

D/L/P

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KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT –FIRST SESSION

REPORT

OF THE

DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING

ON THE

PETITION BY RESIDENTS OF WESTLANDS CONSTITUENCY TO THE
GOVERNMENT ON THE CONSTRUCTION OF A PEDESTRIAN FOOTBRIDGE
AT GITHOGORO SHOPPING CENTER ALONG THE NORTHERN BYPASS IN
NAIROBI CITY COUNTY.

Clerk's Chambers

National Assembly

Nairobi

November 2013

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1.0. PREFACE

- 1.1.** On Wednesday July 10, 2013, a petition was tabled before the House pursuant to Standing Order No. 225 (2)(a) by the Hon. Timothy Wanyonyi, M.P, Member for Westlands Constituency on behalf of residents of Westlands Constituency, who numbered 81, being citizens in Nairobi City County of the Republic of Kenya;
- 1.2.** Pursuant to House rules, the petition was referred to the Parliamentary Committee on Transport, Public Works and Housing for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provisions of Standing Order 227 (1) and (2).

2.0. MANDATE OF THE COMMITTEE

- 2.1.** The Departmental Committee No. L on Transport, Public Works and Housing is established pursuant to the provisions of Standing Order No. 216, with the following terms of reference: -
 - 2.1.1.** 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;
 - 2.1.2.** to study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
 - 2.1.3.** to study and review all legislation referred to it;
 - 2.1.4.** to study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
 - 2.1.5.** to 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 or a Minister; and

2.1.6. to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

2.2. The Committee is mandated to consider the following **subjects:-**

- i) Transport
- ii) Roads
- iii) Public works
- iv) Construction
- v) Maintenance of roads, rails and buildings, air, seaports and housing.

3.0. OVERSIGHT

The Committee oversees the following Government Ministry and State Department, namely: -

3.1. Ministry of Transport and Infrastructure;

3.2. State Department for Housing

4.0. COMMITTEE COMPOSITION

The Parliamentary Departmental Committee on Transport, Public Works and Housing was constituted on May 20th 2013 and its membership is as follows:-

- 1) The Hon. Maina Kamanda, M.P. – (Chairperson)
- 2) The Hon. Eng. Mahamud Maalim, M.P. – (Vice Chairperson)
- 3) The Hon. Eng. Stephen Ngare, M.P.
- 4) The Hon. Ali Wario, M.P.
- 5) The Hon. Arch. David Kiaraho, M.P.
- 6) The Hon. Cecily Mbarire, M.P.
- 7) The Hon. Capt. Clement Wambugu, M.P.
- 8) The Hon. Eng. John Kiragu, M.P.
- 9) The Hon. Gideon Konchella, M.P.
- 10) The Hon. Barchilei Kipruto, M.P.
- 11) The Hon. Mark Lomunokol, M.P.
- 12) The Hon. Grace Kipchoim, M.P.
- 13) The Hon. Mathias Robi, M.P.
- 14) The Hon. Joseph Lomwa, M.P.
- 15) The Hon. Peter Shehe, M.P.
- 16) The Hon. Stephen Manoti, M.P.
- 17) The Hon. Emmanuel Wangwe, M.P.
- 18) The Hon. K.K. Stephen Kinyanjui Mburu, M.P.
- 19) The Hon. Suleiman Dori, M.P.
- 20) The Hon. Edick Omondi Anyanga, M.P.
- 21) The Hon. Simon Nyaundi Ogari, M.P.
- 22) The Hon. Johnson Manya Naicca, M.P.
- 23) The Hon. Mishi Juma, M.P.
- 24) The Hon. Aduma Owuor, M.P.
- 25) The Hon. Chachu Ganya, M.P.

- 26) The Hon. Omar Mwinyi, M.P.
- 27) The Hon. Ahmed Abbas Ibrahim, M.P.
- 28) The Hon. Omulele Christopher, M.P.
- 29) The Hon. Mukwe James Lusweti, M.P.

