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REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (SECOND SESSION)
THE NATIONAL ASSEMBLY

COMMITTEE ON IMPLEMENTATION

SECOND REPORT ON
THE IMPLEMENTATION STATUS OF REPORTS PASSED BY THE HOUSE

October, 2023

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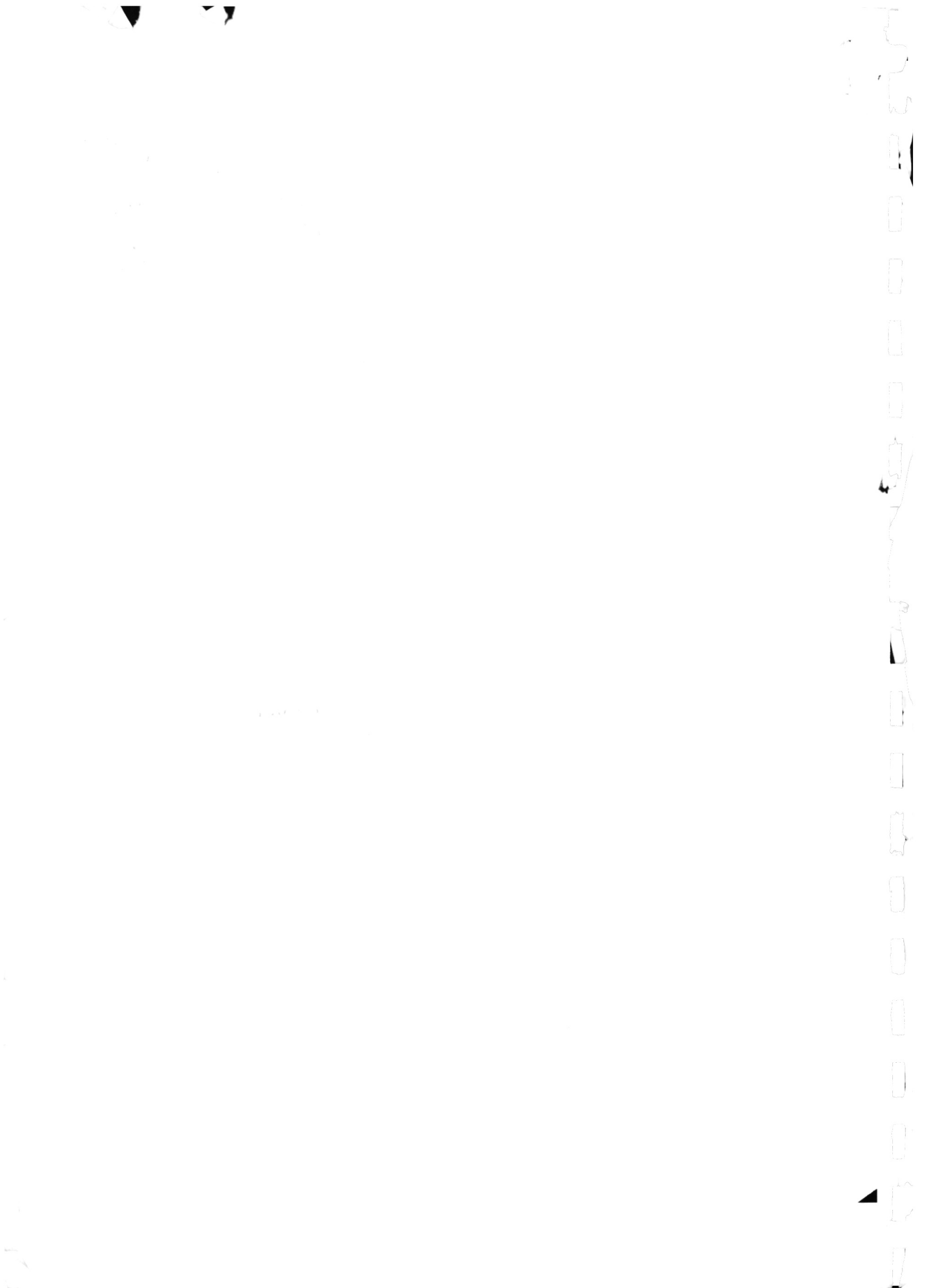
THE NATIONAL ASSEMBLY PAPERS LAID	
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TABLED BY:	Hon. Rose Murese (Vice Chairperson, Implementation Committee)
CLERK AT THE TABLE:	Anne Shibuko

Directorate of Audit, Appropriations and Other Select Committees

National Assembly

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ABBREVIATIONS

AG	-	Attorney General
AWWDA	-	Athi Water Works Development Authority
EACC	-	Ethics and Anti-Corruption Commission
EPRA	-	Energy and Petroleum Regulatory Authority
ERC	-	Energy Regulatory Commission
GAB		Geothermal Advisory Board
GDA	-	Geothermal Development Advisory
GDC	-	Geothermal Development Company
GoK	-	Government of Kenya
IFMIS	-	Integrated Financial Management Information System
IPSAS	-	International Public Sector Accounting Standards
JICA	-	Japan International Corporation Agency
KDIC	-	Kenya Deposit Insurance Corporation
KENGEN	-	Kenya Electricity Generating Company
KENHA	-	Kenya National Highway Authority
KLRC	-	Kenya Law Reform Commission
KNBS	-	Kenya National Bureau of Statistics
KNH	-	Kenyatta National Hospital
KPLC	-	Kenya Power and Lighting Company
KR	-	Kenya Railways
KETRACO	-	Kenya Electricity Transmission Company
KWS	-	Kenya Wildlife Service
LC	-	Letter of Credit
NCWSC	-	Nairobi City Water and Sewerage Company
PC	-	Performance Contract
PFM	-	Public Finance Management
PPIP	-	Public Procurement Information Portal
REREC	-	Rural Electrification and Renewable Energy
RIM	-	Registry Index Map
RMS	-	Revenue Management Systems
TARDA	-	Tana and Athi River Development Authority
VAT	-	Value Added Tax
WASREB	-	Water Services Regulatory Board

CHAIRPERSON'S FOREWORD

The Committee on Implementation is established under Standing Order 209 of the National Assembly Standing Orders. The Committee scrutinizes resolutions of the House (*including adopted Committee Reports*), petitions and undertakings given by the National Executive. It examines whether such decisions and undertakings have been implemented and whether such implementation has taken place within the minimum time necessary and satisfactory explanation for the delay in full implementation provided.

The mandate of the Committee is further enhanced by Standing Order 201 of the National Assembly Standing Orders that provides that within 60 days of a resolution of the House or adoption of a report of a select committee, the relevant Cabinet Secretary under whose portfolio the implementation of the resolution falls shall provide a report to the appropriate Committee of the House. In addition, Article 153(4) (b) of the Constitution requires Cabinet Secretaries to provide Parliament with full and regular reports concerning matters under their control.

Thus, the Committee plays a pivotal role in ensuring that the National Assembly resolves issues of concern to the people by holding the executive to account through the implementation of House resolutions. This ultimately ensures that the National Assembly executes its constitutional mandate effectively and efficiently and that it does not act in vain.

The Committee wrote to various Ministries, State Corporations and Agencies requesting for the implementation status of resolutions, petitions and adopted Committee reports passed by the House. The Committee received both oral and written submissions from the Cabinet Secretaries and Accounting Officers of the State Corporations providing the implementation status of the recommendations contained in the reports adopted by the House; in the sittings held from February to April, 2023.

In addition, the Committee undertook inspection visits to some projects and Corporations to ascertain the progress made in implementing the recommendations of the various reports. This report entails a compilation of the responses received and their status of implementation as at the time of the adoption of the report, Committee observations and recommendations.

Hon. Speaker, in consideration of the implementation status of House resolutions pursuant to its mandate under Standing Order 209 of the National Assembly Standing Orders, the Committee made the following general observations:

1. Majority of the House Resolutions require financial obligations for adequate implementation to be carried out by the executive. There is need for appropriation of funds to ensure House Resolutions are implemented as directed. There was no adequate budget allocated to the ministries, departments and agencies to implement some of the recommendations;
2. Government officials in the Executive seem not to be implementing House resolutions promptly thus causing matters to delay unnecessarily. A case in point is KenGen who had not complied with the Public Investments Committee recommendation to have its books of accounts exclusively audited by the Office of the Auditor General;
3. Some State Corporations have failed to expedite the acquisition of titles to their parcels of land as recommended in the 24th Public Investment Committee Report. This has resulted to delay in updating the corporation's asset registers. A case in point is KWS who have one hundred and thirty one surveyed parcels awaiting titles and seventy six other parcels which are at various stages towards acquisition of title documents;
4. Majority of the recommendations addressed to the Ethics and Anti-Corruption Commission have not been implemented, with some investigations dating back more than a decade. A case in point are the recommendations by the Public Investment Committee on Auditor General's report of financial statements of KENGEN the same matter was highlighted in the 19th, 20th, 23rd, & 24th PIC report.
5. The Committee also observed that EACC has failed to undertake investigations concerning the procurement and award of the construction tenders of the Hydro Plaza belonging to Geothermal Development Company (GDC). It had also not given its response on the investigation on the entire procurement of poles under REREC; and
6. There is need for committee recommendations to be specific, measurable, achievable, realistic and time-bound (SMART) so as to facilitate smoother implementation of House resolutions.

The Committee recommends that:

1. The National Treasury should ensure appropriation of funds for the implementation of House resolutions is done within one financial year following the adoption of a House resolution for the public to derive the intended benefits. Further, the National

Assembly should allocate sufficient funds to the implementing agencies for effective implementation of reports passed by the House.

2. Government Agencies and Departments directed to implement House Resolutions should endeavour to fit the resolutions in their work plans and deliver the same within the stipulated timeframe. Failure to do so should result in sanctions being imposed against the responsible officials.
3. State Corporations should prioritize acquiring title deeds for all parcels of land.
4. The Ethics and Anti-Corruption Commission (EACC) should take note of all recommendations directed to it and provide a status report within 60 days of the adoption of this report.

In conclusion, Hon. Speaker, I wish to express my appreciation to fellow Honourable Members of the Committee, the Office of the Speaker, the Clerk of the National Assembly and the Secretariat for facilitating the production of this report.

Hon. Speaker, pursuant to Standing Order 199(6), it is my pleasant duty and privilege, on behalf of the Select Committee on Implementation, to lay this report on the Table of the House and urge the House to adopt it and the recommendations therein.



HON. RAPHAEL BITTA SAUTI WANJALA, MP.

CHAIRPERSON, COMMITTEE ON IMPLEMENTATION

1 PREFACE

1.1 Mandate of the Committee

1. The Committee on Implementation is established under Standing Order 209 of the National Assembly Standing Orders.
2. The Committee is charged with scrutinizing the resolutions of the House (*including adopted committee reports*), petitions and undertakings given by the National Executive and examining whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and whether or not legislation passed by the House has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary. The Committee may propose to the House sanctions against any Cabinet Secretary who fails to report to the relevant select Committee on the implementation status without justifiable reasons.
3. Standing Order 201 further provides that within 60 days of a resolution of the House or adoption of a report of a select committee, the relevant Cabinet Secretary under whose portfolio the implementation of the resolution falls shall provide a report to the appropriate Committee of the House.
4. The mandate of the Committee is further enhanced by the provisions of Article 153(4) (b) of the Constitution which requires Cabinet Secretaries to provide Parliament with full and regular reports concerning matters under their control.

1.2 Committee Membership

5. The Committee membership comprises -

Chairperson

Hon. Raphael Bitta Sauti Wanjala, M.P.

Budalangi Constituency

Orange Democratic Movement

Vice-Chairperson

Hon. Rose Museo, M.P.

Makueni County

Wiper Democratic Movement-Kenya

Members

Hon. Mohamed Ali, M.P.

Nyali Constituency

United Democratic Alliance

Hon. Elijah Memusi Kanchory, M.P.

Kajiado Central Constituency

Orange Democratic Movement

Hon. Johnson Many Naicca, M.P.

Mumias West Constituency

Orange Democratic Movement

Hon. Hillary Arap Kosgei, M.P.

Kipkelion West Constituency

United Democratic Alliance

Hon. George Koimburi Ndung'u, M.P.

Juja Constituency

United Democratic Alliance

Hon. Nicholas N. Nixon Ngikilong', M.P.

Turkana East Constituency

Jubilee Party

Hon. Charles Gumini Gimose, M.P.

Hamisi Constituency

Amani National Congress

Hon. Prof. Guyo Waqo Jaldesa, M.P.

Moyale Constituency

United Party of Independent Alliance

Hon. Linet Chebet Siyoi, M.P.

Trans Nzoia County

United Democratic Alliance

Hon. Abdul Ebrahim Haro, M.P.

Mandera South Constituency

United Democratic Movement

Hon. Cynthia Jepkosgei Muge, M.P.

Nandi County

United Democratic Alliance

Hon. Julius Taitumu M'Anaiba, M.P.

Igembe North Constituency

United Democratic Alliance

Hon. John Okwisia Makali, M.P.

Kanduyi Constituency

FORD-K

Hon. Timothy Kipchumba Toroitich, M.P.

Marakwet West Constituency

Independent

Hon. Hamisi Kakuta Maimai, M.P.

Kajiado East Constituency

Orange Democratic Movement

Hon. Stanley Muiruri Muthama, M.P.

Lamu West Constituency

Jubilee Party

Hon. Mark Samwel Muriithi Mwenje, M.P.

Embakasi West Constituency

Jubilee Party

Hon. Zamzam Mohamed Chimba, M.P.

Mombasa County

Orange Democratic Movement

Hon. Rael Chepkemai Kasiwai, M.P.

West Pokot

Kenya Union Party

1.3 Committee Secretariat

6. The Secretariat facilitating the Committee in executing its mandate comprises of:

Ms. Lucy G. Kimathi

Principal Clerk Assistant I/Team Leader

Mr. Abdiaziz Shobay

Clerk Assistant II

Ms. Kafuyai Wamae

Clerk Assistant III

Mr. Abdimalik Ahmed

Clerk Assistant III

Ms. Noel Amutabi

Legal Counsel II

Ms. Winnie Kiziah

Media Relations Officer II

Dr. Joseph K. Waitara

Research Officer III

Mr. Danton Kimutai

Audio Officer III

Mr. Joshua Lenambeti

Sergeant- at- Arms

Mary W. Kamande

Public Communications Officer III

2 INTRODUCTION

7. The Committee on Implementation commenced to apprise itself of the implementation status of House resolutions in accordance to Standing Order 209 (2) which requires the Committee to scrutinize resolutions of the House (*including adopted Committee Reports*) Petitions and undertakings given by the National Executive.
8. The report contains the status of implementation of various House resolutions as submitted by various Ministries, Departments and Agencies between April and July, 2023, as follows:
 - 1) Twenty Fourth Report of the Public Investments Committee on its consideration of the Auditor General's reports on the financial statements of Geothermal Development Company (FY 2016/2017).
 - 2) Twenty Fourth Report of the Public Investments Committee on its consideration of the Auditor General's reports on the financial statements of Kenya Electricity Generating Company (FY 2014/2015 to 2019/2020).
 - 3) Twenty Fourth Report of the Public Investments Committee on its consideration of the Auditor General's reports on the financial statements of Kenya Wildlife Services (FY 2017/18 and 2018/2019).
 - 4) Public Investments Committee, Twenty Fourth Report on its consideration of the Auditor General's reports on the financial statements of Athi-Water Works Financial Years 2014/2015 TO 2018/2019.
 - 5) Public Investments Committee, Twenty Fourth Report on its consideration of the Auditor General's reports on the financial statements of Kenyatta National Hospital (FY 2013/14-2017/2018).
 - 6) Public Investments Committee, Twenty Fourth Report on its consideration of the Auditor General's reports on the financial statements of Kenya National Bureau of Statistics (FY 2015-2016 to 2019/2020).
 - 7) Public Investments Committee, Twenty Fourth Report on its consideration of the Auditor General's reports on the financial statements of North Water Services Board (FY 2011/2012 To 2017/2018).
 - 8) Public Investments Committee, 23rd Report on its consideration of the Auditor General's reports on the financial statements of Tana and Athi Rivers Development Authority (TARDA) (FYS 2014/15 To 2017/18).

- 9) **Public Investments Committee, Twenty Fourth Report on its consideration of the Auditor General's reports on the financial statements of Rural Electrification and Renewable Energy Corporation (REREC – FY 2006/2007 To FY 2019/2020).**

IMPLEMENTATION STATUS OF VARIOUS COMMITTEE REPORTS, PETITIONS AND HOUSE RESOLUTIONS

3 TWENTY FOURTH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON ITS CONSIDERATION OF THE AUDITOR GENERAL'S REPORTS ON THE FINANCIAL STATEMENTS OF THE GEOTHERMAL DEVELOPMENT COMPANY (FY 2016/2017)

3.1 Background

9. Geothermal Development Company (GDC) is a State Corporation under the Ministry of Energy and Petroleum.
10. The Public Investment Committee report contained the following recommendations on various audit queries:
 1. **The Committee recommended that the GDC management should source for additional funding to address the balance sheet imbalances as well as to remain afloat.**
 2. **The Board of the Company should review the identification and digging of wells mechanisms to reduce losses from unproductive geothermal wells.**
 3. **The Company leadership should develop a formal policy on what should constitute acceptable levels of Non-Productive Time (NPT) based on international standards to reduce loss from NPT. The National Treasury should also ensure timely release of exchequer for projects under implementation.**
 4. **The National Treasury should allocate funds to the GDC to be used in meeting tax obligations.**

3.2 Implementation Status of the Recommendations

- 4 The Committee on Implementation wrote to the Geothermal Development Company on 5th April 2023 seeking the implementation status.
- 5 Mr. Paul Mwangi, the Acting Managing Director of the Geothermal Development Authority, appeared before the Committee on Friday, 14th April, 2023 and was accompanied by the following the officers:
 - i. Mr. Cornel Ofwona -General Manager, Geothermal Resource Development
 - ii. Ms. Jackline Wakhungu -Acting Manager, Finance
1. **The Committee recommends that GDC management should source for additional funding to address the balance sheet imbalances as well as to remain afloat.**

Implementation Status

11. The Acting Managing Director submitted that they had taken two actions and that the National Treasury had solved the tax issues. He submitted that the National Treasury had allowed them to convert post-import facility and bank overdraft into a long-term loan and therefore the matter was an ongoing concern.

Committee Observation

12. Arising from the submission by the Acting Managing Director, the Committee observed that the recommendation had been implemented.

- 2. The Board of the Company should review the identification and digging of wells mechanism to reduce losses from unproductive geothermal wells.**

Implementation Status

13. The Acting Managing Director informed the Committee that the Company had collaborated with geothermal experts including ELC consultants (Italy), West JEC (Japan), JICA and further constituted a Geothermal Advisory Board (GAB) of experts for peer review on geo-scientific and drilling activities. He said that the close collaboration and recommendations had aided in improving well targeting.

14. He further informed the Committee that the Company had put in place a Well Siting and Abandonment Policy to guide in well sighting and drilling and to guide on the conduct of identification and drilling of wells.

Committee Observation

15. Arising from the submission, the Committee observed that the risk of drilling unproductive wells had declined considering the new projects.

Committee Recommendation

- 16. The Committee recommends that GDC should continue to evaluate other mechanisms to not only manage the risks but reduce the risk of drilling unproductive wells.**

- 3. The Company leadership should develop a formal policy on what should constitute acceptable levels of NPT based on international standards to reduce loss from NPT. The National Treasury should also ensure timely release of exchequer for projects under implementation.**

Implementation Status

17. The Acting Managing Director informed the Committee that the Company Well Siting and Abandonment Policy also guides in efficient drilling and minimization of costs arising from Non-productive Time.

Committee Observation

18. Arising from the Acting Managing Director's submission, the Committee observed that GDC had put in place measures to reduce non-productive time through a policy.

