PARLIAMENT
OF KENYA
LIBRARY

Tabled by the Chair. Hon. Affey on Thursday, March 15th

KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION

REPORT

OF THE

COMMITTEE ON EQUAL OPPORTUNITY

ON

THE DISTRIBUTION OF GOVERNMENT ADVERTISING SERVICES AND REVENUE AMONG RADIO AND TELEVISION STATIONS

Kenya National Assembly
Parliament Buildings
NAIROBI

March, 2012

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1.0. PREFACE

Mr. Speaker Sir,

The Select Committee on Equal Opportunity is constituted pursuant to provisions of Standing Order No. 192 and the Committee is mandated to amongst other functions to:-

(a) Monitor and promote measures designed to enhance the equalisation of opportunities and improvement in the quality of life and status of all persons including groups who are marginalised persons on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground;

(b) Investigate, inquire into and report on all matters relating to discrimination or marginalisation of the groups referred to under sub-paragraph (a);

(c) Make proposals to the House including legislative proposals for the protection, equalisation of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (a); and

(d) Examine the activities and administration of all Ministries, departments and statutory bodies in so as they relate to the rights and welfare of the groups referred to under sub-paragraph (a).

The Membership of the Committee comprises of the following:

1. The Hon. Mohammed Affey, M.P. -Chairman
2. The Hon. Joseph Lekuton, M.P. -Vice-Chairman
3. The Hon. Maison Leshoomo, M.P.
4. The Hon. Chesebe Fred Kapondi, M.P.
5. The Hon. Luka Kikorir Kigen, M.P.
6. The Hon. Francis Chachu Ganya, M.P.
7. The Hon. Millie Odhiambo-Mabona, M.P.
8. The Hon. Raphael Letimalo, M.P.
9. The Hon. Eng. Ephraim Maina, M.P

Mr. Speaker Sir

The Committee on Equal Opportunity received a written memorandum from a consortium of small Radio stations in the country complaining about the unequal distribution of Government advertising services and revenue among different Radio and Television stations. The memorandum indicated how the various Government bodies were biased in their allocations of advertising services to media houses against the Constitution and the Public Procurement & Disposal Act, 2005.

Mr. Speaker Sir

The Public Procurement and Disposal Act, 2005 Part 1 – PRELIMINARY: provides that:- ***"The purpose of this Act is to establish procedures for procurement and the disposal of***

unserviceable, obsolete or surplus stores and equipment by public entities to achieve the following objectives:-

(a) to maximize economy and efficiency;

(b) to promote competition and ensure that competitors are treated fairly;

(c) to promote the integrity and fairness of those procedures;

(d) to increase transparency and accountability in those procedures;

(e) to increase public confidence in those procedures; and

(f) to facilitate the promotion of local industry and economic development."

Section 28 (3) of the Public procurement and Disposal Act, 2005 provides for the regulation of agents in their work and it states that, ***"a procuring agent shall be registered with the Authority and where the procurement agent is undertaking procurement on behalf of a procurement entity, the procurement agent shall comply with the provisions of this Act and the regulations***". In addition, Section 29 of the same Act requires that all tendering process should be open.

Mr. Speaker, Sir,

Chapter Twelve (12) of the Constitution on Public Finance, Part I – Principles and framework of public finance, provides for the Procurement of public goods and services. Specifically Section 227 (1) states that, ***"when a State organ or any***

other public entity contracts for goods or services, it shall do so in accordance with a system that is fair, equitable, transparent, competitive and cost effective." Therefore, this binds all state organs to comply with these guidelines at all times.

Mr. Speaker Sir,

On analysis of the Memorandum, the Committee resolved to investigate the matter and report appropriately to the House pursuant to Standing Order No. 192. During the investigations, various organizations involved in the matter appeared before the Committee and made presentations.

Mr. Speaker Sir,

On behalf of the Select Committee on Equal Opportunity, I have the honour and pleasure to present the Committee's report and recommendation on the matter regarding the distribution of Government advertising services and revenue among Radio and Television stations.

Mr. Speaker Sir,

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations on the matter.

Thank you

Signed.....Affey.....

Hon. Mohammed Affey, M.P.

Chairman, Committee on Equal Opportunity

Date.....29/2/2012

2.0 EVIDENCE ON THE DISTRIBUTION OF GOVERNMENT ADVERTISING SERVICES AND REVENUE AMONG RADIO AND TELEVISION STATIONS

2.1 EVIDENCE BY SAUTI YA MWANANCHI RADIO AND TELEVISION LIMITED

The consortium of small Radio and Television stations informed the Committee that:

(i) The Public Procurement and Disposal act, 2005 has been flouted by some of Government Ministries and Parastatals in tendering for Government Advertising services through their procurement agents.

