarification.

The County Government as the planning authority in charge, has the responsibility to set the record straight concerning the proposed infrastructure development. Please take note that Tassia II and III prior to NSSF successful reclamation of its ownership underwent illegal invasion and development. The said land is expansive – 204 hectares of land, a fact that made policing development without the collaboration and co-operation of the legitimate owner untenable. As a result of the haphazard development, the settlement conditions deteriorated in terms of environmental health, security and habitability compliance. Infrastructure and services development that should have been integral part of the settlement development were never provided.

From legal stand point, it is the NSSF as the legitimate owner of the land who has development rights upon the land and responsibility to obtain prerequisite statutory approvals prior to any development on the land. In its bid to legitimize occupation of those who had settled on the land and their development activities, NSSF had to seek regularization of the settlement through the defunct City Council of Nairobi's development approval process in compliance with the

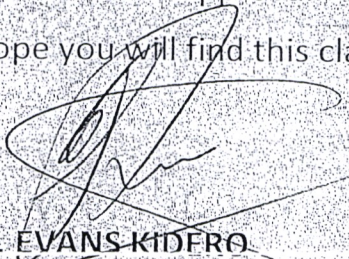
provisions of the Physical Planning Act Cap 286, EMCA, Public Health Act Cap.242 relevant to planning determination of such schemes.

The regularization plan of the scheme was submitted in March, 2007 by the NSSF knowing that the first phase of the application was for conditional planning approval. The defunct City Council of Nairobi granted conditional planning approval in July, 2007. It is noteworthy that re-survey and infrastructure implementation as per the regularization plan of the amalgamation and subdivision scheme were not only primary conditions for the sake of compliance but were also critical to addressing poor sanitary and environmental conditions of the settlement. The scheme's conditional approval and the agreement between the NSSF and investors transformed the settlement into a legitimate site and services scheme with NSSF responsible for infrastructure and services.

It is important to note that the investors at the Tassia II and III cannot access development rights and neither can they obtain land rights upon the pieces of land they have purchased until NSSF fulfils its obligation in accordance with the conditional planning approval granted to the scheme's regularization plan. Presently, the NSSF hold the obligation to pay rates and ground rent on the entire parcel of land - 204 hectares and only until conditions of the regularization plan are met and final approval of the scheme is granted by the County Government, that the NSSF would be enabled to transfer ownership rights to the investors together with obligations for payment of rates and ground rent.

It is evident from the above that it is in the best interest of NSSF to ensure full compliance to the conditional approval of the regularization plan and especially conditions relating to re-survey, provision of infrastructure and services as per our notification of approval.

I hope you will find this clarification valuable.



DR. EVANS KIDERO
GOVERNOR
NAIROBI CITY COUNTY

Cc: **Managing Trustee**
National Social Security Fund
P. O. Box 30599 - 00100
NAIROBI

ANNEX 25