5.0. TASKS ACCOMPLISHED

The Committee proceeded with the consideration of the petition as follows:

5.1. Held sittings for:-

- ✓ Setting up the Terms of Reference – consideration of the prayers;
- ✓ Meeting with the Cabinet Secretary for Transport and Infrastructure.

6.0. THE PETITION – THE PRAYER

6.1. On Wednesday July 10, 2013, the Hon. Timothy Wanyonyi, M.P. for Westlands Constituency, tabled a petition on behalf of residents of Westlands Constituency, pursuant to the provisions of Standing Orders 225(2)(a) and 225 (3).

6.2. In their petition, the petitioners wished to **draw the attention of the House to the following:-**

That:-

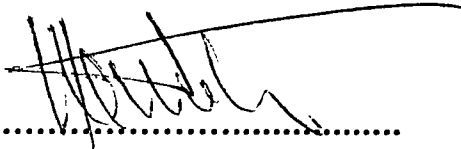
- a) The Nairobi Northern Bypass commissioned in the year 2011 passes through Githogoro Shopping Centre and has high traffic.
- b) Despite the road having high traffic volume, it has no provision for a pedestrian crossing.
- c) Two primary schools located on either side of the road, Cheleta Primary School and Kasarini Primary School, as well residents in the area, have suffered losses from pupils and residents getting hit while attempting to cross the highway.

6.3. Therefore, the petitioners humbly pray that Parliament:-

Obtain an undertaking from the Cabinet Secretary in charge of the Ministry of Transport and Infrastructure that a pedestrian crossing footbridge will be constructed within the Githogoro Shopping Center as soon as possible to forestall any further loss of life from avoidable accidents along the Highway.

7.0. ACKNOWLEDGMENT

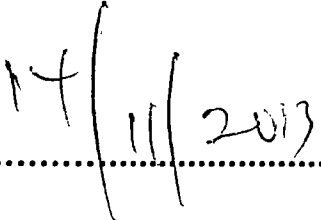
- 7.1. The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the necessary support extended to it in the execution of its mandate.
- 7.2. Being the Chairperson of the Committee, I take this opportunity to thank all the Members of the Committee for their patience, sacrifice, endurance and hard work during the long sitting hours under tight schedules which enabled us to complete the tasks within the stipulated period.
- 7.3. The Committee wishes to record its appreciation for the services rendered by the staff of the National Assembly attached to the Committee. Their efforts made the work of the Committee and the production of this Report possible.
- 7.4. Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Transport, Public Works and Housing, to present this report to the House pursuant to the provisions of Standing Orders of the National Assembly.

SIGNED: 

THE HON. (ENG) MAHAMUD MAALIM, M.P.

(VICE CHAIRPERSON)

DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND
HOUSING

DATE: 

1.0 BACKGROUND INFORMATION

- 1.1 The Petition by Residents of Westlands Constituency was presented to the House by the Hon. Timothy Wanyonyi, M.P. on July 10, 2013 pursuant to Standing Order No. 225 (2)(a). The petition was signed by 81 residents of Westlands Constituency.
- 1.2 Pursuant to House rules, the petition was referred to the Parliamentary Committee on Transport, Public Works and Housing for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provisions of Standing Order 227 and 228.
- 1.3 In their petition, the petitioners wished to **draw the attention of the House to the lack of a pedestrian crossing at the Githogoro Shopping center in Westlands Constituency, on the busy Nairobi Northern Bypass which passes through the Center.**
- 1.4. The petitioners stated that the lack of a pedestrian crossing at the Githogoro shopping center has exposed residents and school children to accidents while attempting to cross the road.
- 1.5. Two primary schools located on either side of the road, Cheleta Primary School and Kasarini Primary School, as well residents in the area, have suffered losses from pupils and residents getting hit while attempting to cross the highway.