(ii) The Act requires that when a state organ or any other public entity contracts for goods or services, it shall do so in accordance with a system that is fair, equitable, transparent, competitive and cost effective. The purpose of the said Act is to establish procedure for procurement and the dis posal of unserviceable obsolete or surplus store and equipment by public entities to achieve the following objectives;

- To maximize economy and efficiency;
- To promote competition and ensure that competitors are treated fairly;
- To promote the integrity and fairness of those procedures;
- To increase transparency and accountability in those procedures; and

- To increase public confidence in those procedures.

(iii) The Interim Independent Electoral Commission (IIEC) was the only government Institution that had complied with the Public Procurement and Disposal Act 2005 in sourcing for competitive and transparent tenders for government advertising services.

(iv) A group of actors called agents, who monopolize and dictate the awarding of government advertising services to big media houses, deny small Radio stations their share thereby resulting in discrimination to the detriment of the economy.

(v) There is a big difference between the advertisement done in English and Kiswahili hence there is a need to advertise more in Kiswahili in order to inform the majority of Kenyans who are Kiswahili speakers.

(vi) The distribution of government advertising services is skewed and the element of regional and geographical representation is missing in all the advertising services.

2.2 EVIDENCE BY THE MINISTER FOR INFORMATION & COMMUNICATION

The Minister informed the Committee that:-

- Most of the Ministries and state corporations have not complied with the following with regard to procurement of public goods and services:-

(i) Chapter 12 of the Constitution, on Public Finance – Principles of and framework of Public Finance.

(ii) Section 227(1) of the Public Procurement and Disposal Act, 2005 on the procurement of public good and services.

- The regional balancing should be adapted in distributing government advertising services and that advertisement should be localized to avoid government advertising services and revenue from being distributed in a monopolistic and unfairly manner thereby favouring the few big media houses.

2.3 EVIDENCE BY THE MINISTER FOR PUBLIC HEALTH & SANITATION

(i) DISTRIBUTION OF MOSQUITO NETS

The Minister informed the Committee that the Ministry awarded a tender on 26th January 2010, for the procurement of Radio and Television services for the dissemination of messages for the mass distribution of nets campaign to the following stations based on widest listenership and viewership nationally based on the media monitoring report from Synovate Limited. This was carried out by the Department of Diseases Control and the Division of Malaria Control.

Estimated costs for Radio spots

Name of station	Rate/45 seconds	Fixing @ 30% extra	Pre- news adjacency @50% extra	Total/45 seconds	No. of spots	Total costs (Kshs.)
Citizen	64,763	19,429	32,382	116,574	40	4,662,960
Ramogi FM	34,230	10,269	17,115	61,614	40	2,464,560
Egesa FM	19,340	5,802	9,670	34,812	40	1,392,480
West FM	35,513	10,654	17,757	63,924	40	2,556,960
Kass FM	39,375	11,813	19,688	70,867	40	2,835,040

Estimated cost for TV

Name of station	45 seconds Pre - news	Guaranteed at 40% extra (Citizen) 20% (Extra KBC)	Total/45 sec	No. Spots	Total cost (Kshs.)
Citizen	224,595	89,838	314,433	14	4,402,062
KBC	132,496	26,499	158,995	14	2,225,930
Total					**6,627,992**

Total expenditure for media message

Medium	Costs (Kshs.)
Television	6,627,992
Radio	13,338,000
Total	**19,965,992**

(ii) PROCUREMENT OF TB MASS MEDIA CAMPAIGN PROGRAMS

The Minster informed the Committee that the Ministry of Public Health & Sanitation awarded tender for the Procurement of TB media Campaign on 2nd February 2011, which was carried out by the Department of Disease Prevention and Control, the Division of Leprosy TB and Lung Diseases.

Using Kenya Audience Research Foundation (KARF) 3rd Quarter Report of 2010 and rate cards obtained from various media houses for their services, the Division compiled the following media schedule showing the distribution of advertisement spots (Radio) with a view to covering the whole country. The following media stations were awarded tender for the programme.

PROPOSED RADIO AND TELEVISION SHOWS								
	Live TV talks				**TV spots 30 seconds**			
	TV Station	**Qty**	**Unit Cost**	**Sub total Cost**	**Qty**	**Unit Cost**	**Sub Total Cost**	**Total Cost**
1	KTN	0	0	0	24	79,800	1,915,200	1,915,200
2	KBC	0	0	0	40	60,000	2,400,000	2,400,000
3	Citizen	0	0	0	24	106,000	2,544,000	2,544,000
4	NTV	0	0	0	24	105,500	2,532,000	2,532,000
5	K24	0	0	0	18	116,000	2,088,000	2,088,000
			Sub Total		**130**			

(iii) PROCUREMENT OF MEDIA SERVICES FOR DISSEMINATION OF FGM MESSAGES

The Minister informed the Committee that:-

- The Ministry considered the procurement of media services for dissemination of FGM messages on 2nd February, 2011 which was carried out by the Department of Disease Prevention Control and the Division of Malaria control through the supply chain Management consortium.
- The list of prospective service providers was based on the media plan developed by Access Leo Burnett (the Agency firm that developed the messages) and the Kenya Audience Research Foundation (KARF) which conducted quarterly research on media coverage.
- This foundation was formed by advertising agencies, media houses and clients out of the need for proper media audience research in the market. Based on the media plan developed by Access Leo Burnett and the KARF Research Top line 3rd Quarter Report, several media houses were recommended to participate in the direct procurement for media services as indicated in the table below.