4. The National Treasury should allocate funds to the GDC to be used in meeting tax obligations.

Implementation Status

19. The Acting Managing Director informed the Committee that the National Treasury had provided direction on the tax matter, stating that the funds allocated toward the development of geothermal resources should be exempted from taxation.

Committee Observation

20. Arising from the submission by the Acting Managing Director, the Committee observed that the recommendation had been implemented.

Inspection Visit by the Committee

21. Arising from the submission by the Acting Managing Director, Geothermal Development Company, the Committee led by the Chairperson Hon. Raphael Wanjala (Budalangi) undertook an inspection visit of the power plants in Menengai Caldera in Nakuru County on 14th April, 2023.

Objective of the Inspection Visit

22. The objective of the inspection visit was-
- i. to assess the progress and status of the Geothermal Development Company (GDC) in implementing the recommendations made in the Public Investment Committee's reports on the financial statements (FY 2016-2017); and
 - ii. to evaluate the effectiveness of measures taken by GDC to address queries regarding well drilling, Non-Productive Time (NPT) reduction, and tax obligations.

Findings from the Inspection Visit

23. Arising from the inspection visit, the Committee observed that GDC had collaborated with geothermal experts in digging of wells in order to reduce unproductive Geothermal wells and that the cost of Non-Productive Time has reduced.
24. Further, The Committee met with the officials from the Geothermal Development Company who apprised them on the Hydro power plant, these officials were Mr. Cornel Afwona the General Manager, Geothermal Resource Development and Ms. Jackline Wakhungu the Ag. Manager, Finance.
25. Arising from the meeting, the Committee was informed that the Geothermal Development Company (GDC) hydro power plant was connected to the National Grid.



Members of the Committee on Implementation during an inspection visit at the Menengai Caldera in Nakuru County on 14th April, 2023

6 **TWENTY FOURTH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON ITS CONSIDERATION OF THE AUDITOR GENERAL'S REPORTS ON THE FINANCIAL STATEMENTS OF THE KENYA ELECTRICITY GENERATING COMPANY (FY 2014/2015 TO 2019/2020)**

6.1 **Background**

26. Kenya Electricity Generating Company (Kengen) is a State Corporation under the Ministry of Energy and Petroleum.

27. The Public Investment Committee report contained the following recommendations on various audit queries:

1. **That the books of accounts for Kengen be exclusively audited by the Office of the Auditor General.**
2. **That the Accounting Officer of the Kengen should always ensure that the entity's assets are valued as per the set timelines.**
3. **The Ethics and Anti-Corruption Commission (EACC) should investigate the circumstances under which the Kengen was denied approvals to connect ready wells to the national grid.**
4. **The Accounting Officer for Kengen should ensure expeditious transfer of assets belonging to the Kenya Electricity Transmission Company (KETRACO) and recovery of the attendant costs expended in running them.**
5. **The Accounting Officer for the Kengen should provide the feasibility study reports for both Meru and Karura Hydro Projects for audit within the 2021/2022 financial year. Failure to do so will lead to the sanctions imposed under the Public Audit Act, 2015 being ensued.**
6. **The EACC should investigate the entire procurement and award of the construction tenders of the Hydro Plaza with a view to preferring charges against persons found culpable.**
7. **That the Accounting Officers of Energy and Petroleum Regulatory Authority (EPRA), Kengen and the Kenya Power and Lighting Company (KPLC) should meet and reconcile the figures in issue. The first meeting of the same should be convened by the Accounting Officer of Kengen.**

6.2 Implementation of the Recommendations

The Committee on Implementation wrote to the Kenya Electricity Generating Company on Wednesday, 5th April, 2023 seeking the implementation status of the report and undertook an inspection visit and a consultative meeting on Friday, 14th April, 2023. Mr. Abraham Serem, Acting Managing Director, KENGEN appeared before the Committee. He was accompanied by the following the officers:

- i. Mr. Peketsa Mangi - General Manager, Geothermal Development
- ii. Ms. Mary Maalu - General Manager, Finance and ICT
- iii. Ms. Elizabeth Njenga - General Manager, Business Development.
- iv. Mr. Henry Ithiami - Ag. General Manager, Corporate and Regulatory
- v. Eng. Francis Makabwa - Operations Manager, Geothermal.
- vi. Eng. John Muoka - Technical Assistant to the Managing Director
- vii. Mr. Frank D. Ochieng - Communications Manager

Submission by the Acting Managing Director

1. **That the books of accounts for KENGEN be exclusively audited by the Office of the Auditor General.**

Implementation status

28. The Acting Managing Director submitted that KENGEN is audited by an Auditor outsourced by the Auditor General.

Committee Observation

29. The Committee observed that KENGEN had not complied with the Public Investments Committee recommendation.

Committee Recommendation

30. **Arising from the submission, the Committee recommends that the Auditor General should carry out the audit without outsourcing.**
2. **That the Accounting Officer of the KENGEN should always ensure that the entity's assets are valued as per the set timelines.**

Implementation Status

31. The Acting MD informed the Committee that the valuation was completed and incorporated in the Financial Statements for the year ended 30 June 2022.

Committee Observation

32. Arising from the submissions The Committee observed that the valuation was carried out in 2022. The Committee therefore concluded that the recommendation had been implemented.

Committee Recommendation

33. **In relation to the submission by the Acting Managing Director, the Committee recommends that the valuation of company's assets should be carried out within the set time lines.**
3. **The EACC should investigate the circumstances under which KENGEN was denied approvals to connect ready wells to the national grid.**

Implementation Status

34. The Committee was informed that the Acting Managing Director had continued to pursue approvals for the Project Pipeline with a view to connecting the wells to Power Plants thereby generating power to the grid. Further, the Committee was informed that since the issuance of this report, KenGen through the assistance of the Ministry of Energy and Petroleum had received approval for the Olkaria I and IV 280MW Upgrading project which will add an extra 40 MW to the grid.

Committee Observation

35. Arising from the submission by the Acting Managing Director, the Committee observed that the implementation of the recommendation is ongoing.
4. **The Accounting Officer for KENGEN should ensure expeditious transfer of assets belonging to KETRACO and recovery of the attendant costs expended in running them.**

Implementation Status

36. The Acting Managing Director informed the Committee that KETRACO had not committed to signing the agreement due to cash flow constraints. This issue had been escalated to the Principal Secretary, State Department of Energy for intervention. He noted that meetings between the two teams and further engagements were on-going. Additionally, KENGEN had been following up with the Ministry of Energy and holding continuous engagements with a view to have the matter resolved.

Committee Observation

37. Arising from the submissions the Committee observed that the recommendation on the matter had not been implemented.

5. **The Accounting Officer for the KENGEN should provide the feasibility study reports for both Meru and Karura Hydro Projects for audit within the 2021/2022 financial year. Failure to do so will lead to the sanctions imposed under the Public Audit Act 2015 being ensued.**

Implementation Status

38. The Acting Managing Director informed the Committee that the reports were submitted to the Office of the Auditor General (OAG). He additionally, informed the Committee that KENGEN gave the feasibility study reports for Meru Wind and Karura Hydro project to the Committee which indicated that approximately KShs. 50,000,000 was utilized to conduct each feasibility study.

Committee Observation

39. Arising from the submission by the Acting Managing Director, the Committee observed that feasibility reports for Meru and Karura Hydro Projects were availed.

Committee Recommendation

40. **The Committee recommends that the Auditor General should conduct a special audit on the expenditure of the two feasibility studies and present its report to the Public Investments Committee within six months of the adoption of this report.**
6. **The EACC should investigate the entire procurement and award of the construction tenders of the Hydro Plaza with a view to preferring charges against persons found culpable.**

Implementation status

41. The Acting Managing Director informed the Committee that the last milestone certificate and retention amounts were paid in May 2022. Additionally, he said KENGEN had consolidated all the relevant documentation and information.

Committee Observation

42. Arising from the submission the Committee observed that EACC has failed to undertake investigations concerning the procurement and award of the construction tenders of the Hydro Plaza. Thus, the Committee concluded that the recommendation had not been implemented.

Committee Recommendation

43. **The Committee recommends that the EACC expedites the investigation and prefers charges against persons found culpable.**

7. **That the Accounting Officers of EPRA, KENGEN and the KPLC should meet and reconcile the figures in issue. The first meeting of the same should be convened by the Accounting Officer of KENGEN.**

Implementation Status

44. The Acting Managing Director informed the Committee that KENGEN, EPRA and KPLC CEOs had reconciled and agreed to most of the interests charged.

Committee Observation

45. Arising from the submission by the Acting Managing Director, the Committee noted that the recommendation had been implemented.

7 **TWENTY FOURTH REPORT OF THE THE PUBLIC INVESTMENTS COMMITTEE ON ITS CONSIDERATION OF THE AUDITOR GENERAL'S REPORTS ON THE FINANCIAL STATEMENTS OF THE KENYA WILDLIFE SERVICES (FY 2017/18 AND 2018/2019)**

7.1 **Background**

46. The Kenya Wildlife Services is a State Corporation under the Ministry of Tourism, Wildlife and Heritage.

47. The Public Investments Committee report contained the following recommendations on various audit queries:

1. **The Director General submitted that KWS management should fast track the process of getting ownership documents of its properties.**
2. **The Management of KWS should ensure that the assets register is updated.**
3. **The Status of payment of KShs.6 million towards the Endowment Fund accruing from the land hived off for the Standard Gauge Railway and a further KShs. 2.4 billion accruing from the hiving off of a parcel for the Southern Bypass by the Kenya National Highways Authority (KENHA).**
4. **The Committee recommends further that the management should expedite the procurement of a system that is integrated and accountable to avoid pilferage within the 2022/2023 financial year.**
5. **The Committee recommends that the KWS should adopt the e-procurement and implement the Integrated Financial Management Information System (IFMIS) system in all its financial transactions. Director of IFMIS should offer the requisite support to Kenya Wildlife Services.**

7.2 **Implementation Status of the Recommendations**

48. The Committee on Implementation wrote to the Kenya Wildlife Service seeking the implementation status of the report on 20th April 2023.

49. Dr. Erastus Kanga, Director General, Kenya Wildlife Service appeared before the Committee on 6th May, 2023 and was accompanied by the following officers:

- i. Mr. John K. Chelimo - State Department for Wildlife
- ii. Mr. Japheth Kilonzo - Director Finance
- iii. Mr. Samuel Tokore - Deputy Director, Parks and Reserves KWS

- iv. Mr. Collins Nthuni - Assistant Director, Lands, KWS
- v. Mr. John Mugendi - Senior Assistant Director, KWS

Submission by the Director General, Kenya Wildlife Service

1. KWS management should fast track the process of getting ownership documents of its properties.

Implementation Status

50. The Director General informed the Committee that KWS manages 258 parcels of land as categorized in the Table below:

Table 1: Summary of Categorized Land Parcels

S/No.	CATEGORY	TOTAL NUMBER
1	Terrestrial National Parks	24
2	Terrestrial National Reserves under National Government	5
3	Terrestrial National Reserves under County Governments	24
4	Marine National Parks	4
5	Marine National Reserves	6
6	National Sanctuaries	8
7	Station Plots, Outposts and Other Land Parcels	187
	Total Number	258

51. He further submitted that the Kenya Wildlife Service is consistently pursuing acquisition of titles.

52. He informed the Committee that a total of 51 titles have been acquired, 131 surveyed awaiting titles and 76 other land parcels are at various stages towards acquisition of title documents as summarized in the Table below:

Table 2: Status of Land Acquisition Documents

Category	No. of Properties	Status Land Acquisition Documents				
		Boundary Plan Prepared but not surveyed	PDP Prepared (Planned)	Surveyed	Title registered	Cannot be registered*
National Parks	24	2	N/A	22	12	0

Category	No. of Properties	Status Land Acquisition Documents				
National Reserves	29	1	N/A	4	1	28
Marine National Parks/Reserves	10	2	N/A	10	1	0
Sanctuaries	8	0	N/A	5	1	0
Station Plots, Outposts and Other Land Parcels	187	N/A	57	90	36	13
TOTAL	258	5	57	131	51	41

Committee Observation

53. Arising from the submissions, the Committee observed that there was some progress in securing the titles by KWS. However, the recommendation has not been fully implemented.

Committee Recommendation

54. **Drawing from the submission by the KWS Director General, the Committee recommends that KWS should fast-track the process of getting ownership documents for the remaining properties which are at risk of encroachment.**

2. The Management of KWS should ensure that its assets register is updated.

Implementation Status

55. The Director General informed the Committee that KWS commenced valuation of its assets in 2021 and managed to undertake valuation of motor vehicles, motor cycles, boats, plant and machinery. This exercise was carried out by the State Department of Infrastructure for these categories of assets across all the conservation regions and a report submitted on 4th October 2021. However, he said the rest of the asset categories including land parcels were yet to be valued due to:

- i. Budgetary constraints,
- ii. Lack of an internal capacity in assets and property valuation, and
- iii. Complexity in the valuation of biological assets.

Committee Observation

56. Arising from the submission by the Director General, the Committee observed that Kenya Wildlife Service had not updated its assets register since they had not valued their land, which is a major component of its assets.

Committee Recommendation

57. **The Committee recommends that the Kenya Wildlife Service management should be held responsible for all consequences for failure to make all efforts to update the asset register of KWS land and all its biological assets.**

3. **Status of payment of KShs. 6 million towards the Endowment Fund accruing from the land hived off for the Standard Gauge Railway and a further KShs. 2.4 billion accruing from the hiving off of a parcel for the Southern Bypass by the Kenya National Highways Authority.**

Implementation Status

58. The Director General informed the Committee that the Kenya Wildlife Service entered into an easement agreement with the Kenya Railways (KR) and the Kenya National Highways Authority and no land was hived off.
59. Kenya Railways settled in full; the total amount of KShs.1.469 million in accordance with Clause 5.1 and 5.2 under Obligations of the Grantee that stipulated how instalments were to be settled. In addition, the amount of KSh.6 million indicated as outstanding arose from a typo error in the contract. According to clause 2(b) & (c) of the contract, the amount payable by the Grantee totals KSh.1.475 million while the breakdown as per Clause 2(b) (i&ii) and 2(c) (i&ii) the amount indicated totals KSh.1.469 billion, hence the difference of KSh.6,000,000.
60. He further submitted that, KeNHA owes KWS KShs.2,474,710,000 which has been outstanding since 2016 and that the Management has been following up. However, the payment was yet to be remitted. He added that a total of six (6) reminder letters had been sent at various dates with the latest sent on 27th February 2023 but none of them had been responded to.

Committee Observation

61. Arising from the submissions by the Director General, the Committee observed that KWS had followed up to obtain the KShs. 2,474,710,000 from the Kenya National Highways Authority.

Committee Recommendation

62. **The Committee recommends that the Kenya National Highways Authority should remit KShs. 2,474,710,000 to Kenya Wildlife Service immediately.**
4. **The Committee further recommends that the management should expedite the procurement of a system that is integrated and accountable to avoid pilferage within the 2022/2023 financial year.**

Implementation Status

63. The Director General informed the Committee that the Kenya Wildlife Service had procured a Revenue Management System (RMS) that was to be rolled out in all parks. He said the piloting phase was started in ten (10) single entry parks but system was yet to be rolled out due to a number of challenges relating to System Integration, Connectivity, Workflow Management Capability, Double Entry Capability, Revenue Reconciliations and Customer Relationship Management (CRM).
64. He informed the Committee that in view of the highlighted challenges, the Kenya Wildlife Service had engaged Attorney General for guidance regarding the contractual agreement and they were waiting for a response at the time of the submission.

Committee Observation

65. Arising from the submissions, the Committee observed that the recommendation had not been implemented since Kenya Wildlife Service was awaiting advice from the Attorney General.
5. **The Status of adoption of e-procurement and implementation of IFMIS system in all KWS financial transactions among other recommendations contained in the report.**

Implementation Status

66. In his submission, the Director General informed the Committee that the Kenya Wildlife Service was yet to adopt the e-procurement system. However, he said they had engaged the IFMIS Directorate at the National Treasury requesting for the installation of the e- procurement system module via a letter dated 17th June 2015.
67. He further submitted that the National Treasury, in their letter dated 2nd July 2015, responded to their request and informed them that they were in the process of implementing E-procurement in phases and that they will be informed of the connectivity and issuance of user rights. He added that a follow up letter dated 18th February 2020 was sent to the Director of IFMIS seeking support to implement the system. However, no response had been received by the date of the submission.

68. He further submitted that KWS abides by the presidential directive by posting the details of all awarded tenders and contracts on KWS website (kws.go.ke) on a monthly basis for public scrutiny. The same information is uploaded to the Public Procurement Information Portal (PIIP) portal (tenders.go.ke) which is also accessible to the public.

Committee Observation

69. Arising from the submissions, the Committee observed that the recommendation had not been implemented.

Committee Recommendation

70. **The Committee recommends that the Kenya Wildlife Service should adopt the e-procurement and implement the Integrated Financial Management Information Systems (IFMIS) in all its financial transactions. Director of IFMIS should offer the requisite support to Kenya Wildlife Services.**

8 TWENTY FOURTH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON ITS CONSIDERATION OF THE AUDITOR GENERAL'S REPORTS ON THE FINANCIAL STATEMENTS OF THE ATHI-WATER WORKS FOR THE FINANCIAL YEARS 2014/2015 TO 2018/2019.

8.1 Background

71. Athi Water Works Development Agency (AWWDA) is a state corporation under the Ministry of Water, Sanitation and Irrigation.

72. The Public Investments Committee report contained the following recommendations on various audit queries:

- 1. The Management of the Athi Water Services should conduct an audit of all its property and a search with the lands office to ascertain ownership of land under the Agency.**
- 2. The CEO of AWWDA should aggressively pursue the money owed to the entity.**
- 3. The management should always be guided by the Public Sector Accounting Standards.**
- 4. The mother Ministry and the CEO should expeditiously secure ownership documents of the assets queried by the Auditors.**
- 5. The management should ensure expeditious valuation of the agency assets and adhere to the five-year revaluation policy.**
- 6. The agency should always follow the law regarding implementation of the budget and the management should always provide documents for audit as per the timelines provided by the Public Finance Management (PFM) and Public Audit Act guidelines.**
- 7. The agency should always provide documents for audit verification, failure to do so which the provisions of Section 62 of the Public Audit 2015 should ensue.**
- 8. In future, the agency should only deposit money in government-linked banks.**
- 9. EACC should investigate the entire procurement process and implementation of the project with a view to preferring charges against those that may have broken the law.**

10. The Accounting Officer of the Athi Water Works Service Board should ensure that the financial statements are reported based on the standard approved by the Public Sector Accounting Standards Board.

8.2 Implementation Status of the Recommendations

73. The Committee on Implementation wrote to the Athi Water Works Development Agency on 20th April, 2023 seeking the implementation status of the report.
74. Eng. Michael Thuita, Chief Executive Officer and other officials from the agency appeared before the Committee on 5th May, 2023. He was accompanied by Mr. Michael Kimotho, Chief Manager, Finance and Strategy.

Submission by the Chief Executive Officer

- 1. The Management of the Athi Water Services should conduct an audit of all its property and a search with the lands office to ascertain ownership of land under the agency.**

Implementation Status

75. The Chief Executive Officer submitted that AWWDA conducted an audit of its assets during the asset valuation exercise. He informed the Committee that all new assets were updated in the asset register.
76. He further informed the Committee that they had also registered all acquired way leaves and that the agency was continuously undertaking registration and transfer of lands fully acquired.

Committee Observations

77. Arising from the submissions, the Committee observed that the recommendation had been implemented.

- 2. The CEO of AWWDA should aggressively pursue the money owed to the entity**

Implementation Status

78. The Chief Executive Officer informed the Committee that he had made several efforts to collect the debt including:
- i. Holding a meeting with the Nairobi City Water and Sewerage Company (NCWSC) Water Services Regulatory Board (WASREB) and holding a workshop in Naivasha with the Kiambu County Water Service Providers together with the county leadership.
 - ii. Signing re-payment plans with NCWSC.