2.0 INVESTIGATIONS – BACKGROUND INFORMATION

Having been seized of the Petition pursuant to the Speaker's directions; the Committee commenced its investigations by summoning the Cabinet Secretary for Transport and Infrastructure on **Thursday 8th October, 2013** to appear before it and answer to the Petitioners' concerns.

2.1 SUBMISSIONS FROM THE CABINET SECRETARY FOR TRANSPORT & INFRASTRUCTURE ON THE PETITION

The Cabinet Secretary for the Ministry of Transport and Infrastructure was ably represented by technocrats, who informed the Committee as follows.

That:-

- i. The Nairobi Northern Bypass was constructed under the Nairobi Eastern and Northern Bypass project, which was 85% funded by the Republic of China's EXIM Bank and 15% funded by the Government of Kenya.
- ii. The contract was managed on the basis of Engineer, Procure and Construct (EPC)/ Turnkey Conditions of Contract. The contract began on 6th June, 2009 and was completed on 30th March, 2012 at a cost of Kshs 9,299,375,458.39
- iii. Due to budgetary constraints at the time of inception of the project, pedestrian facilities were not incorporated in the scope of works for the sections traversing the relatively rural setting such as the Northern Bypass.
- iv. To address the subject matter of the petition, the Ministry intends to budget for the construction of a footbridge at the Githogoro Village in its Annual Works Plan for the Financial Year 2014/2015.

2.2 FINDINGS, OBSERVATIONS, RECOMMENDATION

2.1. FINDINGS

The Committee made the following Finding.

That:-

- ✓ The Ministry intends to budget for the construction of a footbridge at the Githogoro Village in its Annual Works Plan for the Financial Year 2014/2015.

2.2. OBSERVATIONS

The Committee made the following observations.

That:-

- ✓ The Ministry of Transport and Infrastructure plans to construct a pedestrian footbridge at the Githogoro Village and will make financial provision for the project in its 2014/15 budget.

2.3. RECOMMENDATION

The Committee makes the following recommendation.

That:-

- ✓ The Ministry of Transport and Infrastructure should speedily allocate funds for commencement of work on the pedestrian crossing. Such monies will expedite design and tender documentation, as well as commencement of construction.

MINUTES OF THE THIRTY SECOND SITTING OF THE TRANSPORT, PUBLIC WORKS AND HOUSING COMMITTEE HELD ON TUESDAY, 8TH OCTOBER, 2013 IN THE NEW MEMBERS' LOUNGE, MAIN PARLIAMENT BUILDINGS, AT 11: 05AM

PRESENT:

The following Members of the Committee were present: -

1. Hon. Maina Kamanda, M.P. - **Chairperson**
2. Hon. (Eng.) Mahamud Maalim, M.P. - **Vice-Chairperson**
3. Hon. K.K. Stephen Kinyanjui Mburu, M.P.
4. Hon. Emmanuel Wangwe, M.P.
5. Hon. Mishi Juma, M.P.
6. Hon. Omar Mwinyi, M.P.
7. Hon. Chachu Ganya, M.P.
8. Hon. Barchilei Kipruto, M.P.
9. Hon. (Arch.) David Kiaraho, M.P.
10. Hon. Gideon Konchella, M.P.
11. Hon. Simon Nyaundi Ogari, M.P.
12. Hon. Johnson Manya Naicca, M.P.
13. Hon. Peter Shehe, M.P.
14. Hon. Eng. John Kiragu, M.P.
15. Hon. Stephen Manoti, M.P.
16. Hon. Cecily Mbarire, M.P.
17. Hon. Suleiman Dori, M.P.
18. Hon. Edick Omondi Anyanga, M.P.
19. Hon. Aduma Owuor, M.P.
20. Hon. Ahmed Abbas Ibrahim, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

1. Hon. Anthony Kimani Ichung'wah, M.P.
2. Hon. Joe Mutambu, M.P.

ABSENT WITH APOLOGY

1. Hon. Ali Wario, M.P.
2. Hon. Mukwe James Lusweti, M.P.
3. Hon. (Capt.) Clement Wambugu, M.P.
4. Hon. Joseph Lomwa, M.P.
5. Hon. (Eng.) Stephen Ngare, M.P.
6. Hon. Omulele Christopher, M.P.
7. Hon. Mark Lomunokol, M.P.
8. Hon. Grace Kipchoim, M.P.
9. Hon. Mathias Robi, M.P.