Cost Estimates for the exercise is as tabulated below:-

No	Station Name	Total Radio Posts	Estimated Costs (Kshs)
1	Citizen FM radio (National)	314	18,090,878
2	QFM (National)	246	4,577,850
3	KBC idhaa ya Kiswahili	328	7,449,750

4	Radio Jambo	289	6,939,000
5	Baraka FM (Mombasa)	328	1,984,000
6	Radio Rahma (Mombasa)	328	3,577,500
7	Kass FM (Kalenjin)	324	10,161,450
8	Chamge FM	328	10,161,450
9	Raogi FM (Luo)	328	14,440,572
10	Lake Victoria FM (Luo)	333	2,459,394
11	Namlolwe FM (Luo)	250	883,600
12	West FM (Luhya)	324	7,900,268
13	Egesa FM (Kisii)	324	5,833,836
14	Mulembe FM (Luhya)	322	8,156,700
15	KayaFM Mjikenda/Giriama	321	2,030,400
16	Mwanendu FM (Taita)	322	1,801,125
17	Classic 105 FM Urban National	162	5,568,750
18	Kiss 100 FM Urban National	162	5,568,750
19	Milele FM (National)	325	6,864,750
	Total		**125,000,000**

2.4 EVIDENCE BY SCAN GROUP, ACCESS LEO AND OGLIVY

The Media agents informed the Committee that:-

- Scan group, Access Leo and Oglivy group are critical agents between the Media houses and the clients.
- Scan Group has accommodated Rehema FM, Kass FM and Gheto FM by contracting them for advertising services.
- The Media agents offer comprehensive and integrated range of Advertising and Communication Services in Traditional Advertising, Media Investment Management, Marketing Consultancy, Public Relations and Experiential Marketing.

- The Media agents use Synovate ratings to distribute advertising services and also take into consideration regional Radio stations in awarding them their portion of advertising services.

3.0 COMMITTEE'S OBSERVATIONS

After analyzing the evidence adduced, the Committee observed that:-

(i) The Ministry of Public Health & Sanitation had advertised more in Nairobi as compared to the rural areas. In addition, Government Ministries and State Corporations spent only Kshs 1.5 billion on Kiswahili speakers who are the majority in rural areas and poor people but spent a whooping Kshs 7.5 billion on the minority of English speakers that are urban dwellers and well informed. Consequently, the advertisement in English was more than that in Kiswahili while majority of the citizens are Kiswahili speakers.

(ii) There is a big difference between the amounts allocated to Kenya Broadcasting Corporation (KBC) for advertising services in comparison to the allocation to Citizen Television/Radio yet KBC is a national government owned broadcasting station.

(iii) Under the new Constitution small Radio stations, like the big media houses, should be assisted to grow for the very survival of democracy in Kenya. The stations control a

sizeable audience, focus on community development issues which would help in disseminating information on government programmes. Therefore, the Principle must be accepted that small Radio Stations are as much entitled to a share of Government advertising services and revenue as the big media houses.

(iv) The number of media houses that have consistently benefited from procuring agents remains small i.e – Citizen FM, KBC Kiswahili Service, Milele FM, Radio Maisha, Q-FM, Radio Jambo, Inooro, Kameme FM and Kass FM.

4.0. COMMITTEE'S RECOMMENDATIONS

Based on the evidence adduced, the Committee recommends that:-

(i) All Government Ministries and departments should comply with the Public Procurement and Disposal Act, 2005 and Article 227 (1) of the Constitution (Chapter 12) with regard to tendering process for advertising services.

(ii) The Ministry of Information and Communications should issue a circular to all media procuring agents directing them to comply with the Constitution and the Public Procurement and Disposal Act, 2005 and to all government Ministries instructing them to ensure that government advertising revenue is spread out to as many Radio and Television stations as possible in order for the

government information to reach as many Kenyans as possible.

(iii) Allocation to Kiswahili media services should be more than that of English across the country considering that majority of Kenyans are Kiswahili speakers compared to the minority English Speakers.

(iv) There is need for Government institutions to directly engage media houses instead of engaging media agents so as to save tax payers money in terms of commission being charged by the media agents.

(v) Data from credible research firms regarding distributions of media houses' audience countrywide country should be used as one of the criteria for awarding advertising services to media houses.

