

Petition to the Senate by Residents and Inhabitants of Bomet County on Embezzlement of Funds, Financial Impropriety and Skewed Employment in Bomet County

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THE SENATE

PETITION MADE TO THE SENATE PURSUANT TO ARTICLE 119 OF THE
CONSTITUTION OF KENYA AND PART XXIV OF THE SENATE STANDING ORDERS,
BY RESIDENTS AND INHABITANTS OF BOMET COUNTY, ON EMBEZZLEMENT OF
FUNDS, FINANCIAL IMPROPRIETY AND SKEWED EMPLOYMENT BY THE BOMET
COUNTY GOVERNMENT

THROUGH

SEN. (PROF.) WILFRED LESAN
SENATOR, BOMET COUNTY

MARCH, 2015

Petition to the Senate by Residents and Inhabitants of Bomet County on Embezzlement of Funds, Financial Impropriety and Skewed Employment in Bomet County

We, the undersigned citizens of Republic of Kenya and duly registered voters in Bomet County, concerned over the embezzlement of public funds, fiscal impropriety and skewed employment in Bomet County wish to draw the attention of the Senate to the following:-

- 1) THAT, the County Government of Bomet is engaging in fraudulent financial transactions contrary to the relevant provisions of the Constitution of Kenya including the Public Finance Management Act 2012, the County Government Act 2012 and the Public Officers and Ethics Act;
- 2) THAT, the Governor of Bomet County is using close relatives and Proxy companies to award himself tenders and contracts in violation of the ~~Public~~ ^{Procurement} Disposal Act as well as Article 201 of the Constitution of Kenya.

These companies include:-

- a) Tundo Company Ltd;
 - b) Erickson Company Ltd;
 - c) Mulot Sunset Hardware Ltd;
 - d) Wesmic Company Ltd; and
 - e) Rumic Company Ltd;
 - f) Pulse Care System Company Ltd;
 - g) Zugu Company Ltd;
 - h) Jubilee Africa Company Ltd;
 - i) Maraba Company Ltd; and
 - j) Machii Company Ltd;
- 3) THAT, public funds approved by the County Assembly during the 2013/2014 financial period have been lost and thus have not served the intended purpose.

Some of these allocations are:-

- a) Kshs. 10 million meant for persons with disabilities;
- b) Kshs. 61 million meant for the construction of County Assembly premises; and
- c) Kshs. 8 million meant for Mau Forest evictees in Konoin Sub-County;

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- 4) THAT, the Governor of Bomet County is irregularly incurring expenditure of public funds for unbudgeted and unapproved projects, a case in point is the construction of Marengetit Secondary school in Chepalungu Sub-County, which has consumed approximately 30 million Shillings to date ;
- 5) THAT, the Bomet County Public Service Board has failed to perform its duties diligently pursuant to Articles 10 and 232 of the Constitution of Kenya by practising favoritism and nepotism in recruitment of staff, including the recent recruitment of the Chief Executive Officer, Rose Chepkirui, whose academic qualifications and integrity are in question ;
- 6) THAT, the Governor of Bomet County has failed to appear before the Senate Standing Committee on Finance, Commerce and Budget to respond to audit queries raised by the Auditor General;
- 7) THAT, all attempts have been made to remedy the situation but relevant bodies have shown no interest or have failed to solve the matter; and
- 8) THAT, no issues raised in this petition are pending in any Court of law, Constitutional Commission, or other legal body.

WHEREFORE, your humble petitioners Pray that the Senate-

- 1) Urgently investigates the matters raised herein and prepare a report on improper financial dealings between the County Government of Bomet and the questionable companies mentioned in this petition;
- 2) Calls for documents and conducts an audit into the questionable expenditures by Bomet County Government;
- 3) Requests the Ethics and Anti-Corruption Commission to investigate expenditure of Public Funds by the County Government of Bomet;
- 4) Investigates the County Public Service Board for perpetuating recruitment exercises based on favouritism, nepotism and tribalism; and
- 5) Makes recommendations aimed at protecting devolution and the taxpayer, and ensuring that any person found to have received monies irregularly are surcharged.