IN ATTENDANCE

MINISTRY OF TRANSPORT AND INFRASTRUCTURE

Eng. John Mosenik

- Principal Secretary, Ministry Of Transport and Infrastructure

Ms. Margaret Munene	-	Ag. Managing Director, Kenya Airports Authority
Mr. Victor Arika	-	Kenya Airports Authority
Mr. Mwangi Maingi	-	Director General, KeRRA
Eng. Meshack Kidenda	-	Director General, KeNHA
Eng. Shadrack M. Osiro	-	KeRRA
Mr. Mathew Tarus	-	Ministry Of Transport and Infrastructure
Mr. B.H. Abdi	-	Ministry Of Transport and Infrastructure
Mr. Abdi H. Ibrahim	-	Ministry Of Transport and Infrastructure

IN ATTENDANCE

NATIONAL ASSEMBLY

Mr. Samuel Kalama	-	First Clerk Assistant
Ms. Purity Nkare	-	Receptionist
Mr. Romeo Castro	-	Parliamentary Intern

MIN/DC-L/NO/163/2013

PRELIMINARIES

The Chair called the meeting to order at 11.05AM and opened it with a word of prayer.

MIN/DC-L/NO/164/2013

STATUS OF THE CONSTRUCTION OF THE;

i) Ol-Kalou - Gilgil road;

The meeting was apprised on the status of the Ol-Kalou-Gilgil road. The Committee heard that the pace of work is not good and there is need for the Ministry to prevail upon the contractor to meet the set deadline of 27th April, 2014.

The Committee was further apprised on the implementation of contractual specifications in terms of quality of materials used.

In response to issues regarding the status of the Road, the principal secretary responded as follows:-

That:-

1. The slow pace of construction work was due to non-payment of the contractor. The contractor has since been paid and is now expected to progress with the works faster.
2. The contractor has the capacity to complete works on the road.

ii) Gikambura-Mutarakwa road

The meeting was also apprised on the status of the Gikambura-Mutarakwa road and issues surrounding its delayed completion by the Hon. John Kiragu, M.P. The Committee heard as follows.

That:-

1. The Gikambura-Mutarakwa-Kwambira road remains in poor shape, with local residents unable to fully utilize it.
2. The government has not realized value for money, since the contractor has failed to meet his contractual expectations.
3. The contractor was paid for work that he had not done, arising from his lack of capacity to handle class C roads
4. The contractor had been awarded the work despite having failed to complete works in other contracts.
5. The type of materials used on the road were substandard and the officers of the Ministry ought to be held responsible for their failure to oversee implementation of contractual material specifications

In his response, the Principal Secretary concurred with the Member's observations and reiterated that the poor state of the road portrays a bad image of the Ministry. Subsequently, he invited the Director General (KeRRA) to apprise the committee on the status of the road.

The Director General informed the Committee as follows.

That:-

1. The construction of the first Phase of the Thogoto-Gikambura-Mutarakwa/Limuru road commenced on 10th July, 2006. The Contract was awarded to Kundah Singh Construction Ltd sum was **Kshs 1,042, 884,660.00**.
2. The contract was to run for a maximum of eighteen (18) months, with the original date of completion scheduled for 10th January, 2008.
3. By December 2008, the following key activities had been completed:-
 - a. Setting up of camps and supervisory amenities
 - b. Site clearance
 - c. Earthworks over the whole project length
 - d. 15km to bitumen standard
4. Certified work amounted to Kshs 1,055,071,325.00, but Kshs 121,860,172.90 was outstanding for payment.
5. The Cost overrun was occasioned by an overrun in quantities of earthworks under estimated at tender documentation stage.
6. The first 15kms of the road were handed over to the Employer with effect from 15th February, 2009, but were found wanting after detailed testing.
7. Continuation with the original contract to completion would have entailed substantial change in scope of work, which is not allowed in procurement law.
8. It was recommended that the outstanding works be re-packaged into a new contract and procured under **Phase II** of the project.
9. Apart from unconfirmed final measurements the employer still held the following:-
 - a. $\frac{3}{4}$ of the retention money amounting to Kshs. 39,109,242.75
 - b. A performance bond amounting to Kshs 52,144,233