(vi) Because of the important role that the community Radio stations play in educating the public on various aspects of life, the government should increase the tenders being awarded to them for advertising services to enable them grow and further disseminate information on government programmes.

(vii) Allocation of advertising services by the government Ministries, departments and state corporations to big media houses should be based on geographical area and

the intended audience to be covered as part of the criterion for allocation.

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APPENDIX (1)

(Memorandum from a consortium of small Radio stations)

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SAUTI YA MWANANCHI RADIO AND T.V LTD
Sauti House, Heshima, Nakuru-Subukia Road
P.O Box 1929-20100, Nakuru Kenya, Tel: 020 3552533
Email: sautiyamwananchi@hotmail.com
Website : www.sautiyamwananchi.co.ke

100.9 FM

Hon Kiu

Our Ref:
Your Ref:

NATIONAL ASSEMBLY
REGISTRY
27 APR 2011
P. O. Box 41842 NAIROBI

18/4/2011

From:

Hon. Koigi wa Wamwere,
Chair,
Sauti ya Mwananchi Radio & TV Ltd,
P.O. Box 1929-20100
Nakuru. — 0722 905663

D/Comm.
pls reply & facilitate
CWA
28/4

~~Chair~~

To:

Chair,
Equal Opportunities Committee,
Through,
Clerk,
Kenya National Assembly,
P.O. Box 41842 - 100,
Nairobi.

Mrs. A. Bonyo
Please let the Comm. of equal opportunity deal with it
29/4/2011

Dear Sir/Madam,

Re: Unequal Distribution of Government Advertising Work and Revenue among Different Radio and TV Stations.

We the undersigned radio stations write to the Equal Opportunities Committee basically to complain of unequal, discriminatory and most likely corrupt distribution of advertising revenue from government ministries, institutions and corporations like banks, ministry of public health, CCK, KCC, KACC, KPLC and others to big media houses like Nation Group, KBC, Royal Media and Standard Group at the expense of smaller radio stations like the undersigned, currently on the blink of economic collapse.

We, the undersigned, believe the Equal Opportunities Committee should reverse this unfortunate and untenable trend for the following reasons:

1. Under the new constitution, smaller radio stations, like the big media houses, should be assisted not to die but grow for the very survival of democracy in Kenya. The principle must therefore be accepted that small radio stations are as much entitled to a share of government advertising work and revenue as big media houses. It cannot make sense to fight so hard for a pluralistic media and then kill small radio stations through economic strangulation.

2. When regional and small radio stations ask for government advertising work, they are not begging for mercy or favors. They have sizeable audiences and can do the work they are asking for. Ideally, government work and revenue should benefit everybody and not given to a select few, merely because they are big. Kenyan tax payers are equal and none are more equal than others.

3. Small radio stations are so, because FM frequencies are unfairly distributed to a few Kenyans at the expense of most Kenyans. Smallness of radio stations that is born out of government corruption and discrimination cannot be a justification for the same government to deny victim stations work and kill them.

4. Like big media houses, regional and small radio stations employ Kenyans who will lose their jobs if they are allowed to collapse.

5. The way government advertising work and revenue are distributed today is monopolistic, unfair, prone to corruption and destructive of many radio stations, to the detriment of national economy.

6. Government ministries, corporations and institutions are financed by tax money to which all of us contribute as individuals and companies. We of the regional and small radio stations consider it discriminatory and indeed unconstitutional to exclude us from government work that is financed by all our taxes and companies' license fees.

7. Lack of transparent and fair distribution of government work and revenue to all who have audiences, encourages advertising agents, to handle their work discriminatorily and possibly corruptly. In any case, any distribution of work that is not equal and transparent is likely to be exclusivist, corrupt and divisive of business world.

8. Though we are told advertising agents use Synovate ratings to distribute advertising work and revenue, the veracity of Synovate polls and ratings is today questioned by many Kenyans, who are unconvinced that poll results do not favor those who secretly finance them. It is therefore unsafe to use polls of unproven veracity to distribute government work and revenue to a few at the expense of so many.

9. Kenyans who listen to regional and small radio stations are equally entitled to advertised educational, public health and commercial information that will not reach them if it is only given to some and not all radio stations.

It is our hope and prayer that the Committee on Equal Opportunities will live up to its name and agree to ask the government and all its ministries, departments, institutions and corporations to deal equitably and fairly with all its citizens, taxpayers and radio stations.

Sincerely yours,

Hon. Koigi wa Wamwere

Signed for:

1. Sauti ya Mwananchi Radio & Television Ltd,
2. Pamoja FM,
3. Ghetto FM,
4. Koch FM,
5. Mang'elete FM,
6. Suswa FM,
7. Mwanedu FM,
8. Maendeleo FM.
9. Mwariama FM.
10. Sahara FM
11. Sheikh FM
12. Trans word Radio
13. Mambo Radio

APPENDIX (2)

(Minutes)

MINUTES OF THE SIXTEENTH SITTING OF THE COMMITTEE ON EQUAL OPPORTUNITY HELD ON THURSDAY 30TH JUNE, 2011 IN COMMITTEE ROOM ON 5TH FLOOR, CONTINENTAL BUILDING AT 10.00 A.M.