- iii. Initiating the process of engaging a professional debt collector through a board approval after guidance by WASREB.
 - iv. Board resolution to appoint a debt collector.
79. The CEO informed the Committee that the Attorney General had however advised that AWWDA should explore for alternative debt collection efforts in the spirit of inter-governmental relations Act; including the mediation process incorporating the National Treasury and Planning, the Ministry of Water, Sanitation and Irrigation, AWWDA and any other relevant agency. AWWDA was advised that engagement of a debt collector should be the last resort.
80. He further submitted that AWWDA had ensured that outstanding amounts had been incorporated in the Tariff as approved by WASREB.

Committee Observation

81. Arising from the submissions by the Chief Executive Officer, the Committee observed that the recommendation had been implemented.

3. Management should always be guided by the Public Sector Accounting Standards

Implementation Status

82. The CEO informed the Committee that the matter had been resolved and that the agency had ensured full compliance with International Public Sector Accounting Standards (IPSAS).

Committee Observation

83. Arising from the submission, the Committee observed that the recommendation had been implemented.

4. The mother Ministry and the CEO should expeditiously secure ownership documents of the assets queried by the Auditors.

Implementation Status

84. The Chief Executive Officer informed the Committee was told that the agency undertook valuation of the assets in readiness for the transfer of assets, subsequent vesting and securing of ownership documents. With the enactment of the Water Act 2016, he said the Ministry of Water, Sanitation and Irrigation prepared a Water Sector Transitional Plan for the period 2019-2021 which was expected to fully resolve the matter.
85. He further submitted that the issue of asset and liability transfers was being handled by the inter-governmental relations technical committee who together with representatives

from various agencies (AWWDA is represented) were working towards ensuring full resolution of the matter. After valuation AWWDA embarked on registration and titling which is ongoing.

Committee Observation

86. Arising from the submission, the Committee noted that the implementation of the recommendation was ongoing.

5. The management should ensure expeditious valuation of the agency assets and adhere to the five-year revaluation policy.

Implementation Status

87. The Chief Executive Officer explained that the asset valuation process had been completed and a valuation report submitted to AWWDA in October 2022.

88. Additionally, he informed the Committee that a board resolution to incorporate the new asset values in the asset register was given, allowing the management to incorporate the values in the financial statements for the 2022/23FY.

Committee Observation

89. Arising from the submissions by the Chief Executive Officer the Committee observed that the recommendation has been implemented.

6. The agency should always follow the law regarding implementation of the budget and the management should always provide documents for audit as per the timelines provided by the Public Finance Management and Public Audit Act guidelines.

Implementation Status

90. The Chief Executive Officer submitted that the agency had ensured compliance with the law on budget implementation and timely provision of documents during audit.

Committee Observation

91. Arising from the submissions, the Committee observed that the recommendation had been implemented.

7. The Agency should always provide documents for audit verification failure to do so which the provisions of Section 62 of the Public Audit 2015 should ensue.

92. The Chief Executive Officer informed the Committee that the agency submits documents for audit verification on time.

Committee Observation

93. Arising from the submissions, the Committee noted that the recommendation had been implemented.

8. In future, the agency should only deposit money in government-linked banks

Implementation Status

94. The Chief Executive Officer submitted that the Agency had ensured that all bank deposits are held in Government-linked banks.

Committee Observation

95. Arising from the submissions, the Committee observed that the recommendation had been implemented.

9. The agency should pursue the recovery of the deposits from SBM and the Kenya Deposit Insurance Corporation (KDIC).

Implementation Status

96. The Chief Executive Officer submitted that AWWDA had been pursuing deposits held in the SBM bank. He said that at the time of the submission, the current savings account had a balance of KShs. 13,541,854.07 (which was immediately accessible) while the restricted interest-earning savings account had a balance of KShs. 7,539,663.85 as at 31st March 2023.

97. Additionally, he submitted that the balance of KShs. 7,862,978 was a protected deposit and that the Kenya Deposit Insurance Corporation had commenced payments of the protected deposits with KShs. 500,000 being the maximum accessible deposit after verification, which AWWDA had successfully recovered. AWWDA is confident of recovering the whole amount held by KDIC.

Committee Observation

98. Arising from the submissions by the Chief Executive Officer, the Committee noted that the implementation of the recommendation was ongoing.

10. The CEO of AWWDA should aggressively pursue the money owed to the entity.

99. The Chief Executive Officer submitted that the deposit with the High Court was occasioned by a default judgement made against AWWDA for delayed filing of response in relation to a case where an individual accused the agency of trespass into their property.

100. He further informed the Committee that the amount was deposited as a security for the High Court to lift the default judgement and its value was equivalent to the charge for the default judgement, that is, KShs.7,092,497. In the judgement of 10th December, 2019, the court determined the amount payable to complainant under this case to be KShs. 44,720.

101. Additionally, he informed the Committee that AWWDA filed an application to have the money deposit account discharged and the money to be withdrawn in favour of AWWDA. According to the CEO, the application went unopposed and it was due for hearing on 30th March, 2020, a time when the court processes were adjourned due to COVID-19 threat. The hearing happened 10th March 2021 as scheduled and the ruling on 28th April 2021.
102. He submitted that the High Court ruled in AWWDA's favour that the deposit, together with all the accrued interest net of Kshs.44,720 already paid to the complainant, will revert to AWWDA. However, the CEO disclosed that the applicant went to the Court of Appeal to appeal against the decision of the High Court, hence delaying the receipt of the said amounts further. The Committee was told that the appeal was at the time of the submission, awaiting decision by the court.
103. The Chief Executive Officer confirmed that AWWDA aggressively followed up full recovery of the deposit.

Committee Observation

104. Arising from the submissions by the Chief Executive Officer, the committee observed that the implementation of the recommendation was ongoing.

11. EACC should investigate the entire procurement process and implementation of the project with a view to preferring charges against those that may have broken the law.

Implementation Status

105. The Chief Executive Officer submitted that the Ethics and Anti-Corruption Commission (EACC) had initiated investigations into the procurement process. He noted that they had additionally requested for the documents which AWWDA had furnished them with.

Committee Observation

106. Arising from the submissions, the Committee observed that the recommendation had not been implemented.

Committee recommendation

107. The Committee recommends that EACC should expedite the investigations.

12. The Accounting Officer for the Athi Works Services Board should ensure that financial statements are reported based on the standard approved by the Public Sector Accounting Standards Board.

Implementation Status

108. The Chief Executive Officer informed the Committee that AWWDA had ensured full compliance with IPSAS in financial reporting. He noted that the agency avails all the required documents as provided in the Public Audit Act 2015.

Committee Observation

109. Arising from the submission, the Committee concluded that the recommendation had been implemented.

9 **THE TWENTY FOURTH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON ITS CONSIDERATION OF THE AUDITOR GENERAL'S REPORTS ON THE FINANCIAL STATEMENTS OF KENYATTA NATIONAL HOSPITAL (FY 2013/14-2017/2018).**

9.1 Background

110. Kenyatta National Hospital is a state corporation under the Ministry of Health.
111. The Public Investments Committee report contained the following recommendations on various audit queries:
1. **The KNH should provide adequate funds for bad and doubtful debts in its books to cushion debtors that are urgent in nature and the KNH and NHIF should use the same accounting standard (reconciliation) to avoid discrepancies on the amount due to KNH from NHIF.**
 2. **The EACC should investigate the circumstances under which documentation relating to issued letters of credit got lost from the KNH with a view to preferring charges against those that were involved in the disappearance of the said documents.**
 3. **The Accounting Officer of the KNH should ensure consistency in the treatment of depreciation of the Hospital assets.**

9.2 Implementation Status of the Recommendations

112. The Committee on Implementation wrote to the Kenyatta National Hospital on 20th April, 2023 seeking the implementation status of the report.
113. Dr. Evanson Kamuri, the Chief Executive Officer of the Kenyatta National Hospital appeared before the Committee on 5th May 2023. He was accompanied by the following officers:
- i. Mr. Michael Kihunga - Director Finance
 - ii. Mr. Calvin Nyachoti - Director, Legal
 - iii. Ms. Eunice Gathoni - Manager, Monitoring and Evaluation

Submission by the Chief Executive Officer

- 13. The KNH should provide adequate funds for bad and doubtful debts in its books to cushion debtors that are urgent in nature and the KNH and NHIF should use the same**

accounting standard (reconciliation) to avoid discrepancies on the amount due to KNH from NHIF.

Implementation Status

114. The Chief Executive Officer submitted that the long outstanding debts whose recoverability was doubtful had been provided for on a monthly basis as impaired in the hospital's financial statements in accordance with International Public Sector Accounting Standards (IPSAS) and the Hospital Finance Manual and Policy. The provision for bad and doubtful debt is as shown in the table below.

115. **Table 3: Provision of Bad and Doubtful Debt**

Financial Year	2018/19	2019/20	2021/22
Amount in KShs.	755,669	1,059,515	610,743

116. He informed the Committee that the Hospital Management had put measures in place to recover debts owed to the Hospital by;

- i. Engaging an external debt collector.
- ii. Sending reminders to the debtors on a monthly basis through letters and calls.
- iii. Sensitizing patients on the importance of registering with NHIF for medical cover.

117. He further submitted that on KNH/NHIF accounting standards, the Hospital does annual reconciliations with NHIF and discrepancies found are resolved on time.

Committee Observation

118. Arising from the submission, the Committee observed that the recommendation had been implemented.

14. The EACC should investigate the circumstances under which documentation relating to issued letters of credit got lost from the KNH with a view to preferring charges against those that were involved in the disappearance of the said documents.

Implementation Status

119. The Chief Executive Officer informed the Committee that the hospital appointed an Audit Issues Resolution Committee that retrieved documents from all service points related to the Letters of Credits. He noted that poor document and goods movement in the period between 2001 and 2008 was identified as the main reason why it was difficult to reconstruct files and pass the necessary book entries.

120. Additionally, he informed the Committee that supporting documentation for the outstanding balance of KShs. 96 million relating to clinical consumables was further

availed to the Office of the Auditor General for scrutiny before the relevant book entries were passed in FY 2018/19. The hospital no longer issues Letter of Credit for consumable items.

Committee Observation

121. Arising from the submission, the Committee observed that:

- i. The hospital no longer issues Letter of Credit for consumable items;and
- ii. EACC had not concluded the investigation as per the recommendation.

15. The Accounting Officer for the KNH should ensure consistency in the treatment of depreciation of the hospital assets.

Implementation Status

122. The Committee was informed by the Chief Executive Officer that the hospital management carried out re-computation amounts using the straight-line method as stipulated in the finance manual and passed the necessary adjustments required in the books of account in FY2019/2020. After concurrence with the AG, the financial statements for the FY2018/2019 were restated.

123. He further submitted that from the FY2019/20, the Hospital has been using the straight-line method of depreciation as per the approved Hospital Finance Manual. He informed the Committee that the Auditor had been satisfied with the resolution and had dropped the matter from subsequent reports.

Committee Observation

124. Arising from the submission, the Committee observed that the recommendation had been implemented.

10 TWENTY FOURTH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON ITS CONSIDERATION OF THE AUDITOR GENERAL'S REPORTS ON THE FINANCIAL STATEMENTS OF THE KENYA NATIONAL BUREAU OF STATISTICS (FY 2015-2016 TO 2019-2020)

10.1 Background

125. Kenya National Bureau of Statistics (KNBS) is a state corporation under the National Treasury.
126. The Public Investments Committee report contained the following recommendations on various audit queries:
1. **The Principal Secretary for Interior should assist in the recovery of pending imprest by either recovery from the serving officers or from the terminal dues of those that exited the service. The National Treasury should only approve write off of the unaccounted-for imprest after all the options for recovery have failed.**
 2. **The Accounting Officer for the KNBS should follow-up on the recovery of unaccounted-for imprest.**
 3. **The KNBS should ensure that the asset register is in place and updated.**
 4. **The Accounting Officer for the KNBS should continue engaging the Ministry of Lands and secure the Bureau's title deed to Embu land.**
 5. **The then Accounting Officer for the KNBS should be reprimanded for getting expensive Letters of Credit from banks instead of using The National Treasury. He should also be reprimanded for irregular use of direct procurement.**
 6. **The KNBS should submit the names of KNBS officers that took Imprest of the amount that they paid to the identified village elders and how they accounted for or surrendered to the Office of the Auditor General for audit and reporting in the following audit cycle. In addition, going forward, an attendance register should be done whenever such activity is done. The monies paid should not be in cash but be sent via MPesa.**
 7. **The Committee requests the Judiciary to expedite the hearing and determination of the case in question.**
 8. **The Inspector General of Police should account for the monies advanced to the Service and a report on the same compiled during the next audit cycle.**
 9. **The KNBS should expedite the development of Regulations operationalizing the Statistics Act 2006.**

10.2 Implementation Status of the Recommendations

127. The Committee on Implementation wrote to the Kenya National Bureau of Statistics (KNBS) on 12th May, 2023 seeking the implementation status of the report.

128. Mr. McDonald Obudho, the Director General, Kenya National Bureau of Statistics appeared before the Committee on 30th May, 2023. He was accompanied by the following officers:

- | | | | |
|------|--------------------|---|------------------------------|
| i. | Ms. Ann Mburu, HSC | - | Director, Corporate Services |
| ii. | Ms. Linda Olweny | - | Manager, Legal Services |
| iii. | Mr. Elias Njoroge | - | Manager, Finance |
| iv. | Mr. Josiah Chiosa | - | Head, Legal Services |

Submissions by the Director General

- 1. The Principal Secretary for Interior should assist in the recovery of the pending imprest by either recovery from the serving officers or from the terminal dues of those that exited the service and the National Treasury should only approve write off of the unaccounted-for imprest after all the options for recovery have failed.**

Implementation Status

129. The Director General submitted that the Kenya National Bureau of Statistics had been engaging The National Treasury on this matter. On 21st December 2021, the Bureau wrote to the Principal Secretary (PS) The National Treasury and Planning State Department for Planning to assist in recoveries from the then serving District Commissioners. He added that a reminder letter on the same was done by PS, State Department for Economic Planning to the PS, Internal Security and National Administration on 31st January, 2023.

Committee Observation

130. Arising from the submission by the Director General, the Committee observed that the recommendation had not been implemented.

- 2. The Accounting Officer for the KNBS should follow-up on the recovery of unaccounted-for imprest.**

Implementation Status

131. The Director General submitted that the Bureau has been recovering outstanding imprest from employees on a monthly basis through payroll and some recoveries by cash payments. He submitted that the total outstanding imprest over seven days as at 25th May 2023 was KShs. 7,142,817.00 issuance of multiple imprests had been stopped.

He provided further details as per the table below.

132. **Table 4: Analysis of Balances**

Customer	180 Days	150 Days	120 Days	90 Days	60 Days	Balance
Totals:	3,812,372.50	9,460.00	103,583.00	2,196,517.68	1,020,884.00	7,142,817.00
% of Balance:	29.23	0.07	0.79	16.84	7.83	

Committee Observation

133. Arising from the submissions, the Committee observed that the implementation of the recommendation was going on.

3. The KNBS should ensure that the asset register is in place and updated.

Implementation status

134. The Director General submitted that the KNBS fixed assets register was in place and that updating of the assets register is a continuous process.

Committee Observation

135. Arising from the submission by the Director General, the Committee noted that the KNBS total book value of assets owned was KShs. 168,000,000 as of December 2022.

4. The Accounting Officer for the KNBS should continue engaging the Ministry of Lands and secure the Bureau's title deed to Embu land.

Implementation Status

136. Arising from the submissions, the Director General informed the Committee that the Bureau had requested for an indenting letter and allotment from the Director of Land Administration to facilitate the acquisition of Registry Index Map (RIM) for the purpose of registration of lease.

Committee Observation

137. Arising from the submission, the Committee observed that the implementation of the resolution was going on.

5. The then Accounting Officer for the KNBS should be reprimanded for getting expensive Letters of Credit from banks instead of using The National Treasury. He should also be reprimanded for irregular use of direct procurement.

Implementation Status

138. The Director General submitted that the then Accounting Officer had been reprimanded as directed by the Public Investment Committee vide a reprimand letter Ref. No. KNBS/ADMIN/12, dated 13th April, 2023.

Committee Observation

139. Arising from the submissions, the Committee observed that the recommendation had been implemented.

6. The KNBS should submit the names of KNBS officers who took Imprest of the amount that they paid to the identified village elders and how they accounted for or surrendered to the Office of the Auditor General for audit and reporting in the following audit cycle. In addition, going forward, an attendance register should be done whenever such activity is done. The monies paid should not be in cash but be sent via MPesa.

Implementation Status

140. The Director General informed the Committee that the matter was reviewed by the Office of the Auditor General during their subsequent cycle of audit and was resolved. Attendance registers would be used for all similar future activities.

Committee Observation

141. The Committee observed that:

- i. The sample of village elders' payment schedule and attendance list had anomalies; some rows were not signed; and
- ii. The population census preparation figures included an amount of KShs. 18,509,600 paid to village elders involved in the cartographic mapping exercise in all the 47 counties. However, the submission presented showed the distribution of the KShs. 18,509,600 was among six counties.

Committee Recommendation

142. The Committee recommends that the Kenya National Bureau of Statistics should fully comply with the recommendation regarding the use of MPesa to send cash in future. Additionally, it is important for the bureau to establish a well-maintained attendance register and provide MPesa statements to support these transactions.

7. The Committee requests the Judiciary to expedite the hearing and determination of the case in question.

Implementation Status

143. The Director General informed the Committee that the full hearing of this matter will be on 25th October 2023 at the Milimani Commercial Magistrate Court.

Committee observation

144. Arising from the submissions by the Director General, the Committee noted that the implementation of the recommendation is going on.

8. The Inspector General of Police should account for the monies advanced to the Service and a report on the same compiled during the next audit cycle.

Implementation Status

145. The Director General informed the Committee that the bureau wrote to the Inspector General, Kenya Police Service on 22nd February, 2021 requesting him to account for the funds sent to the service as directed. A follow up letter on the same was done on 21st October, 2021, with another reminder letter being done on 28th September, 2022. No response had been received at the time of the submission.

Committee observation

146. Arising from the submissions, the Committee observed that the recommendation had not been implemented.

9. The KNBS should the development of Regulations operationalizing the Statistics Act 2006.

Implementation Status

147. The Director General informed the Committee that the Bureau had sought assistance from the Office of the Attorney General and prepared draft regulations to assist in carrying out its mandate as provided for under Section 29 of the Statistics Act 2006. He informed the committee that the AG gave assistance and advised that further consultation be done with the Kenya Law Reform Commission (KLRC) which has a mandate to facilitate law reform. He informed the Committee that the KLRC had provided their input and that the draft Regulations are ready for public participation by stakeholders.

Committee observation

148. Arising from the submission, the Committee concluded that that implementation of the recommendation is being done.

11 TWENTY FOURTH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON ITS CONSIDERATION OF THE AUDITOR GENERAL'S REPORTS ON THE FINANCIAL STATEMENTS OF NORTH WATER SERVICES BOARD FOR FINANCIAL YEARS 2011/2012 TO 2017/2018.

11.1 Background

149. North Water Services Board is a state corporation under the Ministry of Water, Sanitation and Irrigation.

150. The Public Investments Committee made the following recommendations in its report:

- 1. The Committee recommends that the Parent Ministry should transfer two motor vehicles Reg.GKA 741L and GKA999J to the North Water and Services Board.**
- 2. That the North Water Services Board should develop an elaborate policy on how assets received through donation will be charged in books of account.**
- 3. The Committee recommends that County Governments/ water bodies should clear all the arrears due to the North Water Services Board as a matter of urgency, considering that these arrears form first charge whenever a new financial year commences.**
- 4. The management should always obtain the requisite approvals from the board and the donors whenever there is need to utilize excess funds from the donation vote.**
- 5. The Committee recommends that the management should always provide documents for audit within the statutory timelines as per the Public Audit Act of 2015.**
- 6. The Board should continue pursuing correction of double payment of VAT in recurrent account amounting to KShs. 40,281.**

11.2 Implementation Status of the Recommendations

151. The Committee on Implementation wrote to the Northern Water Services Board on 26th May, 2023 seeking the implementation status of the report.