- c. A refund due to the Contractor in respect of over deducted retention amounting to Kshs 9,374,946
 - d. Unpaid amount of Kshs 121,860,972.90
 - e. Final measurements to be confirmed
10. The new tender was subsequently awarded to M/S. Victory Construction Company Ltd on 23rd June, 2011 at the tender sum of **Kshs 935, 367, 390.91.**
 11. The new contract also included an additional section between B3 junction and Kwambira Market. The works were to be completed by 3rd April, 2013.
 12. Works were however stopped on July, 2012 by the National Environmental Management Authority (NEMA), citing a lack of environmental license for the project. This was later lifted on February, 2013 following acquisition of the license.
 13. Works on the road under the new contract have however stalled due to uncertainties in funding.
 14. Subject to funds availability the project will be completed as follows:-
 - a. The Supervision consultant has been instructed to submit the final measurements on the works done under Phase I, excluding any works not done in accordance with the specifications
 - b. Re-package the remedial works on the tarmacked section as a rehabilitation contract under Phase III at an estimated cost of Kshs. 698,578,376.00. The new construction works will also include construction of additional culverts and outstanding market roads
 - c. Finalization of payments for land acquisition and reinstatement of outstanding water lines
 15. Alternative options for completing the road are being considered as follows:-
 - a. The Ministry is in discussions with several contractors (including the one on the Southern bypass) with a view to assigning the outstanding works to them at the same Contract price.
 - b. The Ministry is in discussions with the County Government of Kiambu with a view to securing project financing to facilitate execution of the outstanding works, as supplementary funding is awaited.

The Ministry responded as follows to concerns raised by Members:-

That:-

1. **On whether M/s Kundan Singh will be held responsible for the shoddy works on the roads;** the Committee heard that the contractor has been charged.
2. **Regarding giving notice to M/s Victory Ltd on the intention to terminate;** the Committee was informed that M/s Victory has not been informed of the intention to terminate. The Ministry stated that it does not intend to terminate Victory's contract, but instead re-award the same contract to a new contractor, preferably the one on the Southern Bypass at the same tender sum awarded to M/s Victory.
3. **Whether KeRRA still has the retention money;** the Committee heard that KeRRA still retains $\frac{3}{4}$ of the retention money amounting to Kshs. 39,109,242.75, but the agency cannot utilize it due to financial regulations which do not allow them to use the money without approval by the National Treasury.

The Committee agreed on the following as the way forward:-

That:-

1. The Ministry find ways to ensure timely completion of the project

2. Supplementary budget to give KeRRA and KURA Kshs 10.5 billion, part of which is to finance the completion of the project
3. Action be taken on contractors who fail to meet their contractual obligations, including blacklisting them from undertaking any future road contractors

MIN/DC-L/NO/165/2013

CONSIDERATION OF RESPONSES TO PETITIONS
PRESENTED BY MEMBERS REGARDING;

A. Construction of Pedestrian Crossing footbridge at the Githogoro Shopping Center in Westlands Constituency;

That:-

- i) The Nairobi Northern Bypass was constructed under the Nairobi Eastern and Northern Bypass project, which was 85% funded by the Republic of China's EXIM Bank and 15% funded by the Government of Kenya.
- ii) The contract was managed on the basis of Engineer, Procure and Construct (EPC)/ Turnkey Conditions of Contract. The contract began on 6th June, 2009 and was completed on 30th March, 2012 at a cost of Kshs 9,299,375,458.39
- iii) Due to budgetary constraints at the time of inception of the project, pedestrian facilities were not incorporated in the scope of works for the sections traversing the relatively rural setting such as the Northern Bypass.
- iv) To address the subject matter of the petition, the Ministry intends to budget for the construction of a footbridge at the Githogoro Village in its Annual Works Plan for the Financial Year 2014/2015.