PRESENT

The Hon. Mohamed Abdi Affey, M.P. **(Chairman)**

The Hon. Raphael Letimalo, M.P.

The Hon. Luka Kigen, M.P.

The Hon. Fred Chesebe Kapondi, M.P.

The Hon. Francis Chachu Ganya, M.P

ABSENT WITH APOLOGY

The Hon. Joseph Lekuton, M.P, **(Vice-Chairman)**

The Hon. Maison Leshoomo, M.P.

The Hon. Millie Odhiambo-Mabona, M.P.

The Hon. Ephraim Maina, M.P.

IN ATTENDANCE

CONSORTIUM OF SMALL RADIO AND TV STATIONS

Hon. Koigi Wa Wamwere, MP- Chairman, Sauti Ya Mwananchi Radio & TV Ltd

Hon. Wanyiri Kihiro, MP- Leal Advisor

Oscar K. Beautah - Director, Pamoja FM

Adan Hussein - Pamoja FM

Wimsy Osore - Director, Radio Sahara

Justus Wekesa - Director, Radio Mambo

Tom Mboya - Director KOCH FM

Caroline Maskia - Secretary

KENYA NATIONAL ASSEMBLY

F. Atenyo-Abonyo - First Clerk Assistant / Committee Clerk

Abdullahi Aden - Third Clerk Assistant

MIN. NO. 68/2011 **DELIBERATION ON THE DISTRIBUTION OF GOVERNMENT ADVERTISING SERVICES AMONG TELEVISION AND RADIO STATIONS**

The consortium of small Radio and Television stations informed the Committee that:

(i) The Public Procurement and Disposal act, 2005 has been flouted by some of the government Ministries and Parastatals in tendering for Government advertising services through their procurement agents.

(ii) The Act requires that when a state organ or any other public entity contracts for goods or services, it shall do so in accordance with a system that is fair, equitable, transparent, competitive and cost effective. The purpose of the said Act is to establish procedure for procurement and the disposal of unserviceable obsolete or surplus store and equipment by public entities to achieve the following objectives;

- To maximize economy and efficiency;
- To promote competition and ensure that competitors are treated fairly;
- To promote the integrity and fairness of those procedures;
- To increase transparency and accountability in those procedures; and
- To increase public confidence in those procedures

(iii) The Interim Independent Electoral Commission (IIEC) was the only government organization that complied with the Public Procurement and Disposal Act 2005 in sourcing for competitive and transparent tenders for government advertising work.

(iv) A group of actors called the agents, who monopolize and dictate in awarding government advertising services to big media houses, deny small Radio stations their share thereby resulting in discrimination to the detriment of the economy.

(v) There is a big difference on advertisement in English and Kiswahili hence there is a need advertise more in Kiswahili in order to inform the majority of Kenyans who are Kiswahili speakers.

(vi) The distribution of government advertising services is skewed and the element of regional and geographical representation is missing in all the advertising services.

MIN. NO 69/2011 **ADDITIONAL EVIDENCE**

The Committee resolved to invite the following ministries which were alleged to have flouted the Public procurement and Disposal Act, 2005 with regarding to tendering for advertising services:-

- Ministry of Energy
- Ministry of Finance

- Ministry of Information & Communication
- Ministry of Medical Services
- Ministry of Public, Health & Sanitation

MIN NO. 70/2011 ADJOURNMENT

The Chairman adjourned the meeting at Thirty minutes past Twelve O' Clock.

SIGNED: .....
CHAIRPERSON

DATE.....9/09/2011...

MINUTES OF THE SEVENTEENTH SITTING OF THE COMMITTEE ON EQUAL OPPORTUNITY HELD ON TUESDAY 16th AUGUST, 2011 IN COMMITTEE ROOM ON 5TH FLOOR, CONTINENTAL BUILDING AT 10.00 A.M.

PRESENT

The Hon. Mohamed Abdi Affey, M.P. **(Chairman)**

The Hon. Joseph Lekuton, M.P,**(Vice-Chairman)**

The Hon. Francis Chachu Ganya, M.P

The Hon. Fred Chesebe Kapondi, M.P.

The Hon. Luka Kipkorir Kigen, M.P.

ABSENT WITH APOLOGY

The Hon. Raphael Letimalo, M.P.

The Hon. Maison Leshoomo, MP

The Hon. Millie Odhiambo-Mabona, M.P.

The Hon. Ephraim Maina, M.P.