152. The Acting Chief Executive Officer, North Water Services Board Mr. Andrew Rage appeared before the Committee on 9th June, 2023. He was accompanied by the following officers:

- i. Ms. Amina Issa - Acting Finance Manager
- ii. Mr. Samuel Ndung'u - Acting Technical Service Manager

Submission by the Acting Chief Executive Officer

- 1. The Committee recommends that the Parent Ministry should transfer two motor vehicles Reg. No. GKA 741L and GKA 999J to the North Water and Services Board.**

Implementation Status

The Acting CEO submitted that the agency was waiting for the Ministry to undertake the transfer of ownership as per the recommendation. He added that the two motor vehicles Reg. No. GKA 741L and GKA 999J were purchased by the Ministry of Water and Irrigation for use by the board as part of the capacity building process during the formation of water sector institutions. He noted that the Board had written to the ministry to approve the change of ownership to the Board as per recommendation of the Controller and Auditor General's Audit reports. However, the transfer of the motor vehicles is yet to be fully effected.

Committee Observation

153. The Committee observed that the recommendation had not been implemented.
- 2. That the North Water Services Board should develop an elaborate policy on how assets received through donation will be charged in books of account.**

Implementation Status

154. The Acting Chief Executive Officer submitted that the agency had put a policy in place on how to receive and account for assets from donations in the books of accounts. The deficit in the financial statements was because of the non-monetary expenditure incurred on depreciation of property, plant and equipment, some of which were purchased through donor funding.

He informed the Committee that the Board relied mostly on government donor funding to finance most of its operations, the expenditure on these funds was linked to the Performance Contract (PC) whose deliverables were expected at the end of the financial year. This required the board to utilize 100 percent of its grants to achieve the targets of each contract year; thus leaving a shortage for financing the non-monetary expenditure on depreciation of PPE.

Committee Observation

155. Arising from the submissions the Committee observed that the recommendation had been implemented.

- 3. The Committee recommends that County Governments/ water bodies should pay clear all arrears due to the North Water Services Board as a matter of urgency, considering that these arrears form first charge whenever a new financial year commences.**

Implementation Status

156. The Acting CEO submitted that the agency was still following up on the arrears. He attributed the arrears to major government institutions not honouring their monthly bills; the challenges of the transition period and the confusion that was with the counties government and interference with their operations. That notwithstanding, he noted that the board was talking to institutions and had obtained a promise that they would clear the arrears.

Committee Observation

157. Arising from the submission by the Acting CEO, the Committee observed that County Governments had not remitted the arrears owed to North Water Services Board and so the recommendation had not been implemented.

- 4. The management should always obtain the requisite approvals from the board and the donors whenever there is need to utilize excess funds from the donation vote.**

158. The Acting Chief Executive Officer submitted that the agency had adopted this recommendation in its future dealings with donors by strictly using donor funds for their intended purpose. He added that any reallocation in future will be done after approval by the board and the donor(s).

Committee Observation

159. Arising from the submission, the Committee observed that the recommendation had been implemented.

- 5. The Committee recommends that the management should always provide documents for audit within the statutory timelines as per the Public Audit Act of 2015.**

160. The Acting CEO informed the Committee that the agency had adopted this recommendation by complying with the statutory timelines during audit review.

Committee Observation

161. Arising from the submission by the Acting Chief Executive Officer, the Committee observed that the recommendation had been implemented.

- 6. The board should continue pursuing correction of double payment of VAT in recurrent account amounting to KShs. 40,281.**

Implementation Status

The Acting CEO informed the Committee that the agency was still pursuing the matter with KRA. He reported that the transactions dated back to 2017 and continued to reflect in the bank reconciliation statements. He said that no reason was given why the transactions had not been reversed and cleared.

Committee Observation

162. Arising from the submission, the Committee observed that the recommendation had not been implemented.

12 TWENTY FOURTH REPORT BY PUBLIC INVESTMENTS COMMITTEE ON ITS CONSIDERATION OF THE AUDITOR GENERAL'S REPORTS ON THE FINANCIAL STATEMENTS OF TANA AND ATHI RIVERS DEVELOPMENT AUTHORITY (TARDA) (FYS 2014/15 TO 2017/18)

12.1 Background

163. Tana and Athi Rivers Development Authority (TARDA) is a state Corporation under the Ministry of East Africa Community and Regional Development.

164. The Public Investments Committee made the following recommendations in its report:

- 1. KenGen to pay TARDA KShs. 533million per annum as per Price Water House Coopers report or KShs. 420 million per annum as per the ISG recommendation. In addition, the Head of Public Service should convene a meeting between the two entities and resolve the matter within three months of adoption of the report.**
- 2. The Accounting Officer should fast track the acquisition of ownership documents of the Kitui and Kibwezi properties. In addition, the accounting officer should apply for the fast tracking resolution of the dispute regarding the ownership of the Emali property.**
- 3. The Authority should complete the process of developing a policy on revaluation of fully depreciated assets and revalue the assets to avoid recurrence of the audit query.**
- 4. The Accounting Officer should apply for a speedy conclusion of the matter in court considering the cost implications. In addition, the Inspectorate of State Corporations should advice on the available options to recover the impugned assets.**
- 5. The Authority should prioritize funding for a re-valuation exercise in its next budget.**
- 6. The Committee recommended that the Authority should pursue concurrence from the National Treasury to write off long outstanding debts whose documentation is unavailable.**
- 7. The Authority should hire a valuer to assist in the valuation of biological assets in the 2020/2021 financial year.**
- 8. The Authority should look into the clauses highlighted by the Auditor General that would prejudice its position in any such future contracts; TARDA should follow up with Braken Ltd on payments due to the Authority; the authority should**

present details of Braken Ltd to the Inspectorate of State Corporations to share with the rest of the state corporations so that they are cautious as they deal with it.

9. The Inspectorate of State Corporations should be enjoined in the recovery of the assets from the former Managing Director's terminal dues.
10. The Head of Public Service should convene a meeting between TARDA and KPLC to resolve the query concerning KShs. 2.4 billion owed to TARDA within three months of the adoption of the report.
11. TARDA should prioritize revaluation in the 2020/21 financial year
12. The Public Investments Committee Recommendation that:
 - i. The Management of TARDA should provide documents for audit within the required timelines failure to do so which sanctions provided under sections 62 of the Public Audit Act 2015 and Section 68 of the PFM Act should be instituted against the Accounting Officer;
 - ii. The management should put in place a system that ensures proper accountability for the revenue streams from this transaction;and
 - iii. The office of the Auditor General should audit the entire transaction and report compliance of the same in the next audit report for TARDA's financial statements.

Implementation Status of the Recommendations

165. The Committee on Implementation wrote to Tana and Athi Rivers Development Authority on 26th May, 2023 seeking the implementation status of the report.
166. Mr. Liban Duba, the Managing Director of the Tana and Athi Rivers Development Authority appeared before the Committee on 9th June, 2023. He was accompanied by the following officers:
 - i. Mr. David Kimaiyo - Director, Corporate Services
 - ii. Ms. Maureen Oloo - Manager, Finance and Accounts
 - iii. Mr. Joseph Okoth - Assistant Manager Finance and Accounts

Submissions by the Managing Director

1. KenGen to pay TARDA KShs. 533 million per annum as per the Price Water House Coopers report or KShs. 420 million per annum as per the ISG recommendation. In addition, the Head of Public Service should convene a meeting between the two entities and resolve the matter within three months of the adoption of the report.

Implementation Status

167. The Managing Director informed the Committee that KenGen continues to pay TARDA KShs. 62,000,000 per annum despite recommendation by PWHC report of KShs. 533 million per annum and that of ISG of KShs. 420 million per annum and the Public Investments Committee (PIC) in its 19th and 21st reports. He added that recommendations by the PIC in its 23rd report was similarly not yet implemented.
168. The Managing Director added that the recommended meeting between KenGen and the Authority that was to be convened by the Head of Public Service to resolve the matter had also not materialised.

Committee Observation

169. Arising from the submission by the Managing Director, the Committee noted that the two recommendations had not been implemented.

2.The Accounting Officer should fast track the acquisition of the ownership documents of the Kitui and Kibwezi properties. In addition, the Accounting Officer should apply for the fast-tracking of the resolution of the dispute regarding the ownership of Emali property.

Implementation Status

170. Concerning the Kitui Property, the Managing Director informed the committee that TARDA sought assistance from Ministry of Lands, Public Works, Housing and Urban Development to obtain a survey plan for the property. The Ministry allowed the Authority to go ahead and facilitate surveying of the plot to enable issuance of an allotment letter and subsequent titling by the National Lands Commission. He informed the Committee that the Ministry later shared the survey budget with the Authority as requested and the facilitation of the survey exercise would be done within the first quarter of financial year 2023/2024 to obtain allotment letter and to process the title deed.
171. He further submitted that TARDA in liaison with Makueni County Government was to conduct community sensitization, survey and beaconing of the property in a bid to process ownership documents on the property. The processing of the title had been slow due to inadequate funding but that the Authority endeavours to mobilize funds to process the ownership documents.
172. The Managing Director submitted that lease renewal for the **Emali Property** was approved by the State Department for Livestock and TARDA carried out community

sensitization on planned surveying and beaconing. There arose ownership dispute between the County Government of Kajiado, which procured the title deed for the property vide Kenya Gazette No. 751 of 1963 under County Council of Kajiado, which set aside the land for use as a quarantine zone for livestock en-route to the market on one hand and the community on the other for irregularly acquiring ownership documents. The community obtained a court order to maintain status quo and so TARDA continues its livestock production programs among other activities in the current occupied portion of approximately 200ha.

Committee Observation

173. Arising from the submission by the Managing Director, the Committee observed that the implementation of the recommendation was on-going.

- 1. The Authority should complete the process of developing a policy on the revaluation of fully depreciated assets and revalue the assets to avoid recurrence of the audit query.**

Implementation Status

174. The Managing Director informed the Committee that the management developed a Non-Current Assets Policy, which was presented to the Committee of the Board for approval and subsequent Board endorsement. The Committee of the Board recommended various amendments to the policy. Additionally, the management had concluded the recommended amendments and was due to present the amended policy for approval.

Committee Observation

175. Arising from the submission by the Managing Director, the Committee observed that the implementation was ongoing.

- 2. The Accounting Officer should apply for a speedy conclusion of the matter in court considering the cost implications. In addition, the Inspectorate of State Corporations should advice on the available options to recover the impugned assets.**

Implementation Status

176. The Managing Director informed the Committee that TARDA had contacted the Inspector General of State Corporations to help in the recovery of the assets. The assets were yet to be recovered from the former Managing Directors.

Committee Observation

177. Arising from the submissions, the Committee noted that the recommendation had not been implemented due to ongoing court cases.

3. The Authority should prioritize funding for a re-valuation exercise in its next budget.

Implementation Status

178. TARDA prioritizes funding for revaluation of assets exercise and proposes more funding at every budgeting circle. He informed the Committee that the Authority budgetary allocations have nevertheless been below expectations thus leading to inability to carry out the exercise. However, more effort will be put in a bid to secure funding for revaluation of assets.

Committee Observation

179. Arising from the Managing Director's submission, the Committee observed that the recommendation had not been implemented.

4. The Committee recommended that the Authority should pursue concurrence from the National Treasury to write off long outstanding debts whose documentation is unavailable.

Implementation Status

180. The Managing Director informed the Committee that, TARDA sought concurrence from the Office of Auditor General who was yet to respond. He informed the Committee that the Authority will pursue the expected response; seek concurrence from National Treasury as recommended.

Committee Observation

181. Arising from the submission by the Managing Director, the Committee observed that the recommendation had not been implemented.

5. The Authority should hire a Valuer to assist in the valuation of biological assets in the 2020/2021 financial year.

182. The Managing Director submitted that TARDA engaged a Valuer for the valuation of biological assets as was recommended in the PIC report to value biological assets at the end of every financial year for purposes of including the resultant value in the year's financial statements.

Committee Observation

183. Arising from the submissions by the Managing Director, the Committee observed that the recommendation had been implemented.

- 6. The Authority should look into the clauses highlighted by the Auditor General that would prejudice its position in any such future contracts; TARDA should follow up with Braken Ltd. on payments due to the Authority; The authority should present details of Braken Ltd. to the Inspectorate of State Corporations to share with the rest of the state corporations so that they are cautious as they deal with it.**

Implementation Status

184. The Managing Director informed the Committee that TARDA had since standardized land leasing procedures as per the directive by the Head of Public Service; terms of Reference for leasing procedures had been developed. He informed the Committee that the Authority is expected to receive amount due to it in the first quarter of the following financial year.

Committee Observation

185. Arising from the submission by the Managing Director, the Committee observed that the recommendation had been implemented.

- 7. The Inspectorate of State Corporations should be enjoined in the recovery of the assets from the former Managing Directors' terminal dues.**

186. The Managing Director submitted informed the Committee that the TARDA contacted Inspector General (Corporations), Inspector of State Corporations to help in the recovery of the assets. The assets were however yet to be recovered from the former Managing Directors.

Committee Observation

187. Arising from the submissions, the Committee noted that the recommendation had not been implemented.

- 8. The Head of Public Service should convene a meeting between TARDA and KPLC to resolve the query concerning KShs. 2.4 billion owed to TARDA within three months of the adoption of the report.**

Implementation Status

188. The Managing Director submitted that the matter between KPLC and TARDA in relation to the payment of KShs. 2.4 billion was yet to be resolved and no amount of

money had been paid to TARDA as had been recommended. The expected amount had since increased as annual disbursements were not forthcoming.

Committee Observation

189. Arising from the submission, the Committee observed that the recommendation had not been implemented and KPLC was in violation of the PIC recommendation.

9. TARDA should prioritize revaluation in the 2020/21 financial year

190. The Managing Director submitted that TARDA continues to request National Treasury to allocate the Authority additional resources to allow it to carry out revaluation of assets. However, he explained that the requests had not been met, citing budgetary constraints. He informed the Committee that TARDA will still endeavour to implore the National Treasury to consider funding the exercise.

Committee Observation

191. Arising from the submissions, the Committee observed that the recommendation had not been implemented

12. The Public Investments Committee Recommendation that:

- i) The Management of TARDA should provide documents for audit within the required timelines failure to do so which sanctions provided under sections 62 of the Public Audit Act 2015 and Section 68 of the PFM Act should be instituted against the Accounting Officer;
- ii) The management should put in place a system that ensures proper accountability for the revenue streams from this transaction; and
- iii) The office of the Auditor General should audit the entire transaction and report compliance of the same in the next audit report for TARDA's financial statements.

Implementation Status

192. The Managing Director informed the Committee that TARDA provides documents for audit verification within the required timelines as recommended by the Committee. He noted that appropriate systems are in place to ensure proper accountability for revenue as was recommended in the PIC report.

Committee Observation

193. Arising from the submissions, the Committee observed that the recommendation had been implemented.

13 TWENTY FOURTH REPORT BY PUBLIC INVESTMENTS COMMITTEE ON ITS CONSIDERATION OF THE AUDITOR GENERAL'S REPORTS ON THE FINANCIAL STATEMENTS OF THE RURAL ELECTRIFICATION AND RENEWABLE ENERGY CORPORATION (REREC – FY 2006/2007 TO FY 2019/2020).

13.1 Background

194. The Rural Electrification and Renewable Energy Corporation (REREC) is a state corporation under the Ministry of Energy and Petroleum.

195. The Public Investments Committee made recommendations in its report. It made the following recommendations-

1. Concerning state corporations the Committee recommended that:

i. Going forward, Accounting Officers of all State Corporations should adhere to the current policy guidelines from the Attorney General, as a legal advisor the government, pursuant to Article 156 of the Constitution on the payment of sitting allowances to officers from the Inspectorate of State Corporations when they sit in Boards of State Corporations;

ii. Considering that there was confusion as to whether officers from the Inspectorate of State Corporations sitting in the Boards of State Corporations were to be paid sitting allowances, those that were paid such monies prior to the adoption of this report should not be surcharged; and

iii. The Attorney General should communicate his advisory to the State Corporations Advisory Committee for onward communication to the State Communication to respective State corporations on the payment of sitting allowances to officers from the Inspectorate of State Corporations.

2. The EACC should investigate the entire procurement of the poles with a view to preferring charges against those that may have abdicated and or violated the law.

3. That the EACC should investigate the procurement and implementation of the impugned project with a view to preferring charges against those found culpable.

4. The Committee recommended that the repaired transformers should always be revalued so that a fair value is recorded in the books of accounts.

5. The Accounting Officer for REREC should not make any payment to any vendor that had not been cleared by KRA. In addition, the Accounting Officer for REREC should apply for speedy a conclusion of the matter in court.

6. The EACC should investigate the procurement process of the said transformers with a view of preferring charges against persons that may have been found culpable. This should be done within six months of the adoption of the report.

7. The Accounting Officer for REREC should always ensure timely implementation of projects to avoid costly variations.

8. The Accounting Officer for the KPLC should make timely repayment to REREC. In addition, the EACC should investigate the conceptualization and implementation of Garissa Power Plant to ascertain whether there was value for money and prefer charges, if possible, against persons that may be found culpable.

13.2 Implementation Status of the Recommendations

196. The Committee on Implementation wrote to the Rural Electrification and Renewable Energy Corporation on 26th May 2023 seeking the implementation status of the report.

197. Mr Peter Mbugua, the Chief Executive Officer appeared before the Committee on 10th June, 2023. He was accompanied by the following officers:

- i. Mr. Davis Cheruiyot - Manager Finance
- ii. Mr. Wilfred Oduor - Manager Supply Chain Management
- iii. Mr. Fredrick Gicharu - Principal Auditor
- iv. Mr. Peter Namui - Representative, Ministry of Energy
- v. Mr. Rodrick Koome - Representative, The National Treasury
- vi. Ms. Catherine Nzioki - Representative, The National Treasury

Submissions by the Chief Executive Officer

1. The Committee made the following recommendations:

- i. **Going forward, Accounting Officers of all State Corporations should adhere to the current policy guidelines from the Attorney General, as a legal advisor the government pursuant to Article 156 of the Constitution, on the payment of sitting allowances to officers from the Inspectorate of State Corporations when they sit in Boards of State Corporations.**
- ii. **Considering that there was confusion as to whether officers from the Inspectorate of State Corporations sitting in the Boards of State Corporations were to be paid sitting allowances, those that were paid such monies prior to the adoption of this report should not be surcharged.**
- iii. **The Attorney General should communicate his advisory to State Corporations Advisory Committee for onward communication to the State Communication to**

respective State corporations on the payment of sitting allowances to officers from the Inspectorate of State Corporations.

Implementation Status

198. The Chief Executive Officer submitted that Section 18 (2) of the State Corporations Act provides for the duties of the Inspector General to include the attendance of meetings of any State corporation or of a Board or Committee thereof if in his opinion it is necessary to do so for the effective carrying out of his duties under this section.
199. Following a letter dated 26th November, 2013, the Corporation was advised on the payment of allowances to the Inspector General (Corporations) and members of staff pursuant to the Attorney General's opinion of 22nd August, 2013. He informed the Committee that in the opinion, the Attorney General states that; *'The Inspector General would however be entitled to be paid such allowances and remuneration payable to chairperson and members of a Board if he is duly appointed to a Board under the applicable provision of the constitutive instruments and attends a Board meeting as such.'*
200. Particularly, the Attorney General cited section 6 (1) (e) of the State Corporations Act would suffice for remuneration of the Inspector-General attending Board meetings at the State Corporation. Hence, and as guided by the Attorney General, the Inspector General was not entitled to payment of allowances.
201. Pursuant to the letter from the Auditor-General dated 4th July, 2017, to the Inspector General (Corporations) the Auditor-General stated that in their view, 'the Inspector General (Corporations) and his staff are equally entitled to sitting allowance and other remuneration similar to other public officers. Consequently, he told the Committee that there would be no audit related observation to [the] contrary. He said that this clarification was also copied to the Attorney General.
202. He further submitted that it is in this regard that the Corporation has been paying the Inspector General (Corporations) and his staff and that at the time of the submission; the Corporation did not have any advisory to the contrary.