B. Construction of speed bumps between Madeya and Rangala Trading Centers;

That:-

- i) The Ministry is aware of the over speeding of vehicles on the Busia-Kisumu Highway, especially after the completion of repairs on most sections of the road. In particular, in the Madeya-Rangala section, an over speeding matatu caused an accident at the Sidindi built up center that killed several people, being just one amongst many accidents.
- ii) The Ministry has undertaken the evaluation with a view to installing rumble strips between Rangala and Madeya to slow down motorists within the built up centers of Madeya, Sidindi, Simenya, Simeru and Rangala.
- iii) The Ministry shall also install appropriate signage to control the speeds within the built up areas.
- iv) There is need for cooperation by law enforcement agencies to ensure motorists adhere to speed limits as advised within the built up areas on the Highway. This will go a long way in minimizing deaths.

C. Tarmacking of the Malindi-Salagate Road;

That:-

- i. The Ministry concurs that the Malindi-Langobaya-Chakama-Salagate Road (C103) plays an important role in the tourism sector's industry growth in the Country and the Ministry through KeNHA has prioritized the construction of this road in its programmes.

- ii. In the year 2007, the Ministry contracted M/s Apec/CES Consortium to carry out Feasibility Studies, Preliminary Engineering Design and Environmental and Social Impact Assessment Study for the upgrading of the whole road from Malindi through Salagate up to Manyani Gate, which is 190 Kilometers.
- iii. The Consultant's studies found out that the road is economically viable and recommended that it should be tarmacked.
- iv. As at December 2008, it was estimated that the Malindi-Salagate section is 104 Kilometers and would cost approximately Kshs 3 billion. Currently, the Ministry estimates it would require approximately Kshs 11 billion to build the same road. The Ministry is currently sourcing for adequate funds to undertake the detailed engineering design and execute the construction works.

MIN/DC-L/NO/166/2013

**OWNERSHIP OF THE DUTY FREE SHOPS AT THE
COUNTRY'S AIRPORTS: OUT OF COURT
SETTLEMENT WITH ONE MR. KAMLESH PATNI**

The Committee was apprised as follows regarding developments in the Court cases on the ownership of Duty Free Shops by one Mr. Kamlesh Patni, of World Duty Free Ltd (WDF) and Diplomatic Duty Free (DDF).

That:-

1. World Duty Free (WDF) Ltd renounced the Arbitral Award that was made by Retired Justice Torgbor in with Kenya Airports Authority (KAA) was ordered to pay in excess of Kshs 4.2 billion.
2. WDF and Diplomatic Duty Free (DDF) Ltd have both agreed and undertaken never to claim and/or demand any compensation now or in future regarding repossession of the shops and passenger lounges which was carried out by KAA.
3. WDF and DDF have agreed to withdraw the multitude of cases pending in various courts against KAA and/or the Government of the Republic of Kenya.
4. WDF and DDF have surrendered all the premises which they had occupied for the last 25 years to KAA. The premises were reposed on 1st August, 2013.
5. One of the premises reclaimed by KAA from WDF is already being utilized as a passenger lounge by Kenya Airways.

- ✓ The Committee was of the view that in future, the Government should never award contracts if there is no money for the same.