IN ATTENDANCE

MINISTRY OF INFORMATION & COMMUNICATION

Dr. Bitange Ndemo- Permanent Secretary

Bruce Madete - Director of Administration

Olewe Owiti - Ag. Director, Information & Communication

Stephen Mwenda - Assistant Director, Supply Management

Eunice Kariuki - Deputy Chief Executive, ICT Board

Francis Wangusi - Ag. Director General, Communication Commission of Kenya (CCK)

KENYA NATIONAL ASSEMBLY

F. Atenyo-Abonyo - First Clerk Assistant / Committee Clerk

Abdullahi Aden - Third Clerk Assistant

Rose Mudibo - Protocol Officer

MIN. NO. 71/2011 DELIBERATION ON THE DISTRIBUTION OF GOVERNMENT ADVERTISING SERVICES AMONG TELEVISION AND RADIO STATIONS

The Ministry informed the Committee that:-

1. Government Ministries and State Corporations have not complied with the following:-
   (a) Chapter 12 of the Constitution on Public Finance with regard to the procurement of public goods and services.
   (b) Section 227(1) of the Public Procurement and Disposal Act, 2005.
2. The distribution of government adverting services and revenue is being distributed in a monopolistic and unfairly manner thereby favouring very few big media houses. Therefore, regional balancing should be adapted in distributing

government advertising services which should also be localized.

MIN. NO. 72/2011 COMMITTEE'S OBSERVATIONS

(i) The Committee impressed upon the Ministry of Information & Communication to encourage the awarding of government advertising services to the community regional radio stations since the stations control sizeable audience and focus on community development issues and this will also assist the stations to grow.

(ii) There is need for Government institutions to directly engage media houses instead of engaging media agents so as to save tax payers money in terms of commission charged by the media agents.

(iii) Government Ministries and State Corporations spent only Kshs 1.5 billion on advertisement for Swahili speakers who are the majority rural and poor people but spent a whooping 7.5 billion on the minority of English speakers that are urban dwellers and well informed.

Consequently, the advertisement in English was more than that in Kiswahili while majority of the citizens are Kiswahili speakers.

MIN. NO. 73/2011 ADJOURNMENT

The Chairman adjourned the meeting at One O' Clock.

SIGNED: .....
CHAIRPERSON

DATE.....9/09/2011.....

MINUTES OF THE EIGHTEENTH SITTING OF THE COMMITTEE ON EQUAL OPPORTUNITY HELD ON TUESDAY 6TH SEPTEMBER, 2011 IN COMMITTEE ROOM ON 5TH FLOOR, CONTINENTAL BUILDING AT 10.00 A.M.

PRESENT

The Hon. Mohamed Abdi Affey, M.P. (**Chairman**)

The Hon. Fred Chesebe Kapondi, M.P.

The Hon. Luka Kipkorir Kigen, M.P.

The Hon. Maison Leshoomo, MP

The Hon. Raphael Letimalo, M.P.

ABSENT WITH APOLOGY

The Hon. Joseph Lekuton, M.P,(**Vice-Chairman**)

The Hon. Francis Chachu Ganya, M.P

The Hon. Millie Odhiambo-Mabona, M.P.

The Hon. Ephraim Maina, M.P.

IN ATTENDANCE

MINISTRY OF PUBLIC HEALTH & SANITATION

Mr. Mark Bor - Permanent Secretary

Dr. Willis Akhwale - Head, Department of Disease Prevention

Mr. Paschal Munene - Ag. Head of Supply Chain Management

Mr. David Mutta - Programme Manager (KEMSA)

KENYA NATIONAL ASSEMBLY

F. Atenyo-Abonyo - First Clerk Assistant

Abdullahi Aden - Third Clerk Assistant

Rose Mudibo - Protocol Officer

MIN. NO. 74/2011 DISTRIBUTION OF MOSQUITO NETS

The Committee was informed that the Ministry awarded a tender on 26th January, 2010 for the procurement of Radio and Television services for the dissemination of messages for the mass distribution of nets campaign to the following stations based on widest listenership and viewership nationally based on the media monitoring report from Synovate Limited. This was carried out by the Department of Diseases Control and the Division of Malaria Control.

1. Estimated cost for Radio spots

Name of station	**Rate/45 seconds**	**Fixing @ 30% extra**	**Pre- news adjacency @50% extra**	**Total/45 seconds**	**No. of spots**	**Total costs (Kshs.)**
Citizen	64,763	19,429	32,382	116,574	40	4,662,960
Ramogi FM	34,230	10,269	17,115	61,614	40	2,464,560
Egesa FM	19,340	5,802	9,670	34,812	40	1,392,480
West FM	35,513	10,654	17,757	63,924	40	2,556,960
Kass FM	39,375	11,813	19,688	70,867	40	2,835,040

2. Estimated cost for TV

Name of station	**45 seconds Pre - news**	**Guaranteed at 40% extra (Citizen) 20% (Extra KBC)**	**Total/45 sec**	**No. Spots**	**Total cost (Kshs.)**
Citizen	224,595	89,838	314,433	14	4,402,062
KBC	132,496	26,499	158,995	14	2,225,930
Total					**6,627,992**

3.Total expenditure for media message

Medium	Costs (Kshs.)
Television	6,627,992
Radio	13,338,000
Total	**19,965,992**

MINUTE NO.75/2011 PROCUREMENT OF TB MASS MEDIA CAMPAIGN PROGRAMS

The Committee was informed that the Ministry of Public Health & Sanitation awarded a tender on 2nd February, 2011 for the Procurement of TB media campaign which was carried out by Department of Disease Prevention and Control, the Division of Leprosy TB and Lung Diseases.