Dated this.....day of.....2015

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<u>NAME.</u>	<u>ADDRESS.</u>	<u>I.D NO.</u>	<u>SIGNATURE</u>
LANGAT K. ADAMS	0721656331	25567429	
NICHOLAS RONO	0723099966	27266225	
ERIC RONO	0722623049	26373634	
FRANKLINE ROTICH	0714344663	28637676	
BENSON NGETICH	0724038216	26108656	
KIRUI K GILBERT	0724084388	25898819	
KIPTOO KOECH	0724037719	28489244	
KIPKIRUI NGENO	0724037719	22527977	
ANDREW SIELE	0724684078	21135606	
JOSPHAT K TUEI	0770149215	27252707	
PATRICK K CHUMO	0719442605	27506502	
KIMUTAI TOWETT	0727431430	27007256	
KIBETT ROTICH	0727505206	27045841	
CHEPKOECH DAMARIS	0715556399	27866316	

Signed and presented to the Senate by (Sen. Prof). Wilfred Rottich Lesan,
Senator, Bomet County.

Dated this.....day of.....2015

Petition to the senate by residents and inhabitants of Bomet County on
embezzlement of funds, financial impropriety and skewed employment in Bomet
County

PETITION MADE TO THE SENATE ON BEHALF OF
RESIDENTS OF BOMET COUNTY

BY

HON. SEN. WILFRED ROTTICH LESAN
SENATOR, BOMET COUNTY

Mr. Amolo

Please peruse and
Prepare for presentation
if the petition is in
order.

[Signature]

19/3/15



Petition to the senate by residents and inhabitants of Bomet County on embezzlement of funds, financial impropriety and skewed employment in Bomet County

We, the undersigned,

Citizens of republic of Kenya, duly registered voters from Bomet County, do hereby authorize the senator for Bomet County, Hon. Prof. Wilfred Rottich Lesan to present this petition to the senate on our behalf and on behalf of other residents of Bomet County.

PRAY for the attention of the senate to the following:

THAT, Aware that serious financial impropriety matters have occurred in our County due to the misallocation and misappropriation of funds and further aware that fraudulent activities have taken place contrary to the provisions of Article 1,2,10,35,43,75,77(1),96,119,125,183,196,201,226 and 228 of the Constitution of Kenya, Public Finance Management Act 2012,County Government Act 2012,Public Officers and Ethics Act Cap 183;

Deeply concerned that no effort has been done to remedy the situation and failure by the relevant investigating bodies to arrest the situation;

Confirm that this matter is not subject or pending before any court of law or constitutional body;

THAT on behalf of the residents of Bomet County, we call upon the Senate to urgently move in and investigate this matter and produce a detailed and comprehensive report on how the public funds and resources have been misappropriated by the County government of Bomet as we are very apprehensive that unless the SENATE acts urgently, the misappropriation of funds within the County will escalate to an alarming level and bring the services to a halt hence defeat the whole essence of devolution. We call upon the Senate to determine this matter urgently on grounds THAT;

1. The Governor of County of Bomet has failed to appear before the senate select committee of finance to respond to audit queries raised by the

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office of the Auditor General and by this he has grossly violated the constitution of Kenya 2010. He has chosen to hide behind the court order.

2. The governor, who is also the chief executive officer of the county (C.E.O) has consequently used close relatives and proxy companies to award himself tenders and contracts in violation of public procurement regulation, Article 201 and Article 225 of the constitution of Kenya. These violations occurred at Longisa county hospital, the construction of county and sub county offices in Mogogosiek, Ndanai and Bomet stadium amongst many others. The following are some of the companies involved in these violations:

A. TUNDO COMPANY LTD AND ERICKSON COMPANY LTD

These two companies are owned through proxies by the CEO of the county; they specialize in road construction and are awarded tenders without following due procedures. Apart from using unorthodox means to get tenders, there is no evaluation carried on the quality of work done and the quantity of materials supplied. Upon the "completion" of the work that they have done, no certificate of completion is issued because there are no formal contracts signed. These methods used by the two companies is subject to manipulation and the ministry of roads and public works has repeatedly pointed out these loopholes which lead to lose of county revenue as a result of fake payments and poor quality of work done. Despite these advices, these abuses have continued unabated. The two dubious companies have constructed more than 50% of all the county roads constructed so far and their payments have been prompt without delay.