Members raised the following concerns regarding various other roads across the country:-

- ✓ The poor state of roads in Changamwe Constituency and when the Kshs 200 million meant to fix roads be released for the same.
- ✓ Poor state of road C41 in Kakamega County

MIN/DC-L/NO/168/2013

ADJOURNMENT

And the time being 01.36PM, the Chairperson adjourned the Meeting to a sitting to be communicated to Members.

Signed: _____



Date: _____

17/10/2013

Hon. Maina Kamanda, M.P., Chairperson

MINUTES OF THE THIRTY SIXTH SITTING OF THE TRANSPORT, PUBLIC WORKS AND HOUSING
COMMITTEE HELD ON TUESDAY, 12TH NOVEMBER, 2013 AT THE NEW MEMBERS' LOUNGE,
MAIN PARLIAMENT BUILDINGS, AT 10: 40AM

PRESENT:

The following Members of the Committee were present: -

1. Hon. (Eng.) Mahamud Maalim, M.P. - Vice-Chairperson
2. Hon. K.K. Stephen Kinyanjui Mburu, M.P.
3. Hon. Cecily Mbarire, M.P.
4. Hon. Omulele Christopher, M.P.
5. Hon. Ahmed Abbas Ibrahim, M.P.
6. Hon. Mishi Juma, M.P.
7. Hon. Simon Nyaundi Ogari, M.P.
8. Hon. (Eng.) Stephen Ngare, M.P.
9. Hon. (Capt.) Clement Wambugu, M.P.
10. Hon. Suleiman Dori, M.P.
11. Hon. Mathias Robi, M.P.
12. Hon. Emmanuel Wangwe, M.P.
13. Hon. Grace Kipchoim, M.P.

ABSENT WITH APOLOGY

1. Hon. Maina Kamanda, M.P. - Chairperson
2. Hon. Gideon Konchella, M.P.
3. Hon. Edick Omondi Anyanga, M.P.
4. Hon. Mark Lomunokol, M.P.
5. Hon. Barchilei Kipruto, M.P.
6. Hon. Peter Shehe, M.P.
7. Hon. (Arch.) David Kiaraho, M.P.
8. Hon. Chachu Ganya, M.P.
9. Hon. Johnson Many Naicca, M.P.
10. Hon. Mukwe James Lusweti, M.P.
11. Hon. Aduma Owuor, M.P.
12. Hon. Omar Mwinyi, M.P.
13. Hon. Ali Wario, M.P.
14. Hon. Eng. John Kiragu, M.P.
15. Hon. Stephen Manoti, M.P.
16. Hon. Joseph Lomwa, M.P.

NATIONAL ASSEMBLY

- Mr. Samuel Kalama - First Clerk Assistant
Ms. Purity Nkare - Secretary
Mr. Romeo Castro - Parliamentary Intern

MIN/DC-L/NO/183/2013

PRELIMINARIES

The Chair called the meeting to order at 10. 40AM and opened it with a word of prayer.

MIN/DC-L/NO/184/2013

CONFIRMATION OF MINUTES

Minutes of the 35th Sitting were read and confirmed as a true record of the sitting after having been proposed by Hon. Ahmed Abbas Ibrahim and second by Hon. Emmanuel Wangwe, M.P.

MIN/DC-L/NO/185/2013

MATTERS ARISING

- ✓ Under Min/DC-L/180/2013, the Committee resolved that the Governor, Kiambu County, be summoned to shed light on the matter. The proposed Joint Sitting with the Departmental Committee on Lands on the matter was also dropped.

MIN/DC-L/NO/186/2013

FOLLOW UP ON CONSIDERATION OF STATEMENT ON IRREGULAR DEMOLITION OF BUILDINGS IN THIKA TOWN

- ✓ The Committee considered the report furnished by the National Land Commission (NLC) on the authentication of Title Deeds to the affected parcels of land during the demolitions exercise.
- ✓ The Committee heard that five (5) out the seven (7) title deeds forwarded to the NLC were authenticated and confirmed as genuine. The other two title deeds are still undergoing further checks/authentication.
- ✓ Subsequently, the Committee resolved as follows:-

- ❖ The Governor, Kiambu County, be summoned to appear before the Committee on Thursday 21st November, 2013.