Committee Observation

203. Arising from the submissions by the Chief Executive Officer, the Committee observed that the recommendation had been implemented.

2. **The EACC should investigate the entire procurement of the poles with a view to preferring charges against those that may have abdicated and or violated the law.**

Implementation Status

204. The Chief Executive Officer informed the Committee that wooden poles form a major component of materials used in the execution of the Corporation's projects. During the period under review, he said the Corporation prepared an annual procurement plan to support the implementation of its annual programme which was approved by the Board of Directors. He added that the wooden poles formed part of the materials contained in the approved procurement plan.
205. Further, the poles referred to above were an accumulation of damaged poles over the 2008-2009 FY, 2009-2010FY, 2010-2011FY and 2011-2012FY. He informed the Committee that the poles were part of the ones procured to support the electrification of public facilities in line with the Corporation's mandate.
206. Since it is not feasible to store the poles in an enclosed warehouse, the CEO said the Corporation stacks its poles in a manner that allows for free circulation of air and minimizes any damage arising from the elements in line with best practices they are used outside.
207. He further informed the Committee that the construction of warehouses in Mariakani, Kisumu and Nyeri was meant to improve the storage capacity for other line construction materials in the respective regions.
208. Additionally, the Chief Executive Officer submitted that the REREC had procured the poles for its own use but that damaged poles were offered to Kenya Wildlife Service, a government entity, as one of the authorized methods of disposal of assets provided for in the Public Procurement and Asset Disposals Act. He submitted that the Corporation believed the poles would be useful to KWS in the fencing of National Parks.
209. In addition, the Corporation maintains a general insurance cover for its inventories including poles against the risk of losses arising from fire, burglary and other losses. However, he explained that this excludes losses arising from natural causes such as deterioration due to exposure to weather and other natural elements.
210. Lastly, the CEO submitted that REREC believes that the procurement process of the poles was lawful, but due to the nature of its operations and the materials used for the construction of its projects, there will be a few damaged or unserviceable stores

periodically; which would need to be disposed of in line with the Public Procurement and Assets Disposals Act.

Committee Observation

211. Arising from the submissions, the Committee observed that the poles were donated to a government institution.

- 3. That the EACC should investigate the procurement and implementation of the impugned projects with a view to preferring charges against those found culpable.**

Implementation Status

212. The Chief Executive Officer informed the Committee that the case in question refers to the reporting of the costs in their financial statements of the gen sets already delivered to site at the time of preparation of the financial statements as Work in Progress (WIP) while the contract for the implementation of the project had been terminated for poor performance. He reported that following the termination of the contract, another contractor was procured, installed and commissioned the gen sets which had been delivered to site.
213. He submitted that as part of the procurement process where the terminated contractor was awarded the contract for the supply, installation and commissioning of diesel generators and associated boards at Kiunga and Hulugho town, the evaluation committee considered as part of the evaluation criteria, a record of experience and past performance of works of similar nature within the past five years where the contractor had attached certified copies of completion certificates as part of the tender requirements. This was part of the due diligence carried out by the Corporation.
214. Further, he informed the Committee that the Corporation had invited open tender for the supply, installation, testing and commissioning of 80kVA and 150kVA enclosed diesel generators plus associated distribution boards at Laisamis, Eldas, Takaba, North Horr, Hulugho, Kiunga and Rhamu in the 2009/2010FY. This, he said was divided into three (3) lots: Lot 1 – Laisamis and North Horr, Lot 2 – Eldas, Takaba and Rhamu and Lot 3 – Hulugho and Kiunga. He explained that a total of seventeen (17) firms participated in the tender. Further, the CEO said that the evaluation was done in three stages: Preliminary evaluation where nine (9) bidders passed, technical evaluation where seven (7) bidders passed and proceeded to financial evaluation stage. At the financial evaluation stage, he informed the Committee that the bidders with the lowest

evaluated price were awarded the tender and each bidder was awarded only one lot as follows:

- i) Lot 1- (Laisamis and North Horr) M/S Global Trade Market Place Ltd at KShs 72,999,698.92 VAT Inc
- ii) Lot 2 – (Eldas, Takaba and Rhamu) M/S Allays Southern Corporation Limited at KShs 101,999,548.35 VAT Inc.
- iii) Lot 3 – (Hulugho and Kiunga) M/S Penelly Construction & Engineering Ltd at KShs 54,218,400.00 VAT Inc.

215. He further submitted that the procured contractor, even though his contract was later terminated, was procured in compliance with the Public Procurement and Asset Disposal Act, 2005.

Committee Observation

Arising from the submissions, the Committee observed that EACC had not concluded the investigation and therefore the recommendation had not been implemented.

- 4. The Committee recommended that the repaired transformers should always be revalued so that a fair value is recorded in the books of account.**

216. The Chief Executive Officer submitted that in line with the recommendation to attach a fair value for the repaired transformers, the Corporation had adopted a valuation strategy where transformers are only repaired where the cost of such repair falls below 40 percent of its original cost and thereafter valued at 50 percent of its original cost upon repair. This is similar to the valuation strategy used by KPLC.

Committee Observation

217. Arising from the submissions, the Committee observed that the recommendation had been implemented.

- 5. The Accounting Officer for REREC should apply for a speedy conclusion of the matter in court.**

218. The Chief Executive Officer submitted that the arbitration process was going on.

Committee Observation

219. The Committee observed that the implementation of the recommendation is ongoing.

- 6. The EACC should investigate the procurement process of the said transformers with a view to preferring charges against persons that may have been found culpable. This should be done within six months of the adoption of the report.**

220. The Chief Executive Officer informed the Committee that following the Ministerial directive to complete the electrification of all public primary schools in the country by 4th January, 2017, the Corporation embarked on a strategy to ensure that all the primary schools were completed as soon as was possible. This included strategies to avail missing materials including transformers which were key components in the construction, connection and commissioning of the primary school's electricity project.
221. The Corporation identified Tanelec Limited, a Tanzanian company, since it was the only company closest to the Corporation. At the time, there were no manufacturers of transformers in the whole of East Africa. He added that contrary to the Committee's observation that no due diligence was conducted; a team of REA and KPLC engineers actually visited the manufacturer and assessed the capacity and quality of its processes and the availability of materials for the manufacturing.
222. All the procured transformers were delivered and used in the electrification of primary schools in readiness for the digital literacy programme.
223. He informed the Committee that arising from this experience, the Corporation engaged various investors, who came to showcase their transformers, and encouraged them to invest in transformer manufacturing factories in the country. This, he said led to the setting up of six transformer manufacturing facilities in the country. He added that the Corporation currently buys all its transformers from local manufacturers.

Committee Observation

224. Arising from the submissions, the Committee observed that the EACC had not initiated investigations as per the recommendation. However, the Committee noted that the response provided by Rural Electrification and Renewable Energy Corporation (REREC) was satisfactory.

7. The Accounting Officer for REREC should always ensure timely implementation of projects to avoid costly variations.

225. The Chief Executive Officer told the Committee that REREC had put measures to fast-track the implementation of S4/Hanna system and all modules then at User Acceptance testing with expected Go-live being 30/06/2023 and that there shall be no cost variations.

Committee Observation

226. The Committee observed that the recommendation had been implemented.

- 8. The Accounting Officer for the KPLC should make timely repayment to REREC. In addition, the EACC should investigate the conceptualization and implementation of the Garissa Power Plant to ascertain whether there was value for money and prefer charges, if possible, against persons that may be found culpable.**

Implementation Status

227. The Chief Executive Officer submitted that the Kenya Power and Lighting Company (KPLC) had continued to make timely remittances of revenues Accruing from Sale of Power and that the debt remains current. Additionally, he said the Government of Kenya, (GoK) represented by The National Treasury, entered into a Government concessional loan agreement on the Kenya Development of Solar Power Plant in Garissa with the Export Import Bank of China for the purposes of the construction of a 54 MW Garissa Solar power plant. He said the Corporation signed an on lending agreement with the GoK to finance the commercial contract entered between the Ministry of Energy and Petroleum and REA and the China Gianjiangxi Corporation for International Economic and Technical Cooperation and Jianko Solar Company Limited in regard to the Development of Solar power plant in Garissa.
228. In addition, the Corporation negotiated for 12 US Cents per kWh as tariff fixed throughout the term of the Power Purchase Agreement (PPA) with KPLC, KPLC to Energy and Petroleum Regulatory Authority (EPRA) on 8th June, 2016. He said the process was concluded with EPRA approving the PPA on 8th September, 2016 through letter dated 28th September, 2016. Further, he said various communications were done as follows; on 8th June, 2016 KLPC Submitted a letter to the Energy Regulatory Commission (ERC) (Now EPRA) a duly initialled draft PPA for Approval in accordance with Part II Section 6(j) of the Energy Act 2006.
229. The letter indicated that negotiations between KPLC and ERC had been concluded as guided by the Ministry of Energy and Petroleum (MOEP); on 9th September, 2016 the Commission approved REA PPA Subject to; Proposed Tarriff of 0.12 US Dollar per kWh to comply with Financial Covenants of the Loan by China Exim Bank, Tariff of 0.0549 US Dollar per Kwh to be implemented after the commercial operation date and REA to execute Addendum with effective tariff of 0.054912 US Dollar per kWh prior to operation date of Garissa Solar Power plant.

230. In response, he ERC wrote to the Ministry of Energy and Petroleum that; ERC approved the proposed tariff of US Cents 12 per kWh for the project for the purpose of complying with the financial covenants of the loan by China Exim Bank with a Condition that a tariff of US Cents 5.49 per kWh to be implemented after the commercial operation date; ERC Used US \$ 2100 of the installed capacity as the Unit cost of the project as opposed to US 2750 per Kwh that was used in the Feasibility study.
231. This, he informed the Committee, was the basis of the Loan amount for the project and that ERC also adjusted the load factor from 17.8 percent to 30 percent. Further, he told the Committee that the Rural Electrification Authority (REA) informed the Ministry that these two factors are likely to have led to the low tariff recommended by ERC and so REA requested the Ministry of Energy and Petroleum (MOEP) for advice moving forward. On 19th September, 2016 the MOEP wrote to REA providing a go ahead to the corporation for signing the PPA with the given rates. On 28th September, 2016, he explained that the KPLC and REA submitted an Amendment Deed for the Undertaking in regards to the PPA between KPLC and REA for KPLC and on 28th September, 2016, ERC Communicated to KPLC and REA Compliance with the Approval conditions for PPA and therefore granting approval.
232. The CEO also informed the Committee that the Corporation had projected a reasonable rate sufficient for loan repayment but the same was not approved.
233. He further submitted that the Concessional loan agreement provided that in the event that the amount collected is not sufficient, then the National Treasury would undertake to pay.

Committee Observation

234. Arising from the submissions by the CEO, the Committee observed that KPLC makes timely remittances to REREC
235. The Garissa Power Plant had value for money and therefore EACC did not carry out investigations.

14 GENERAL COMMITTEE OBSERVATIONS

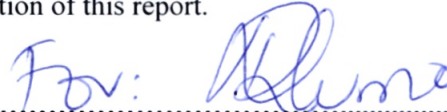
In consideration of the implementation status of House resolutions pursuant to its mandate under Standing Order 209 of the National Assembly Standing Orders, the Committee made the following general observations:

1. Majority of the House Resolutions require financial obligations for adequate implementation to be carried out by the executive. There is need for appropriation of funds to ensure House Resolutions are implemented as directed. There was no adequate budget allocated to the ministries, departments and agencies to implement some of the recommendations;
2. Government officials in the Executive seem not to be implementing House resolutions promptly thus causing matters to delay unnecessarily. A case in point is KenGen who had not complied with the Public Investments Committee recommendation to have its books of accounts exclusively audited by the Office of the Auditor General;
3. Some State Corporations have failed to expedite the acquisition of titles to their parcels of land as recommended in the 24th Public Investment Committee Report. This has resulted to delay in updating the corporation's asset registers. A case in point is KWS who have one hundred and thirty one surveyed parcels awaiting titles and seventy six other parcels which are at various stages towards acquisition of title documents;
4. Majority of the recommendations addressed to the Ethics and Anti-Corruption Commission have not been implemented, with some investigations dating back more than a decade. A case in point are the recommendations by the Public Investment Committee on Auditor General's report of financial statements of KENGEN the same matter was highlighted in the 19th, 20th, 23rd, & 24th PIC report.
5. The Committee also observed that EACC has failed to undertake investigations concerning the procurement and award of the construction tenders of the Hydro Plaza belonging to Geothermal Development Company (GDC). It had also not given its response on the investigation on the entire procurement of poles under REREC; and
6. There is need for committee recommendations to be specific, measurable, achievable, realistic and time-bound (SMART) so as to facilitate smoother implementation of House resolutions.

15 COMMITTEES' GENERAL RECOMMENDATIONS

Following the general observations, the Committee makes the following general recommendations:

1. The National Treasury should ensure appropriation of funds for the implementation of House resolutions is done within one financial year following the adoption of a House resolution for the public to derive the intended benefits. Further, The National Assembly should allocate sufficient funds to the implementing agencies for effective implementation of reports passed by the House.
2. Government Agencies and Departments directed to implement House Resolutions should endeavour to fit the resolutions in their work plans and deliver the same within the stipulated timeframe, failure to which sanctions should be imposed against the responsible officials.
3. State Corporations should prioritize acquiring Title deeds to all parcels of land.
4. The Ethics and Anti-Corruption Commission (EACC) should take note of all recommendations directed to it and provide a status report within 60 days of the adoption of this report.

Signed..... For: 

**HON. RAPHAEL BITTA SAUTI WANJALA, M.P.
(CHAIRPERSON)**

Date..... 25/10/2023

ANNEXTURE 1

ADOPTION LIST

PARLIAMENT OF KENYA





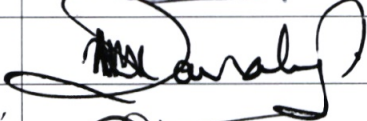
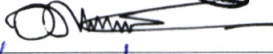
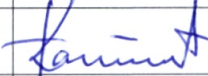

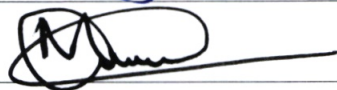
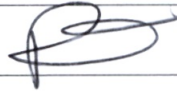
THE NATIONAL ASSEMBLY

COMMITTEE ON IMPLEMENTATION
Adoption Schedule

SECOND REPORT ON SUBMISSIONS FROM STAKEHOLDERS REGARDING THE IMPLEMENTATION STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE

We, the undersigned Members of the Committee on Implementation, have pursuant to Standing Order 199 adopted today, Tuesday, 24th October, 2023, and do hereby affix our signatures to this SECOND REPORT ON SUBMISSIONS FROM STAKEHOLDERS REGARDING THE IMPLEMENTATION STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE to affirm our approval and confirm its accuracy, validity, and authenticity: -

NO.	NAME	SIGNATURE
1.	The Hon. Raphael Bitta Sauti Wanjala, M.P - Chairperson	
2.	The Hon. Rose Museo Mumo,, M.P - Vice Chairperson	
3.	The Hon. Mohamed, Ali, M.P	
4.	The Hon. Elijah Memusi Kachory, M.P	
5.	The Hon. Johnson Many Naicca, M.P	
6.	The Hon. Hilary Arap Kosgei, M.P	
7.	The Hon. George Koimburi Ndung'u, M.P	
8.	The Hon. Nicholas Ng'ikor Nixon Ngikilong, M.P	
9.	The Hon. Charles Gumini Gimose, M.P	
10.	The Hon. Prof Guyo Waqo Jaldesa, M.P	
11.	The Hon. Siyoi Lillian, M.P	

12.	The Hon. Abdul Ebrahim Haro, M.P	
13.	The Hon. Cynthia Jepkosgei Muge, M.P	
14.	The Hon. Julius Taitumu M'Anaiba, M.P	
15.	The Hon. John Okwisia Makali , M.P	
16.	The Hon. Timothy Kipchumba Toroitich, M.P	
17.	The Hon. Hamisi Kakuta Maimai, M.P	
18.	The Hon. Stanley Muiruri Muthama, M.P	
19.	The Hon. Mark Samuel Muriithi Mwenje,, M.P	
20.	The Hon. Zamzam Mohamed Chimba, M.P	
21.	The Hon. Rael Chepkemoi Kasiwai, M.P	

ANNEXTURE 2

MINUTES

MINUTES OF THE FORTY SECOND (42ND) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON WEDNESDAY, 30TH AUGUST, 2023 IN MASHUA CONFERENCE ROOM, SERENA BEACH HOTEL, MOMBASA COUNTY AT 2:00PM.

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – Chairperson
2. The Hon. Rose Museo Mumo, M.P – Vice Chairperson
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. Hilary Arap Kosgei, M.P
5. The Hon. George Koimhuri Ndung'u, M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon Prof Guyo Waqo Jaldesa, M.P
8. The Hon. Siyoi Lillian, M.P
9. The Hon. Abdul Ebrahim Haro, M.P
10. The Hon. Cynthia Jepkosgei Muge, M.P
11. The Hon. Julius Taitumu M'Anaiba, M.P
12. The Hon. John Okwisia Makali, M.P
13. The Hon. Timothy Kipchumba Toroitich, M.P
14. The Hon. Hamisi Kakuta Maimai, M.P
15. The Hon. Stanley Muiruri Muthama, M.P
16. The Hon. Mark Samuel Muriithi Mwenje, M.P

APOLOGIES

1. The Hon. Mohamed Ali, M.P
2. The Hon. Nicholas Ngikor Nixon Ngikilong M.P
3. The Hon. Johnson Many Naicca, M.P
4. The Hon. Rael Chepkemoi Kasiwai, M.P
5. The Hon. Zamzam Mohamed Chimba, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-------------------------|---|---------------------------------|
| 1. Ms. Lucy Kimathi | - | Principal Clerk Assistant I/HOD |
| 2. Mr. Abdiaziz Shobay | - | Clerk Assistant II |
| 3. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 4. Mr. Abdimalik Ahmed | - | Clerk Assistant III |
| 5. Dr. Kuria Waitara | - | Research Officer III |
| 6. Mr. Danton Kimutai | - | Audio Officer III |
| 7. Mr. Joshua Lenambeti | - | Sergeant at Arms |

MIN. NO.NA/DAAOSC/COI/2023/224:

PRELIMINARIES.

The Chairperson called the meeting to order at 2:10pm. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Abdul Ebrahim Haro, M.P and seconded by the Hon John Okwisia Makali, M.P.

AGENDA

1. Prayers
2. Introduction
3. Confirmation of Minutes
4. Substantive agenda: **Consideration and adoption of the Second Omnibus Report on Implementation Status of Inquiries, Petitions and Resolutions passed by the House.**
5. Any Other Business.

MIN. NO.NA/DAAOSC/COI/2023/225:

CONFIRMATION OF MINUTES.

The Agenda item was deferred to the next sitting.

MIN.NO.NA/DAAOSC/COI/2023/226:

THE PUBLIC INVESTMENT COMMITTEE, 24TH REPORT ON CONSIDERATION OF THE AUDITOR GENERAL REPORTS ON THE FINANCIAL STATEMENTS OF STATE CORPORATIONS OF KENYA NATIONAL BUREAU OF STATISTICS. (FY 2011/12 TO 2017/18)

The Committee considered and adopted the Public Investment Committee's 24th Report on Consideration of the Auditor General's Reports on Financial Statements of Kenya National Bureau of Statistics for (FY 2011/12 to 2017/18), having been proposed and seconded by The Hon. Stanley Muiruri Muthama, M.P and The Hon. Rose Museo Mumo, M.P, respectively.