B.MULOT SUNSET HARDWARE LTD

This company is the largest supplier of building materials in the county. It supplied multimillion Bomet stadium project and this was done without competitive bidding. This company is owned by the director of finance/acting chief Finance Officer (CFO), Rose Chepkirui Kositany's sister. The prices of supplies from this company are exaggerated exorbitantly leading to great loses

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to the county government e.g. A bag of cement cost kshs 1,700 way above the normal market price in the same locality.

This company acts as a conduit to siphon money from county coffers; this is demonstrated by the glaring conflict of interest of proprietors of this company. Rose Kositany is the chairperson of the committee overseeing the construction of the stadium and thus there is a huge conflict of interest contrary to Article 73 and Article 76 of the constitution and Leadership and Integrity Act 2012.

C. WESMIC COMPANY LTD

Wesmic Company Ltd is the sole supplier of stationeries in the county. It is owned by one Micah Rutoh who is a brother to the governor of Bomet County. Contracts for all supplies from this company do not go through any competitive tendering process also the prices of supplied goods are hiked, not vetted and valued at the county and they are varied at will leading to loss of colossal amount of revenue.

D. RUMIC COMPANY LIMITED

This is a road construction company that tenders and only goes through evaluation as a formality since the owner of this company is the brother to Governor of Bomet and as a result he exerts a lot of influence on the tendering committee.

The following are other companies involved in these irregular dealings and are affiliated to the influential individuals in the County:

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- i. Pulse care system company limited-Supplies all the drugs and other pharmaceuticals in the County.
- ii. Zugu company limited
- iii. Jubilee Africa company limited
- iv. Maraba company limited
- v. Machii Company limited-Belongs to a Member of County Assembly and enjoys privileges due to his affiliation to the governor.

3) PUBLIC SERVICE BOARD

The Bomet Public Service board has failed to perform its duties diligently pursuant to Article 10 and Article 232 of the constitution of Kenya. Employment opportunities are given based on relations and do not adhere to the law and minimum qualifications. Example of this rot is the recruitment of Chief Executive Officers **Rose Chepkirui Kositany**. Her qualifications and integrity has been put into question as it was done contrary to section 65 and 66 of the County government Act.

Rose Chepkirui Kositany

She is the Director/acting Chief Executive Officer of Finance at the County government of Bomet. Despite holding that position, she is not qualified to hold a position of CFO by virtue of not meeting the requirements of the position as established by the County Assembly of Bomet departmental committee on Finance report on her vetting. Rose Kositany forged a Kenya Accountants and Secretaries National Examinations Board (KASNEB) certificate, a fact that has since been confirmed by KASNEB. The forged document was used to secure employment and thus denied a chance to potential qualified candidates.

Her holding the position of CFO was a deliberate arrangement designed to loot county funds. It is during her tenure that the county unprocedurally accrued overdrafts from commercial banks and the funds used without authorization

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from the County Assembly contrary to Public Finance Management Act 2012, Articles 201 and Article 225 of the constitution of Kenya.

4) MISALLOCATION OF COUNTY FUNDS

Corruption in the county has become so rampant that public funds approved by the County Assembly during the 2013/2014 financial period have been lost and have not served the intended purpose. Some of these allocations, amongst others are:

- a) Kshs. 10million meant for persons with disabilities.
- b) Kshs 61 million meant for establishment of County Assembly.
- c) Kshs 8 million meant for Mau evictees in Konoin sub-county.

This is done maliciously and with great impunity contrary to the constitution of Kenya 2010, County government Act 2012, the Public Finance Management Act 2012 and Bomet Finance Bill 2014. The recent violation being the passage of three budgets contrary to the law .The governor of Bomet County has haphazardly and in ad hoc manner incurred expenditure of Public funds depending on his mood, emotions and personal discretion mainly in political rallies and forums. A case study is the construction of Marengetit Secondary school in Chepalungu Sub-County, which has to date, consumed approximately 30 million shillings. These funds were unbudgeted for; no resolution in the County Assembly and the utilization of these funds is procedural in that the project was not tendered; no known contractor is operating the project; there was no architectural designs and bill of quantities. The County Integrated Development Plan (CIDP), Fiscal Strategy paper and the Annual Development Plan approved by the County Assembly has not been adhered to the letter and spirit. These are instances where public funds have been spent without the necessary prerequisite approvals and public participations have resulted in the loss of County funds.