MIN/DC-L/NO/187/2013

CONSIDERATION AND ADOPTION OF REPORTS ON PETITIONS BY:-

- Hon. Dan Kazungu, MP, on the tarmacking of the Malindi-Langobaya-Chakama-Salagate Road
- Hon. Opiyo Wandayi, MP, on the construction of rumble strips and speed bumps at the Madeya and Rangala shopping centers

c. Hon. Timothy Wanyonyi, MP, on the construction of a pedestrian footbridge at Githogoro shopping center

Members considered the above Petition reports and adopted the same with amendments for tabling in the House.

MIN/DC-L/NO/188/2013

ANY OTHER BUSINESS

The Sub-committee tasked with investigating the issues surrounding the procurement of cranes by the Kenya Ports Authority apprised the Committee on the progress of its work as follows.

That:-

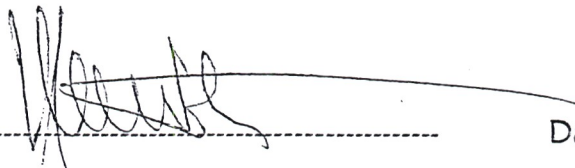
- ✓ The Public Procurement Oversight Authority (PPOA) has cleared KPA from any wrongdoing regarding the controversial tender.
- ✓ Public Investments Committee (PIC) has similarly held sittings with the management of KPA with a view to preparing a report on the matter.
- ✓ The Sub-committee is preparing a report on the matter, encompassing the Legal, Technical and other aspects of the controversial tender.
- ✓ The Speaker of the National Assembly be requested to provide guidance on situations where two Committees are seized of the same matter.
- ✓ The Managing Director of KPA be requested to appear before the Committee on Thursday 14th November, 2013 at 10:00am.
- ✓ The Committee undertakes a familiarization visit of the LAPPSET projects in Lamu from 28th - 30th November 2013.

MIN/DC-L/NO/189/2013

ADJOURNMENT

And the time being 11.35AM, the Chairperson adjourned the Meeting to a sitting to be communicated to Members.

Signed: _____



Date: _____

13/11/

Hon. Maina Kamanda, M.P., Chairperson



MINISTRY OF TRANSPORT AND INFRASTRUCTURE

MINISTERIAL STATEMENT

The Member of Parliament for Westland's constituency, Hon. Timothy Wanyonyi, MP, rose on the floor of the House and requested for the statement from the Chairperson of the Departmental Committee on Transport, Public Works & Housing as follow:-

QUESTION:-

- a) Githogoro Residents Public Petition: construction of a pedestrian crossing along the road within the Githogoro Shopping Center

Answer :-

Mr. Speaker sir, I beg to reply as follow:-

- a) The Ministry wishes to confirm that the Northern Bypass which traverses through Githogoro Village was constructed under the Nairobi Eastern and Northern Bypass Project. The project was co-funded by the People's Republic of China through China EXIM Bank (85%) and the Government of Kenya (15%). It was a Lump Sum Contract managed on the basis of Engineer, Procure and Construct (EPC) / Turnkey Conditions of Contract. The project commenced on 6th June, 2009 and was completed on 30th March, 2012 at a contract sum of KShs. 9,299,375,458.39.

Due to budgetary constraints at the time of inception of the project, pedestrian facilities were not incorporated in the scope of works for the sections traversing the relatively rural setting such as the Northern Bypass.

In order to address the subject matter of the petition, the Ministry intends to budget for construction of a footbridge at Githogoro village in our Annual Works Plan for the coming Financial Year. This is the only viable option to sort out the matter considering that the Eastern & Northern Bypass Project was completed way back in March, 2012 and the Contractor was relieved of all responsibilities.

Eng. P.C. Kilimo, OGW
For: Principal Secretary

INFRASTRUCTURE

Encls.