The Committee made the following Observation, Recommendation & Resolution:

Committee Observation

- i) Arising from the submissions by the Chief Executive Officer, Kenyatta National Bureau of Statistics it was observed that the implementation status is still on-going;
- ii) The Committee observed that the Bureau has been recovering outstanding imprest from employee's monthly basis through payroll and some recoveries by cash payments. The total outstanding imprest over seven days as at 25th May 2023 is Kshs 7,142,817. Issuance of multiple imprests has been stopped. The implementation of the recommendation is on-going.
- iii) KNBS submitted a sample assets register. The total book value of assets owned by KNBS is Kshs. 168,000,000 as per December 2022;
- iv) The Committee also noted that the Bureau has requested for indenting letter and allotment from the Director of Land Administration to facilitate the acquisition of Registry Index Map (RIM) for the purpose of registration of lease. The submission was satisfactory.
- v) The Committee observed that the presented letter of reprimand was unsatisfactory. The said accounting officer is no longer an employee of KNBS since he is currently in a different state agency.

Committee Recommendation

- i) The Principal Secretary for Interior should assist in recovering pending imprests, prioritizing efforts to collect from serving officers or through terminal dues for those who exited the service. The National Treasury should only consider writing off unaccounted imprests as a last resort.
- ii) KNBS should diligently maintain and update its asset register to ensure accurate records of its assets.
- iii) The accounting officer for KNBS should persistently engage the Ministry of Lands to secure the title deed for the Embu land.
- iv) KNBS should rigorously implement cashless transactions, such as using Mpesa, for all payments to village elders and maintain comprehensive attendance registers for such activities;
- v) The Inspector General of Police must promptly and comprehensively account for funds advanced to the Police Service, and a detailed report should be prepared during the next audit cycle;
- vi) The Committee recommended that KNBS should write another reprimand letter with clear terms as envisaged in the law to the affected officer;
- vii) The Kenya National Bureau of Statistics (KNBS) should fully comply with the recommendation regarding the use of MPESA to send cash in the future. Additionally, it is crucial for them to establish a well-maintained attendance register and provide an MPESA statement to support these actions.

Committee Resolution

The Committee resolved to include this report in its Second Omnibus Report.

MIN.NO.NA/DAAOSC/COI/2023/227:

THE PUBLIC INVESTMENT
COMMITTEE, 24TH REPORT ON
CONSIDERATION OF THE AUDITOR
GENERAL REPORTS ON THE
FINANCIAL STATEMENTS OF
STATE CORPORATIONS OF
NORTHERN WATER SERVICE
BOARD (FYS 2011/12 TO 2017/18)

The Committee considered and adopted the Public Investment Committee's 24th Report on Consideration of the Auditor General's Reports on Financial Statements of Northern Water Services Board (FYS 2011/12 to 2017/18, having been proposed and seconded by The Hon. Hilary Arap Kosgei, M.P and The Hon. Abdul Ebrahim Haro, M.P, respectively

The Committee made the following Observation, Recommendation & Resolution:

Committee Observation

- i) Based on the submissions by the Ag. Chief Executive Officer, Northern Water Service Board, the Committee noted that the recommendations on the transfer of the two motor vehicles by the Ministry of Water to the Authority have not been implemented.
- ii) Further, the Agency needs to address its pending issues to fully comply with the Committee's recommendations and improve its overall operations.

Committee Recommendation

- i) The Committee recommends that the Parent Ministry should expedite the transfer of two motor vehicles, Reg. No. GK A 741L and GK A999J, to the North Water and Services Board in accordance with the previous recommendation.
- ii) The Committee advises that the Northern Water Services Board should continue its efforts to collect arrears from County Governments and water bodies as a matter of urgency, emphasizing that these arrears are a top priority at the start of each new financial year.

Committee Resolution

The Committee resolved to include this report in the Second Omnibus Report.

MIN.NO.NA/DAAOSC/COI/2023/228:

THE PUBLIC INVESTMENT
COMMITTEE, 23RD REPORT ON
CONSIDERATION OF THE AUDITOR
GENERAL REPORTS ON THE
FINANCIAL STATEMENTS OF
STATE CORPORATIONS OF TANA
AND ATHI RIVERS DEVELOPMENT
AUTHORITY (TARDA) (FY 2014/15
TO 2017/18)

The Committee considered and adopted the Public Investment Committee's 23rd Report on Consideration of the Auditor General's Reports on Financial Statements of Tana and Athi Rivers Development Authority, having been proposed and seconded by The Hon. Hamisi Kakuta Maimai, M.P and The Hon. Elijah Memusi Kanchory, M.P, respectively

The Committee made the following Observation & Recommendation:

Committee Observation

- i) The Committee observed that the recommendations has not been implemented by TARDA including significant financial matters and property ownership issues.
- ii) The Committee also observed that the Authority has not yet completed the process the process of developing a policy on revaluation of depreciated assets.

Committee Recommendation

- i) KENGEN should pay TARDA Ksh 533 million p.a as per Price Water House Coopers report or Ksh 420 million p.a as per the ISG recommendation.
- ii) The Authority should complete the process of developing a policy on revaluation of fully depreciated assets and revalue the assets to avoid recurrence of the audit query.
- iii) The Inspectorate of State Corporations should be enjoined in the recovery of the assets from the former Managing Director's terminal dues.

Committee Resolution

The Committee resolved to include this report in the Second Omnibus Report.

MIN.NO.NA/DAAOSC/COI/2023/229:

THE PUBLIC INVESTMENT
COMMITTEE, 24TH REPORT ON
CONSIDERATION OF THE AUDITOR
GENERAL REPORTS ON THE
FINANCIAL STATEMENTS OF
STATE CORPORATIONS OF RURAL
ELECTRIFICATION AND
RENEWABLE ENERGY
CORPORATION (REREC FY
2006/2007 TO FY 2019/2020)

The Committee considered and adopted the Public Investment Committee's 24th Report on Consideration of the Auditor General's Reports on Financial Statements of Rural Electrification and Renewable Energy (REREC) for FY 2006/2007 to FY 2019/2020, having been proposed and seconded by The Hon. Timothy Kipchumba Toroitich, M.P and The Hon. Charles Gumini Gimose, M.P, respectively

Committee Observation and Resolution

- i) The Committee observed that the Agency has adhered to the current policy guidelines from the Attorney General on payment of sitting allowances, and that the recommendation has been implemented; and
- ii) The Committee also observed that the recommendation directed at EACC to investigate the entire procurement of the poles has not been implemented.

Committee Recommendations

Arising from the submissions by the Chief Executive Officer, the Committee was satisfied with the explanation by Rural Electrification and Renewable Energy Corporation (REREC), noting that the agency has made progress in implementing the recommendations further, which the Committee resolved to include in its Second Omnibus Report.

MIN.NO.NA/DAAOSC/COI/2023/230:

THE PUBLIC INVESTMENT
COMMITTEE, 24TH REPORT ON
CONSIDERATION OF THE AUDITOR
GENERAL REPORTS ON THE
FINANCIAL STATEMENTS OF
STATE CORPORATIONS OF
NATIONAL HOUSING
CORPORATION (NHC FY 2012/13 TO
FY 2016/17)

The Committee considered the Public Investment Committee's 24th Report on Consideration of the Auditor General's Reports on Financial Statements of National Housing Corporation (NHC FY 2012/13 to FY 2016/17. Arising from the submissions by the Managing Director, National

Housing Corporation (NHC) the Committee observed that the recommendations by the Public Investments Committee has not been implemented.

Committee Resolution

The Committee resolved to exclude this report from the Second Omnibus Report as it was awaiting inspection visits related to the proposed Changanwe infill Phase II and the proposed Langata Housing Scheme in order to make informed recommendations based on the ground assessments.

MIN. NO.NA/DAAOSC/COI/2023/231: ANY OTHER BUSSINESS

No other business arose.

MIN. NO.NA/DAAOSC/COI/2023/232: ADJOURNMENT

There being no other business, the meeting was adjourned at three o'clock.

Signed..... For: *Raphael Bitta Sauti Wanjala*
Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date..... *25th October 2023*

MINUTES OF THE FORTY-FIRST (41st) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON WEDNESDAY, 30TH AUGUST, 2023 IN MASHUA CONFERENCE ROOM, SERENA BEACH HOTEL, MOMBASA COUNTY AT 9:30AM.

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – Chairperson
2. The Hon. Rose Museo Mumo, M.P – Vice Chairperson
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. Hilary Arap Kosgei, M.P
5. The Hon. George Koimhuri Ndung'u, M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon Prof Guyo Waqo Jaldesa, M.P
8. The Hon. Siyoi Lillian, M.P
9. The Hon. Abdul Ebrahim Haro, M.P
10. The Hon. Cynthia Jepkosgei Muge, M.P
11. The Hon. Julius Taitumu M'Anaiba, M.P
12. The Hon. John Okwisia Makali, M.P
13. The Hon. Timothy Kipchumba Toroitich, M.P
14. The Hon. Hamisi Kakuta Maimai, M.P
15. The Hon. Stanley Muiruri Muthama, M.P
16. The Hon. Mark Samuel Muriithi Mwenje, M.P

APOLOGIES

1. The Hon. Mohamed Ali, M.P
2. The Hon. Nicholas Ngikor Nixon Ngikilong M.P
3. The Hon. Johnson Many Naicca, M.P
4. The Hon. Rael Chepkemai Kasiwai, M.P
5. The Hon. Zamzam Mohamed Chimba, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-------------------------|---|-------------------------------|
| 1. Ms. Lucy Kimathi | - | Principal Clerk Assistant/HOD |
| 2. Mr. Abdiaziz Shobay | - | Clerk Assistant II |
| 3. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 4. Mr. Abdimalik Ahmed | - | Clerk Assistant III |
| 5. Dr. Kuria Waitara | - | Research Officer III |
| 6. Mr. Danton Kimutai | - | Audio Officer III |
| 7. Mr. Joshua Lenambeti | - | Sergeant at Arms |

MIN. NO.NA/DAAOSC/COI/2023/214:

PRELIMINARIES.

The Chairperson called the meeting to order at 9:35am and the Hon. Rose Museo Mumo; M.P said a word of prayer. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Cynthia Jepkoskei Muge M.P and seconded by the Hon Hamisi Kakuta Maimai, M.P.

AGENDA

1. Prayers
2. Introduction
3. Confirmation of Minutes
4. Substantive agenda: **Consideration and adoption of the Second Omnibus Report on Implementation Status of Inquiries, Petitions and Resolutions passed by the House.**
5. Any Other Business.

MIN. NO.NA/DAAOSC/COI/2023/215:

CONFIRMATION OF MINUTES.

The Agenda item was differed to the next sitting.

MIN.NO.NA/DAAOSC/COI/2023/216:

THE PUBLIC INVESTMENT
COMMITTEE'S 24TH REPORT ON
CONSIDERATION OF THE AUDITOR
GENERAL'S REPORTS ON
FINANCIAL STATEMENTS OF
GEOTHERMAL DEVELOPMENT
COMPANY (FY2016 -2017)

The Committee considered and adopted the Public Investment Committee's 24th Report on Consideration of the Auditor General's Reports on Financial Statements of Geothermal Development Company (FY 2016-2017, having been proposed and seconded by the The Hon. Stanley Muiruri Muthama, M.P and the The Hon Prof Guyo Waqo Jaldesa, M.P, respectively.

The Committee made the following observations and recommendations:

Committee Observations

The Committee observed that the Geothermal Development Company has taken steps to address the Committee's recommendations however challenges like budget constraints still exist in the Agency.

Committee Recommendations

- i) The Committee recommends that the GDC management should source for additional funding to address the balance sheet imbalances and remain afloat.
- ii) The Company's Board should review identification and digging wells mechanism to reduce losses on unproductive geothermal wells.
- iii) GDC should continue to evaluate other mechanisms to manage and reduce the risk of drilling unproductive wells.
- iv) The Company leadership should develop a formal policy on what should constitute acceptable levels of NPT based on international standards to reduce loss from NPT, and The National Treasury should ensure timely release of exchequer on projects under implementation.
- v) The National Treasury should allocate funds to the GDC to be used in meeting tax obligations.

Committee Resolution

The Committee unanimously resolved to include this report in its Second Omnibus Report.

MIN.NO.NA/DAAOSC/COI/2023/217:

THE PUBLIC INVESTMENT
COMMITTEE'S 24TH REPORT ON
CONSIDERATION OF THE AUDITOR
GENERAL'S REPORTS ON
FINANCIAL STATEMENTS OF
KENYA ELECTRICITY
GENERATING COMPANY (FY
2012/2015 to 2019/2020)

The Committee considered and adopted the Public Investment Committee's 24th Report on Consideration of the Auditor General's Reports on Financial Statements of Kenya Electricity Generating Company (Fy 2012/2015 To 2019/2020) having been proposed and seconded by The Hon. John Okwisia Makali, M.P and the Hon. Siyoi Lillian, M.P, respectively.

The Committee made the following Observation and Recommendations

Committee Observations

Arising from the submissions by the Kenya Electricity Generating Company the Committee observed that the recommendations by the Public Investment Committee are currently being implemented.

Committee Recommendation

- i. That the books of accounts for KENGEN be exclusively audited by the Office of the Auditor General the Auditor General should carry out the audit without outsourcing.
- ii. The Committee recommends that entity's assets valuation should be carried out within the set time lines.
- iii. The EACC should investigate the circumstances under which KENGEN was denied approvals to connect ready wells to the national grid.
- iv. The accounting officer for KENGEN should ensure the expeditious transfer of assets belonging to KETRACO and recovery of the attendant costs expended in running them.

Committee Resolution

The Committee resolved to include this report in its Second Omnibus Report.

MIN.NO.NA/DAAOSC/COI/2023/218:

THE PUBLIC INVESTMENT
COMMITTEE'S 24TH REPORT ON
CONSIDERATION OF THE AUDITOR
GENERAL'S REPORT ON FINANCIAL
STATEMENTS OF KENYA WILDLIFE
SERVICE (FY2017/2018 TO
2018/2019)

The Committee considered and adopted the Public Investment Committee's 24th Report on Consideration of the Auditor General's Reports on Financial Statements Kenya Wildlife Service (FY 2017/2018/2019) having been proposed and seconded by the Hon. Elijah Memusi Kanchory, M.P and The Hon. Timothy Kipchumba Toroitich, M.P, respectively

The Committee made the following Observation and Recommendations

Committee Observations

Arising from the submissions by the Director General Kenya Wildlife Service, it was observed that the implementation status of the recommendations is still-ongoing

Committee Recommendation

- i) The Kenya Wildlife Service management should fast-track the process of getting ownership documents for remaining properties which are at risk of encroachment.
- ii) The Management of KWS should ensure that the assets register is updated.
- iii) The CEO Kenya Wildlife Service should be held responsible for all consequences for failure to make all effort to update the asset register of its land and all biological assets, and a timeline for this should be provided. An updated assets register will enable the Kenya Wildlife Service to track changes in asset values over time, monitor their conservation efforts effectively, and evaluate the impact of their initiatives.
- iv) Kenya National Highways Authority should remit Ksh 2,474,710,000 to Kenya Wildlife Service immediately.
- v) The Kenya Wildlife Service should expedite procurement of a system that is integrated and accountable to avoid pilferage within the 2022/2023 financial year.
- vi) The Kenya Wildlife Service should adopt the e-procurement and implement the IFMIS system in all its financial transactions, and the Director of IFMIS should offer the requisite support to Kenya Wildlife Services.

Committee Resolution

The Committee resolved to include this report in the Second Omnibus Report and has directed that it be considered within a period of 60days from the date of the adoption of this report by the House.

MIN.NO.NA/DAAOSC/COI/2023/219:

THE PUBLIC INVESTMENT
COMMITTEE'S 24TH REPORT ON
CONSIDERATION OF THE AUDITOR
GENERAL'S REPORTS ON
FINANCIAL STATEMENTS OF
KENYA MARINE AND FISHERIES
RESEARCH INSTITUTE (KMFRI)
(FY2012/2013 TO 2018/2019)

The Committee considered and adopted the Public Investment Committee's 24th Report on Consideration of the Auditor General's Reports on Financial Statements of Kenya Marine & Fisheries Research Institute (KMFRI) FY2012/2013 to 2018/2019) having been proposed and seconded by The Hon. Abdul Ebrahim Haro, M.P and The Hon. Hamisi Kakuta Maimai, M.P, respectively

The Committee made the following Observation and Resolution:

Committee Observation

Arising from the submissions by the Kenya Marine and Research Institute (KMFRI) the Committee observed that the recommendation by the Public Investments Committee has not been implemented.

Committee Resolution

The Committee resolved to exclude this report from the Second Omnibus Report and instead convene a meeting with the Ethics and Anti-Corruption Commission (EACC) and National Land Commission (NLC) for further consultation before its finalization.

MIN.NO.NA/DAAOSC/COI/2023/220:

THE PUBLIC INVESTMENT
COMMITTEE'S 24TH REPORT ON
CONSIDERATION OF THE AUDITOR
GENERAL'S REPORTS ON
FINANCIAL STATEMENTS OF ATHI
WATER WORKS DEVELOPMENT
AGENCY FINANCIAL YEARS
(2014/2015 TO 2018/2019)

The Committee considered and adopted the Public Investment Committee's 24th Report on Consideration of the Auditor General's Reports on Financial Statements of Athi Water Works Development Agency Financial Years (2014/2015 to 2018/2019) having been proposed and seconded by The Hon. Charles Gumini Gimose, M.P and The Hon. Mark Samuel Muriithi Mwenje, M.P, respectively

The Committee made the following Observation, Recommendation & Resolution

Committee Observation

Arising from the submissions by the Chief Executive Officer, Athi Water Works Development Agency the Committee observed that the Agency has made a progress in implementing the recommendations by the Public Investments Committee.

Committee Recommendations

- i) The Management of the Athi Water Services should conduct an audit of all its property and a search with the lands office to ascertain ownership of land under the Agency
- ii) The CEO of AWWDA should aggressively pursue the money owed to the entity
- iii) The mother Ministry and the CEO should expeditiously secure ownership documents of the assets queried by the Auditors.
- iv) The CEO of AWWDA should aggressively pursue the money owed to the entity
- v) The Agency should always follow the law regarding implementation of the budget and the management should always provide documents for audit as per the timelines provided by the PFM and Public Audit Act guidelines.

Committee Resolution

The Committee resolved to include this report in the Second Omnibus Report.

MIN.NO.NA/DAAOSC/COI/2023/221:

THE PUBLIC INVESTMENT
COMMITTEE'S 24TH REPORT ON
CONSIDERATION OF THE AUDITOR
GENERAL'S REPORTS ON
FINANCIAL STATEMENTS OF
KENYATTA NATIONAL HOSPITAL
(FY 2013/2014 TO 2017/2018)

The Committee considered and adopted the Public Investment Committee's 24th Report on Consideration of the Auditor General's Reports on Financial Statements of Kenyatta National Hospital (FY 2013/2014 TO 2017/2018 having been proposed and seconded by The Hon. Hilary Arap Kosgei, M.P and The Hon. Cynthia Jepkosgei Muge, M.P, respectively

The Committee made the following Observation, Recommendation and Resolution:

Committee Observation

Arising from the submissions by the Chief Executive Officer, Kenyatta National Hospital the Committee observed that the implementation of the recommendations by the Public Investment Committee is still on-going.