Using Kenya Audience Research Foundation (KARF) 3rd Qu arter Report of 2010 and rate cards obtained from various media houses for their services, the Division compiled the following media schedule showing the distribution of advertisement spots (Radio) with a view to covering the whole country. The Committee awarded tender to the following stations for the programme.

PROPOSED RADIO AND TELEVISION SHOWS								
	Live TV talks				TV spots 30 seconds			
	TV Station	Qty	Unit Cost	Sub total Cost	Qty	Unit Cost	Sub Total Cost	Total Cost
1	KTN	0	0	0	24	79,800	1,915,200	1,915,200
2	KBC	0	0	0	40	60,000	2,400,000	2,400,000
3	Citizen	0	0	0	24	106,000	2,544,000	2,544,000
4	NTV	0	0	0	24	105,500	2,532,000	2,532,000
5	K24	0	0	0	18	116,000	2,088,000	2,088,000
			Sub Total		130			

MINUTE NO. 76/2011 PROCUREMENT OF MEDIA SERVICES FOR DISSEMINATION OF FGM MESSAGES

The Committee was informed that:-

(i) The Ministry considered the procurement of media services for dissemination of FGM messages on 2nd February, 2011 which

was carried out by the Department of Disease Prevention Control and the Division of Malaria control through the supply chain management consortium.

(ii) The list of prospective service providers was based on the media plan developed by Access Leo Burnett (the Agency firm that developed the messages) and the Kenya Audience Research Foundation (KARF) which conducted quarterly research on media coverage.

(iii) This foundation was formed by advertising agencies, media houses and clients out of the need for proper media audience research in the market. Based on the media plan developed by Access Leo Burnett and the KARF Research Top line 3rd Quarter Report, several media houses were recommended to participate in the direct procurement for media services

Cost Estimates for the exercise is as tabulated below:-

No	Station Name	Total Radio Posts	Estimated Costs (Kshs)
1	Citizen FM radio (National)	314	18,090,878
2	QFM (National)	246	4,577,850
3	KBC idhaa ya Kiswahili	328	7,449,750
4	Radio Jambo	289	6,939,000
5	Baraka FM (Mombasa)	328	1,984,000
6	Radio Rahma (Mombasa)	328	3,577,500
7	Kass FM (Kalenjin)	324	10,161,450
8	Chamge FM	328	10,161,450
9	Raogi FM (Luo)	328	14,440,572
10	Lake Victoria FM (Luo)	333	2,459,394
11	Namlolwe FM (Luo)	250	883,600
12	West FM (Luhya)	324	7,900,268

13	Egesa FM (Kisii)	324	5,833,836
14	Mulembe FM (Luhya)	322	8,156,700
15	KayaFM Mjikenda/giriama	321	2,030,400
16	Mwanendu FM (Taita)	322	1,801,125
17	Classic 105 FM Urban National	162	5,568,750
18	Kiss 100 FM Urban National	162	5,568,750
19	Milele FM (National)	325	6,864,750
	Total		**125,000,000**

MIN NO. 77/2011 COMMITTEE'S OBSERVATIONS

The Committee observed that:-

- The Ministry of Public Health and Sanitation had spent only Kshs 1.5 billion on Kiswahili speakers.
- The government should award more advertising services to community and regional Radio stations because they control a sizeable audience and focus on community development issues.

MIN NO. 78/2011 ADJOURNMENT

The Chairman adjourned the meeting at Forty-five minutes past Twelve O' Clock.

SIGNED: .....Affey.....
CHAIRPERSON

DATE.....9/9/2011.....

MINUTES OF THE TWENTY FIRST SITTING OF THE COMMITTEE ON EQUAL OPPORTUNITY HELD ON THURSDAY 15TH SEPTEMBER, 2011 IN COMMITTEE ROOM, 5TH FLOOR CONTINENTAL BUILDING AT 10:00AM.