Committee Recommendation

- i) Kenyatta National Hospital should provide for adequate funds for bad and doubtful debts in its books to cushion debtors that are emergency in nature, and the KNH and NHIF should use the same accounting standard (reconciliation) to avoid discrepancies on the amount due to KNH from NHIF;
- ii) The EACC should investigate the circumstances under which documentation relating to issued letters of credit got lost from the KNH with a view to preferring charges against those that were involved in the disappearance of the said documents;
- iii) The accounting officer for the KNH should ensure consistency in treatment of depreciation of the Hospital's assets.

Committee Resolution

The Committee resolved to include this report in the Second Omnibus Report and has directed that it be considered within a period of 60 days from the date of the adoption of this report by the House.

MIN. NO.NA/DAAOSC/COI/2023/222:

ANY OTHER BUSSINESS

No other business arose.

MIN. NO.NA/DAAOSC/COI/2023/223:

ADJOURNMENT

There being no other business, the meeting was adjourned at one o'clock.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date.....

MINUTES OF THE FORTIETH (40TH) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON TUESDAY, 29TH AUGUST, 2023 IN MASHUA CONFERENCE ROOM, SERENA BEACH HOTEL, MOMBASA COUNTY AT 2:00PM.

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – Chairperson
2. The Hon. Rose Museo Mumo, M.P – Vice Chairperson
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. Hilary Arap Kosgei, M.P
5. The Hon. George Koimhuri Ndung'u, M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon Prof Guyo Waqo Jaldesa, M.P
8. The Hon. Siyoi Lillian, M.P
9. The Hon. Abdul Ebrahim Haro, M.P
10. The Hon. Cynthia Jepkosgei Muge, M.P
11. The Hon. Julius Taitumu M'Anaiba, M.P
12. The Hon. John Okwisia Makali, M.P
13. The Hon. Timothy Kipchumba Toroitich, M.P
14. The Hon. Hamisi Kakuta Maimai, M.P
15. The Hon. Stanley Muiruri Muthama, M.P
16. The Hon. Mark Samuel Muriithi Mwenje, M.P

APOLOGIES

1. The Hon. Mohamed Ali, M.P
2. The Hon. Nicholas Ngikor Nixon Ngikilong M.P
3. The Hon. Johnson Manya Naicca, M.P
4. The Hon. Rael Chepkemai Kasiwai, M.P
5. The Hon. Zamzam Mohamed Chimba, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-------------------------|---|-------------------------------|
| 1. Ms. Lucy Kimathi | - | Principal Clerk Assistant/HOD |
| 2. Mr. Abdiaziz Shobay | - | Clerk Assistant II |
| 3. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 4. Mr. Abdimalik Ahmed | - | Clerk Assistant III |
| 5. Mr. Danton Kimutai | - | Audio Officer III |
| 6. Mr. Joshua Lenambeti | - | Sergeant at Arms |

MIN. NO.NA/DAAOSC/COI/2023/208:

PRELIMINARIES.

The Chairperson called the meeting to order at 2:00pm. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Rose Museo Mumo, M.P and seconded by The Hon. John Okwisia Makali, M.P.

AGENDA

1. Prayers
2. Introduction

3. Substantive agenda: **Consideration and adoption of the First Omnibus Report on Implementation Status of Inquiries, Petitions and Resolutions passed by the House.**
4. Any Other Business.

MIN.NO.NA/DAAOSC/COI/2023/209:

THE PUBLIC INVESTMENT COMMITTEE, 23RD REPORT ON CONSIDERATION OF THE AUDITOR GENERAL REPORTS ON THE FINANCIAL STATEMENTS OF STATE CORPORATIONS: KENYA PORTS AUTHORITY (FYS 2014/15 TO 2016/17)

The committee considered and adopted the Public Investment Committee report on consideration of the Auditor General's reports on the Financial Statements of Kenya Ports Authority (FY2014/15 TO 2016/17, having been proposed and seconded by the Hon Prof. Guyo Jaldesa, M.P and the Hon. Lilian Jepkosgei Muge, M.P, respectively.

The Committee made the following observations and recommendations

Committee Observation

- i) Arising from the submissions by the Kenya Ports Authority, the Committee observed that the implementations of some of the recommendations by the Public Investment Committee like the resolutions on debt issues are ongoing.
- ii) Further, the Committee observed that majority of the plots have pending cases in courts that have not been determined.

Committee Resolution

Emanating from the submissions and observations by the Committee during its site visit, the Committee resolved to expunge this report from its First Omnibus Report for further consultations with the various stakeholders since the cases have not been determined by the Courts.

MIN.NO.NA/DAAOSC/COI/2023/210:

THE PUBLIC INVESTMENTS COMMITTEE, REPORT ON THE INQUIRY INTO THE SAFETY OF FERRIES AS OBSERVED IN THE AUDITED ACCOUNTS OF KENYA FERRY SERVICES FOR FINANCIAL YEAR 2016/17

The committee considered and adopted the Public Investment Committee report on consideration of the Auditor General's reports on the Financial Statements of Kenya Ferry Service for FY 2016/2017 having been proposed and seconded by The Hon. Siyoi Lillian, M.P and The Hon. Stanley Muiruri Muthama, M.P, respectively.

The Committee made the following Observation and Resolution:

Committee Observation and Recommendations

Arising from the submissions by the Kenya Ports Authority and an inspection visit made by the Committee, the Committee observed that the recommendations by the Public Investments Committee have been implemented.

Committee Resolution

The Committee resolved to include this report in its First Omnibus Report.

MIN.NO.NA/DAAOSC/COI/2023/211:

THE REPORT OF THE
DEPARTMENTAL COMMITTEE ON
LABOUR AND SOCIAL WELFARE ON
THE CONSIDERATION OF THE
PETITION BY THE KENYA
ASSOCIATION OF RETIRED
OFFICERS ON IMPROVED TERMS
FOR PENSIONERS IN KENYA

The Committee considered and adopted the report of the Departmental Committee on Labour and Social Welfare on the consideration of the petition by the Kenya Association of Retired Officers on improved terms for pensioners in Kenya, having been proposed and seconded by The Hon. Rose Museo Mumo, M.P and The Hon. George Koimburi Ndung'u, M.P, respectively

The Committee made the following Observation and Resolution:

Committee Observation

- i) Arising from the submissions by the National Treasury and Economic Planning, the Committee observed that the recommendations by the Departmental Committee on Labour and Social Welfare are currently being implemented.
- ii) The National Treasury should fast track the development process. A progress report on this activity should be made to Parliament within 3 months after adoption of the report.
- iii) The National Retirement Benefits Policy to provide for the management of retirement benefits in the country is under development. Implementation is on-going.
- iv) The National Treasury shared the list of nine hundred and seventy-seven (977) Government pensioners currently earning less than Kshs. 4,000 in monthly pension with the Ministry of Labour for further action
- v) The Committee noted that the National Retirement Benefits Policy to provide for the management of retirement benefits in the country is under development.
- vi) The National Treasury is in the process of reviewing various pensions laws aimed at filling in the gaps that they will be identified and conform to the best international standards and current realities.

Committee Observation

- i) The Cabinet Secretary Ministry of Labour and Social Protection should ensure that the nine hundred and seventy-seven pensioners are paid.

- ii) The Pensions Department has not been transformed to a Semi-Autonomous Agencies (SAGA) however; the National Treasury has automated its processes to enhance efficiency and effectiveness. The implementation is on-going.
- iii) The Committee recommends that the National Treasury and Economic Planning and the Ministry of Health should conclude the development of the Post-Retirement Medical Policy alleviate the pensioners suffering.
- iv) The National Treasury should prepare the amendments or Bills within a reasonable time and present them to the House for consideration.

Committee Resolution

The Committee resolved to include this report in its First Omnibus Report.

MIN. NO.NA/DAAOSC/COI/2023/212: ANY OTHER BUSSINESS

No other business arose.

MIN. NO.NA/DAAOSC/COI/2023/213: ADJOURNMENT

There being no other business, the meeting was adjourned at four o'clock.

Signed..... *for: [Signature]*

Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date..... *25th October 2023*

MINUTES OF THE THIRTY-NINETH (39TH) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON TUESDAY, 29TH AUGUST, 2023 IN THE CONFERENCE ROOM AT MASHUA CONFERENCE ROOM, SERENA BEACH HOTEL, MOMBASA COUNTY AT 9:30AM.

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – Chairperson
2. The Hon. Rose Museo Mumo, M.P – Vice Chairperson
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. Hilary Arap Kosgei, M.P
5. The Hon. George Koimburi Ndung'u, M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon Prof Guyo Waqo Jaldesa, M.P
8. The Hon. Siyoi Lillian, M.P
9. The Hon. Abdul Ebrahim Haro, M.P
10. The Hon. Cynthia Jepkosgei Muge, M.P
11. The Hon. Julius Taitumu M'Anaiba, M.P
12. The Hon. John Okwisia Makali, M.P
13. The Hon. Timothy Kipchumba Toroitich, M.P
14. The Hon. Hamisi Kakuta Maimai, M.P
15. The Hon. Stanley Muiruri Muthama, M.P
16. The Hon. Mark Samuel Muriithi Mwenje, M.P

APOLOGIES

1. The Hon. Mohamed Ali, M.P
2. The Hon. Nicholas Ng'ikor Nixon Ngikilong M.P
3. The Hon. Johnson Many Naicca, M.P
4. The Hon. Rael Chepkemoi Kasiwai, M.P
5. The Hon. Zamzam Mohamed Chimba, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-------------------------|---|-------------------------------|
| 1. Ms. Lucy Kimathi | - | Principal Clerk Assistant/HOD |
| 2. Mr. Abdiaziz Shobay | - | Clerk Assistant II |
| 3. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 4. Mr. Abdimalik Ahmed | - | Clerk Assistant III |
| 5. Mr. Danton Kimutai | - | Audio Officer III |
| 6. Mr. Joshua Lenambeti | - | Sergeant at Arms |

MIN. NO.NA/DAAOSC/COI/2023/201:

PRELIMINARIES.

The Chairperson called the meeting to order at 9:35am and the Hon. Hillary Arap Kosgei said a prayer. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Abdul Ebrahim Haro, M.P and seconded by the Hon Prof Guyo Waqo Jaldesa, M.P.

AGENDA

1. Prayers
2. Introduction
3. Substantive agenda: **Consideration and adoption of the First Omnibus Report on Implementation Status of Inquiries, Petitions and Resolutions passed by the House.**
4. Any Other Business.

MIN.NO.NA/DAAOSC/COI/2023/202:

CONSIDERATION AND ADOPTION OF THE 24TH PUBLIC INVESTMENT COMMITTEE REPORT ON CONSIDERATION OF THE AUDITOR GENERAL'S REPORTS ON FINANCIAL STATEMENTS OF STATE CORPORATIONS: THE RONALD NGALA UTALII COLLEGE PROJECT IN KILIFI COUNTY (FY2014 -2018/2019)

The committee considered the 24th Public Investment Committee report on consideration of the Auditor General's reports on the Financial Statements of Ronald Ngala Utalii College project in Kilifi County (FY 2014 to 2018/2019, having been proposed and seconded by The Hon. Elijah Memusi Kanchory, M.P and The Hon. Hilary Arap Kosgei, M.P, respectively.

The Committee made the following observations and recommendations

Committee Observations

- i) Based on the submissions by the Cabinet Secretary, Ministry of Tourism, Wildlife & Heritage, the committee observed that the Ethics and Anti-Corruption Commission (EACC) had not submitted any submissions on the implementation status of the report despite requests for appraisal by the Committee (vide letter Ref: NA/AA&OSC/COI/2023(023) written on 3rd March,2023);
- ii) Additionally, the Committee observed that the majority of the implementation status recommended was reliant on the findings of the investigations by EACC. EACC had failed to submit their investigations to both the Tourism Fund and the Committee on Implementation.

Committee Resolution

Based on the observations, the Committee resolved to expunge the report on Ronald Ngala Utalii College from its First Omnibus Report, subject to getting a status report from the EACC.

MIN.NO.NA/DAAOSC/COI/2023/203:

REPORT OF THE DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH ON PUBLIC PETITION NO. 047 OF 2021 REGARDING SUSPENSION OF TEACHERS' PROFESSIONAL DEVELOPMENT (TPD) PROGRAM

The Committee considered and adopted the report of the Departmental Committee on Education and Research on public petition No. 047 of 2021 regarding suspension of Teachers Professional Development (TPD) Program; having been proposed and seconded by The Hon. Charles Gumini Gimose, M.P and The Hon. Julius Taitumu M'Anaiba, M.P, respectively

The Committee made the following observations and recommendations

Committee Observations and Resolution

- i) The Committee observed that the submissions provided by the Teacher's Service Commission were sufficient and that the matter had been settled in court
- ii) The Committee resolved to include this report in its first Omnibus Report

MIN.NO.NA/DAAOSC/COI/2023/204:

**REPORT OF THE DEPARTMENTAL
COMMITTEE ON EDUCATION AND
RESEARCH ON PUBLIC PETITION
REGARDING REPEAL OF SECTIONS
OF THE UNIVERSITIES ACT 2012
PERTAINING TO THE ELECTIONS
OF STUDENTS**

The Committee considered and adopted the report of the Departmental Committee on Education and Research on public petition regarding repeal of sections of the Universities Act, 2012 pertaining to the elections of students; having been proposed and seconded by The Hon. George Koimhuri Ndung'u, M.P and The Hon. Julius Taitumu M'Anaiba, M.P, respectively

The Committee made the following observations and recommendations

Committee Observations

- i) Arising from the submissions by the Ministry of Education, the Committee observed that the recommendations by the Departmental Committee on Education had not been implemented.
- ii) The Committee was concerned with the Ministry's response, considering that the Presidential Working Party on Education Reform had wide-ranging mandate it was not in a position to implement the recommendations by the Department Committee on Education and Research.

Committee Recommendations

The Committee directed the Cabinet Secretary in charge of Ministry of Education to prepare the Universities Act, 2012 (Amendment) Bill incorporating the recommendations and present it to the House for consideration.

Committee Resolution

The Committee resolved to include this report in its First Omnibus Report, subject to its recommendation that the Cabinet Secretary, Ministry of Education, prepare the Universities Act, 2012 (Amendment) Bill and present it to the House for consideration within 60 days of the House's adoption of the report.

THE SECOND REPORT OF THE
SPECIAL FUND ACCOUNTS
COMMITTEE ON AUDITED
FINANCIAL STATEMENTS FOR THE
NATIONAL GOVERNMENT
CONSTITUENCIES DEVELOPMENT
FUND FOR CONSTITUENCIES IN
NAIROBI CITY COUNTY FOR THE
FINANCIAL YEAR 2013/14, 2014/15
AND 2015/16

The Committee considered and adopted the second report of the Special Funds Accounts Committee on Audited Financial Statements for the National Government Constituencies Development Fund for Constituencies in Nairobi City County for the FY 2013/14, 2014/15 and 2015/16; having been proposed and seconded by The Hon Prof Guyo Waqo Jaldesa, M.P and The Hon. Abdul Ebrahim Haro, M.P, respectively

The Committee made the following observations and recommendations

Committee Observations

- i) Arising from the submissions by the NGCCDF Board, the Committee observed that the recommendations by the Special Fund Accounts Committee are currently being implemented.
- ii) The Board has issued directive requiring the Fund Account Managers to maintain project files containing original BQs, drawings, payments certificates and expenditure returns. The recommendation has been implemented.
- iii) The measures put in place by the Board have improved bursary allocations and disbursement. The recommendation is under implementation.
- iv) The Board in consultations with the Public Sector Accounting Standards Board (PSASB) undertakes annual trainings of the Fund Account Managers, Sub County Accountants and Chairperson on the financial reporting template.
- v) The Committee observed that all the 290 Constituencies are different and the use of alternative systems of tracking initiated by the NGCDF Board was commendable since each constituency wants to modify projects to suit their local needs. Implementation is on progress.
- vi) The Board has put in place mechanisms to ensure imprests are duly surrendered. Further, cases of imprest defaulters are continuously identified through the Board's internal audit and recovery instituted through the payroll and paid back to the respective constituencies. The recommendation has been implemented.
- vii) The Committee also observed that the Board engaged the National Treasury on the matter resulting in the National Treasury establishing four National Sub-County treasuries to serve the 17 constituencies in Nairobi County. The recommendation has been implemented.
- viii) The Committee noted that some of the Fund Managers do not adhere to Human Resources Policy thus they are not available in the offices during the working hours.
- ix) Audit queries raised by the auditor general were either in court or under investigation by the EACC. This matter is within the mandate of the EACC. The Board has taken administrative action on all officers charged in court.

MINUTES OF THE EIGHTH (8TH) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON THURSDAY, 21ST FEBRUARY, 2023 AT MINI CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS AT 10.00 AM.

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – Chairperson
2. The Hon. Elijah Memusi Kanchory, M.P
3. The Hon. Hilary Arap Kosgei, M.P
4. The Hon. Prof Guyo Waqo Jaldesa, M.P
5. The Hon. Abdul Ebrahim Haro, M.P
6. The Hon. Julius Taitumu M'Anaiba, M.P
7. The Hon. John Okwisia Makali, M.P
8. The Hon. Timothy Kipchumba Toroitich, M.P
9. The Hon. Hamisi Kakuta Maimai, M.P
10. The Hon. Stanley Muiruri Muthama, M.P
11. The Hon. Mark Samuel Muriithi Mwenje, M.P
12. The Hon. Rael Chepkemoi Kasiwai, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, M.P – Vice Chairperson
2. The Hon. Mohamed Ali, M.P
3. The Hon. Johnson Manya Naicca, M.P
4. The Hon. George Koimburi Ndung'u, M.P
5. The Hon. Nicholas Ng'ikor Nixon Ngikilong M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon. Zamzam Mohamed Chimba, M.P
8. The Hon. Siyoi Lillian, M.P
9. The Hon. Cynthia Jepkosgei Muge, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Abdiaziz Shobay - Clerk Assistant II
2. Ms. Kafuyai Wamae - Clerk Assistant III
3. Mr. Abdimalik Ahmed - Clerk Assistant III
4. Ms. Noel Amutabi - Legal Counsel
5. Dr. Kuria Waitara - Research officer III
6. Ms. Fridah Ngari - Media Relations Officer
7. Mr. Cosmas Akhonya - Audio Officer

IN-ATTENDANCE

MINISTRY OF EDUCATION

1. Dr. Beatrice Inyangala - PS, State Department Higher Education
2. Mr. Obiero Charles - Ministry of Education
3. Mr. Wamittah Hellen - Ministry of Education

IN-ATTENDANCE

TEACHERS SERVICE COMMISSION

1. Dr. Nancy Macharia - CEO, Teachers Service Commission

- | | | |
|-------------------------|---|-----------------------------|
| 2. Mr. Cavin Anyuor | - | Teachers Service Commission |
| 3. Dr. Reuben Ndambo | - | Teachers Service Commission |
| 4. Mr. Gabriel Mathenge | - | Teachers Service Commission |
| 5. Mr. Edwin Musundi | - | Teachers Service Commission |

MIN. NO.NA/DAAOSC/COI/2023/039: PRELIMINARIES

The Chairperson called the meeting to order at thirty Minutes past ten o'clock and said a prayer.

AGENDA

1. Prayers
2. Introduction
3. Adoption of the agenda
4. **Confirmation of minutes of previous sittings**
5. Substantive agenda: **Meeting with the Cabinet Secretary, Ministry of Education regarding status of implementation of the following reports:-**
 - i) Report by the Departmental Committee on Education & Research on petition regarding suspension of Teachers Professional Development presented by The Hon Omboko Milemba, M.P
 - ii) Report by the Departmental Committee on Education & Research on a public petition regarding repeal of sections of the Universities Act 2012 pertaining to the Elections of University Student Leaders.
6. Any Other Business

MIN.NO.NA/DAAOSC/COI/2023/040: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

7th Sittings

Minutes of the 7th sitting held on 21st February, 2023 were read and confirmed as a true record of the proceedings as proposed by the Hon. Timothy Kipchumba Toroitich, M.P and seconded by the Hon. Abdul Ebrahim Haro, M.P.