PRESENT

Hon: Mohammed Affey, M.P **(Chairman)**

Hon: Chesebe Fred Kapondi, M.P

Hon: Millie Odhiambo- Mabona, M.P

Hon: Maison Leshoomo, M.P

Hon: Francis Chachu Ganya, M.P

ABSENT WITH APOLOGY

Hon: Joseph Lekuton, M.P **(Vice Chairman)**

Hon: Raphael Lakalei Letimalo, M.P

Hon: Luka kipkorir Kigen, M.P

Hon: Ephraim Maina, M.P

IN ATTENDANCE

MEDIA AGENTS

Stanley Mwihigi	-	Access Leo Burnett
Mark Lisboa	-	Access Leo Burnett
Neema Wamai	-	Ogilvy Lenya
Mauris K. Korir	-	Ogilvy Kenya
Njoki Ndegwa		Scan Group
Monica Kambo	-	Scan Group
Magaret Kipchumba	-	Scan Group

KENYA NATIONAL ASSEMBLY

F. Atenyo- Abonyo	-	First Clerk Assistant
Abdullahi Aden	-	Third Clerk Assistant
Rose Mudibo	-	Protocol Officer

MIN. NO 86/2011 DELIBERATION ON THE DISTRIBUTION OF GOVERNMENT ADVERTISING SERVICES AMONG TELEVISION AND RADIO STATIONS

The Media agents informed the Committee that:-

- Scan group, Access Leo and Oglivy group are critical agents between the Media houses and the clients.
- Scan Group has accommodated Rehema FM, Kass FM and Gheto FM by contracting them advertising for advertising services.
- The Media agents offer comprehensive and integrated range of Advertising and Communication Services in Traditional Advertising, Media Investment Management, Marketing Consultancy, Public Relations and Experiential Marketing.
- The Media agents use Synovate ratings to distribute advertising services and also take into consideration regional Radio stations in awarding them their portion of advertising services.

MIN. NO 87/2011 **COMMITTEE'S OBSERVATIONS**

The Committee observed that:-

(i) The media agents should compile data for all media houses as registered in Kenya and to establish mechanisms for verifying the authenticity of Synovate ratings apart from other methods in giving out advertising services.

(ii) The advertisement in English was more than that of Kiswahili while majority of Kenyans are Kiswahili speakers hence the need to advertise more in Kiswahili.

(iii) Under the new Constitution, the community and regional Radio stations, like the big media houses should be assisted to grow. Therefore, the principle must be accepted that small Radio stations are as much entitled to a share of government advertising services and revenue just as big media houses because government revenue should benefit all the media houses across the board

instead of only benefiting few selected media houses.

MIN NO. 89/2011 ADJOURNMENT

The Chairman adjourned the meeting at Thirty minutes past Twelve O' Clock.

SIGNED: .....
CHAIRPERSON

DATE.....9/02/2012.....

MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON EQUAL OPPORTUNITY HELD ON WEDNESDAY 29TH FEBRUARY 2012, IN THE COMMITTEE ROOM 9, MAIN PARLIAMENT BUILDING AT 10.00 A.M.

PRESENT

The Hon. Mohamed Abdi Affey, M.P. **(Chairman)**

The Hon. Joseph Lekuton, M.P. **(Vice Chairman)**

The Hon. Francis Chachu Ganya, M.P.

The Hon. Raphael Letimalo, M.P.

The Hon. Luka Kigen, M.P.

ABSENT WITH APOLOGY

The Hon. Ephraim Maina, M.P.

The Hon. Fred Kapondi, M.P.

The Hon. Millie Odhiambo-Mabona, M.P.

The Hon. Maison Leshoomo, M.P.

NATIONAL COHESION AND INTEGRATION COMMISSION

Halakhe Wayo	-	Commissioner
Dr. Ahmed Yassin	-	Commissioner
Dr. Julius Jwan	-	Assistant Director, Research

KENYA NATIONAL ASSEMBLY

Mrs. Florence Abonyo	-	First Clerk Assistant
Mr. Evans Oanda	-	Third Clerk Assistant

MIN.NO. 010/2012 **MEETING WITH THE NATIONAL COHESION AND INTEGRATION COMMISSION (NCIC)**

The Committee could not hold a meeting with the NCIC to receive their report on the ethnic diversity in the Kenyan Public universities due to:-

1. A debate on the delimitation of electoral boundaries going on in the floor of the House concurrently.

2. Releasing of the Kenya Certificate of Secondary Education (KCSE) results concurrently.

As a result, the matter would not get the required attention by both the Committee and the media. The meeting was therefore postponed to Tuesday 6th. March, 2012 at 10:00am

MIN.NO. 011/2012 **ADOPTION OF THE COMMITTEE REPORTS**

The Committee deliberated and adopted the following reports:-

(a) The Ethnic Diversity in the Kenyan Civil Service.

b) The distribution of advertising services to media houses; and

(c) The unfair administrative practices undermining equal opportunity, the Chairman signed them all and urged the secretariat to process them for tabling on Tuesday 6th March, 2012.

MIN.NO. 012/2012 **ADJOURNMENT**

There being no other business, the Chairman adjourned the meeting at 10.46 a.m.

SIGNATURE.....

(CHAIRMAN)

DATE.....6/03/2012.....