MIN.NO.NA/DAAOSC/COI/2023/041: SUBMISSIONS BY THE TEACHERS SERVICE COMMISSION ON PETITION REGARDING SUSPENSION OF TEACHERS PROFESSIONAL DEVELOPMENT.

The CEO Teachers Service Commission submitted the following in response to the suspension of Teachers Professional Development:-

1. The Teachers Professional Development (TPD) programs are formal trainings that are registered by law in order to continuously improve their pedagogical skills, management skills and learner outcomes;
2. Learners in the 21st century are confronted with increasingly complex social cultural, economic, technological and global challenges;
3. Teachers therefore must prepare learners who possess sophisticated, diversified and complementary competencies that will enable them to navigate through these challenges;
4. Like other professionals i.e advocates, doctors, engineers and accountants, teachers are required by TSC act to undertake Professional Development programs and to enhance their knowledge and skills so as to improve their competence and leadership capacity through structured programs developed by TSC;

5. The main objective of TPD is to professionalize the teaching service and bring it at a par with other professions in Kenya and globally;
6. On 27th sep 2021, Mr. Joseph Ngethe filed a constitutional petition No24 of 2021 vs TSC and nine others before Nakuru Employment and Labour Relations Court challenging the implementation of TPD;
7. The Teachers Unions (KNUT & KUPPET) together with the service providers were enjoined as respondents in the suits & filed responses to the suits;
8. On 28th September, 2021, Hon. Omboko Milemba, MP presented to the National assembly, a petition No. 047 of 2021 regarding the implementation of TPD;
9. The Committee however considered the petition and made recommendations amongst others that the Commission suspends the roll-out and implementation of TPD program until concerns are addressed by the Commission which included, conducting extensive public participation and broadening the source of service providers;
10. In response the Commission vide a letter dated 12th November, 2021 informing the Committee that the matter was subjudice in that the issue raised in the petition were similar and subject of the matter pending in court & which was active at the time;
11. To this end the suite was dismissed in its entirety
12. In view of the feedback from Teachers and other stakeholders, the Commission is in consultation with the Ministry of Education to use the existing Teachers Training Colleges as centers for capacity building and professional development programmes for teachers.

Committee Observations

- i) The Committee was not satisfied with the submissions of Teachers Service Commission and queried the method used to determine the cost incurred by the teachers and the legal framework used to implement the teacher's professional development program;
- ii) Further the Committee was also concerned whether all teachers have been using equal access to this program and whether public participation was incorporated in developing the program.

MIN.NO.NA/DAAOSC/COI/2023/042:

SUBMISSIONS BY THE MINISTRY OF EDUCATION ON A PUBLIC PETITION REGARDING REPEAL OF SECTIONS OF UNIVERSITIES ACT, 2012

The Principal Secretary, State Department for Higher Education submitted the following in response to the repeal of sections of Universities Act:-

1. By a petition dated 5th August 2021, Mr. Amos kamothe petitioned the National Assembly to Repeal sections 18(1C) 18(1D) and 18 (1E) of the Universities act to introduce a collegiate system of electing student leaders;
2. The petitioner argued that these amendments are contrary to the constitution because they curtail universal suffrage by denying students the right to directly participate in the election of their leaders;
3. The Ministry expressed the view that student leaders should be elected democratically through universal suffrage;
4. Further the Ministry noted that having considered the petition and submissions by stakeholders, the Departmental Committee on Education and Research held that the

Electoral College system of electing student leaders is not in tandem with the constitution;

The Committee was not satisfied with assurances and demanded concrete actions and timelines. Members raised concern over the delay in implementation of the recommendations by the Departmental Committee on Education & Research, particularly delay by the Ministry to commence repeal of various sections of the Universities Act, 2012 to address the petition.

The Committee resolved to invite the Cabinet Secretary or Education to a meeting on Tuesday, 7th March, 2023 to be apprised on the steps taken by the Ministry towards implementation of the recommendations in the report.

MIN. NO.NA/DAAOSC/COI/2023/043: ANY OTHER BUSSINESS

The meeting was informed that the field visit to Ronald Ngala Utalii College in Kilifi County scheduled to be undertaken between Thursday, 23rd - Sunday, 26th February, 2023 was on course.

MIN. NO.NA/DAAOSC/COI/2023/044 ADJOURNMENT

There being no other business, the meeting adjourned at 12.10 pm.

Signed...............

Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date.....7/3/23.....

MINUTES OF THE SEVENTH (7TH) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON THURSDAY, 16TH FEBRUARY, 2023 AT MAIN CHAMBER, PARLIAMENT BUILDING AT 11.00 AM.

PRESENT

1. The Hon. Rose Museo Mumo, M.P – Vice Chairperson
2. The Hon. Johnson Many Naicca, M.P
3. The Hon. Hilary Arap Kosgei, M.P
4. The Hon. Prof Guyo Waqo Jaldesa, M.P
5. The Hon. Abdul Ebrahim Haro, M.P
6. The Hon. Julius Taitumu M'Anaiba, M.P
7. The Hon. Timothy Kipchumba Toroitich, M.P
8. The Hon. Hamisi Kakuta Maimai, M.P
9. The Hon. Mark Samuel Muriithi Mwenje, M.P

APOLOGIES

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – Chairperson
2. The Hon. Mohamed Ali, M.P
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. George Koimburi Ndung'u, M.P
5. The Hon. Nicholas Ng'ikor Nixon Ngikilong M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon. John Okwisia Makali, M.P
8. The Hon. Zamzam Mohamed Chimba, M.P
9. The Hon. Siyoi Lillian, M.P
10. The Hon. Cynthia Jepkosgei Muge, M.P
11. The Hon. Stanley Muiruri Muthama, M.P
12. The Hon. Rael Chepkemoi Kasiwai, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|------------------------|---|-------------------------|
| 1. Mr. Abdiaziz Shobay | - | Clerk Assistant II |
| 2. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 3. Dr. Kuria Waitara | - | Research officer III |
| 4. Ms. Noel Amutabi | - | Legal Counsel |
| 5. Mr. Derrick Kimathi | - | Media Relations Officer |
| 6. Mr. Cosmas Akhonya | - | Audio Officer |

IN ATTENDANCE

MINISTRY OF EDUCATION

- | | | |
|----------------------|---|-----------------------|
| 1. Fredrick Ndambuki | - | Ministry of Education |
| 2. Joshua Wabwire | - | Ministry of Education |
| 3. Elizabeth Mulei | - | Ministry of Education |
| 4. Charles Obiero | - | Ministry of Education |

MIN. NO.NA/DAAOSC/COI/2023/034:

PRELIMINARIES

The Chairperson called the meeting to order at thirty Minutes past eleven o'clock and said a prayer. The agenda of the meeting was adopted as proposed by The Hon. Hilary Arap Kosgei, M.P and seconded by The Hon. Hamisi Kakuta Maimai, M.P respectively.

AGENDA

1. Prayers
2. Introduction
3. Adoption of the agenda
4. **Confirmation of minutes of previous sittings**
5. Substantive agenda: **Meeting with the Cabinet Secretary of the Ministry of Education to consider implementation status of the report of the Departmental Committee on Education and Research on a public petition regarding repeal of sections of the Universities Act 2012 pertaining to the Elections of University Student Leaders which was presented by Mr. Amos Kamotho.**
6. Any Other Business

MIN. NO.NA/DAAOSC/COI/2023/035:

CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

6th Sitting

Minutes of the 6th sitting held on 9th February, 2023 were read and confirmed as a true record of the proceedings as proposed by The Hon. Johnson Many Naicca and seconded by The Hon. Mark Samuel Muriithi Mwenje, M.P. There were no matters arising.

MIN. NO.NA/DAAOSC/COI/2023/036:

SUBMISSIONS BY THE MINISTRY OF EDUCATION ON THE IMPLEMENTATION STATUS OF A PUBLIC PETITION REGARDING THE REPEAL OF SECTIONS OF THE UNIVERSITIES ACT 2012 PERTAINING TO THE ELECTIONS OF UNIVERSITY STUDENT LEADERS

The meeting was informed that the Ministry requested their appearance before the Committee to respond to the status of implementation of the above report to a later date due to unavailability of the CS and PS who were attending a meeting at State House. The Committee resolved to reschedule the meeting to Tuesday 21st February, 2023 for the Ministry to provide the information requested by the Committee.

MIN. NO.NA/DAAOSC/COI/2023/037:

ANY OTHER BUSSINESS

Site visit to Ronald Ngala Utalii College – The Committee nominated the following members to undertake site visits to Ronald Ngala Utalii College in Kilifi County, on **Friday, 24th February, 2023;-**

1. The Hon. Raphael Bitta Sauti Wanjala, M.P - Chairperson
2. The Hon Rose Museo Mumo, M.P -Vice Chairperson
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. Johnson Many Naicca, M.P
5. The Hon. Hilary Arap Kosgei, M.P
6. The Hon. Prof Guyo Waqo Jaldesa, M.P
7. The Hon. Siyoi Lillian, M.P
8. The Hon. Cynthia Jepkosgei Muge, M.P
9. The Hon. Mark Samuel Muriithi Mwenje, M.P

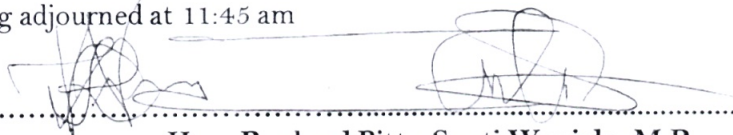
10. The Hon. Rael Chepkemoi Kasiwai, M.P
Further, the Committee noted that remaining Members of the Committee be considered in subsequent visits as scheduled in the Committee work plan.

MIN. NO.NA/DAAOSC/COI/2023/038

ADJOURNMENT

The meeting adjourned at 11:45 am

Signed.....



Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date.....

7/3/23

MINUTES OF THE ELEVENTH (11TH) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON TUESDAY, 7TH MARCH, 2023 AT COMMITTEE ROOM, 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM.

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – **Chairperson**
2. The Hon. Johnson Many Naicca, M.P
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. Hilary Arap Kosgei, M.P
5. The Hon. Nicholas Ng'ikor Nixon Ngikilong M.P
6. The Hon. Charles Gumini Gimose, M.P
7. The Hon. John Okwisia Makali, M.P
8. The Hon. Hamisi Kakuta Maimai, M.P
9. The Hon. George Koimburi Ndung'u, M.P
10. The Hon. Siyoi Lillian, M.P
11. The Hon. Julius Taitumu M'Anaiba, M.P
12. The Hon. Timothy Kipchumba Toroitich, M.P
13. The Hon. Abdul Ebrahim Haro, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, M.P – **Vice Chairperson**
2. The Hon. Mohamed Ali, M.P
3. The Hon. Stanley Muiruri Muthama, M.P
4. The Hon. Zamzam Mohamed Chimba, M.P
5. The Hon. Prof Guyo Waqo Jaldesa, M.P
6. The Hon. Cynthia Jepkosgei Muge, M.P
7. The Hon. Mark Samuel Muriithi Mwenje, M.P
8. The Hon. Rael Chepkemoi Kasiwai, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-------------------------|---|---------------------|
| 1. Mr. Abdiaziz Shobay | - | Clerk Assistant II |
| 2. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 3. Mr. Abdimalik Ahmed | - | Clerk Assistant III |
| 4. Ms. Noel Amutabi | - | Legal Counsel |
| 5. Mr. Joshua Lenambeti | - | Sergeant at-arms |
| 6. Ms. Mercy Kerubo | - | Audio Officer |
| 7. Ms. Fridah Ngari | - | Media Relations |

MIN. NO.NA/DAAOSC/COI/2023/055): PRELIMINARIES.

The Chairperson called the meeting to order at thirty minutes past ten O'clock and the Hon. Elijah Memusi Kanchory, M.P said a prayer. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. John Okwisia Makali, M.P and seconded by The Hon. Julius Taitumu M'Anaiba, M.P.

AGENDA

1. Prayers
2. Adoption of the agenda
3. Substantive agenda: **Meeting with the Cabinet Secretary of the Ministry of Education to consider implementation status of the report of the Departmental Committee on Education and Research on a public petition regarding repeal of sections of the Universities Act 2012 pertaining to the Elections of University Student Leaders which was presented by Mr. Amos Kamotho.**
4. Any Other Business.

MIN. NO.NA/DAAOSC/COI/2023/056:

**CONFIRMATION OF MINUTES OF
PREVIOUS SITTINGS**

8th Sitting

Minutes of the 8th sitting held on 21st February, 2023 were read and confirmed as a true record of proceedings as proposed by the Hon. John Okwisia Makali, M.P and seconded by the Hon. Timothy Kipchumba Toroitich, M.P.

MIN. No.NA/DAAOSC/COI/2023/057: MATTERS ARISING

Under MIN. No.NA/DAAOSC/COI/2023/041:

- i) The Committee noted that the Teachers Professional Development (TPD) program had been suspended by the 12th Parliament hence it is a pertinent matter since the TSC had previously mentioned to the Committee that it is in the process of rolling out the program.
- ii) The Employment and Labor Relations Court upheld the rollout of the TPD whilst the 12th August House suspended the said program. The Committee acknowledged this impasse.
- iii) The Committee acknowledged that it looks into resolutions and recommendations of the departmental Committee on Education when making a follow up on this issue and it is mandated to make reports directly to the House. It was resolved that the onus is upon the Committee on Education and Research to follow up directly on the TPD in a bid of easing the existing predicament between the two arms of government.

9th Sitting

Minutes of the 9th sitting held on 24th February, 2023 were read and confirmed as a true record of proceedings as proposed by the Hon. Siyoi Lillian, M.P and seconded by the Hon. Elijah Memusi Kanchory, M.P.

Under MIN. No.NA/DAAOSC/COI/2023/047:

- i) The Honorable Members who visited the Ronald Ngala Utalii College briefed the Committee on the site visit. It was unanimously agreed that the EACC ought to give the Committee a way forward concerning the said project since it is unethical for a project under investigation by the EACC to proceed despite the said investigations being ongoing.
- ii) The Committee agreed that this matter needs to be expedited so that more funds are not lost. The next site visit ought to be before the lapse of 6 months and that the Honourable Members who did not carry out the first site visit will be given preference.

10th Sitting

Minutes of the 10th sitting held on 28th February, 2023 were read and confirmed as a true record of proceedings as proposed by the Hon. Siyoi Lillian, M.P and seconded by the Hon. Timothy Kipchumba Toroitich, M.P.

Under MIN. No.NA/DAAOSC/COI/2023/051:

The Committee noted that the issue on Miraa farming and marketing should be expedited because local farmers are currently going through losses due to the lack of export markets for their crops.

MIN.NO.NA/DAAOSC/COI/2023/058:

**MEETING WITH THE MINISTRY
OF EDUCATION AND RESEARCH
ON A PUBLIC PETITION
REGARDING THE REPEAL OF
SECTIONS OF THE UNIVERSITIES
ACT PERTAINING TO THE
ELECTION OF STUDENT LEADERS**

The secretariat reported that they were in receipt of a letter from the Principal Secretary for Education and Research requesting the Committee to reschedule the meeting to a later date since the Cabinet Secretary was engaged in a relief food distribution activity in North Eastern. The Committee acceded to the request however, it was concerned that this is the third meeting that the CS has been invited by the Committee and he did not show up despite this being a pertinent matter. The Committee resolved to meet the Ministry on 13th April, 2023.

MIN. NO.NA/DAAOSC/COI/2023/059: ANY OTHER BUSSINESS

No other business arose.

MIN. NO.NA/DAAOSC/COI/2023/060:

ADJOURNMENT

The meeting adjourned at 11:33 am

Signed.....


Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date.....

14/3/2023

MINUTES OF THE THIRTEENTH (13TH) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON TUESDAY, 16TH MARCH, 2023 AT WALNUT 1 CONFERENCE ROOM, PANARI HOTEL NAIROBI COUNTY AT 10.00 AM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P -Chairperson
2. The Hon. Rose Museo Mumo, M.P - Vice Chairperson
3. The Hon. Johnson Many Naicca, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Hilary Arap Kosgei, M.P
6. The Hon. Prof Guyo Waqo Jaldesa, M.P
7. The Hon. Siyoi Lillian, M.P
8. The Hon. Abdul Ebrahim Haro, M.P
9. The Hon. Julius Taitumu M'Anaiba, M.P
10. The Hon. John Okwisia Makali, M.P
11. The Hon. Rael Chepkemai Kasiwai, M.P

APOLOGIES

1. The Hon. Mohamed Ali, M.P
2. The Hon. Elijah Memusi Kanchory, M.P
3. The Hon. George Koimburi Ndung'u, M.P
4. The Hon. Nicholas Ng'ikor Nixon Ngikilong M.P
5. The Hon. Cynthia Jepkosgei Muge, M.P
6. The Hon. Hamisi Kakuta Maimai, M.P
7. The Hon. Zamzam Mohamed Chimba, M.P
8. The Hon. Timothy Kipchumba Toroitich, M.P
9. The Hon. Stanley Muiruri Muthama, M.P
10. The Hon. Mark Samuel Muriithi Mwenje, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-------------------------|---|-------------------------|
| 1. Mr. Abdiaziz Shobay | - | Clerk Assistant II |
| 2. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 3. Mr. Abdimalik Ahmed | - | Clerk Assistant III |
| 4. Ms. Noel Amutabi | - | Legal Counsel |
| 5. Dr. Kuria Waitara | - | Research officer III |
| 6. Ms. Winnie Kiziah | - | Media Relations Officer |
| 7. Mr. Boniface Mugambi | - | Sergeant at-arms 1 |
| 8. Mr. Danton Kimutai | - | Audio Officer |

IN-ATTENDANCE

NG-CDF BOARD

- | | | |
|---------------------------|---|-------------------|
| 1. Mr. Yusuf Mbuno | - | CEO, NG-CDF Board |
| 2. Ms. Beatrice Otieno | - | NG-CDF Board |
| 3. Ms. Christine Mwangolo | - | NG-CDF Board |
| 4. Mr. James Chebii | - | NG-CDF Board |

5. Mr. Raphael Nduati - NGCDF Board
6. Ms. Alice Wachira - NGCDF Board

MIN. NO.NA/DAAOSC/COI/2023/066: PRELIMINARIES.

The Chairperson called the meeting to order at eighteen minutes past eleven o'clock and the Hon. Prof Guyo Waqo Jaldesa, M.P, said a word of prayer.

AGENDA

1. Prayers
2. Introduction
3. Confirmation of Minutes
4. Substantive agenda: Meeting with the Chief Executive Officer NFG-CDF Board regarding the implementation status of the Second Report of the Special Funds Accounts Committee on Audited Financial Statements for the National Government Constituencies Development Fund for Constituencies in Nairobi City County for the Financial Years 2013/14, 2014/15 and 2015/16.
5. Any Other Business.

MIN.NO.NA/DAAOSC/COI/2023/067:

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

12th Sittings

Minutes of the 12th Sitting held on the 14th of March were confirmed as the true proceedings of the meeting as proposed by Hon. Prof Guyo Waqo Jaldesa, M.P and seconded by Hon. Rael Chepkemoi Kasiwai, M.P. **There were no matters arising.**

MIN.NO.NA/DAAOSC/COI/2023/068:

MEETING WITH THE CEO, NGCDF BOARD REGARDING THE IMPLEMENTATION STATUS OF THE 2ND REPORT OF THE SPECIAL FUNDS ACCOUNTS COMMITTEE ON AUDITED FINANCIAL STATEMENTS FOR THE NG-CDF FOR CONSTITUENCIES IN NAIROBI CITY COUNTY FOR THE FY 2013/14, 2014/15 AND 2015/16.

The CEO NG-CDF Board Mr. Yusuf Mbuno submitted the following in response to the implementation status of the recommendations by Special Funds Account Committee:-

- i) The Board in liaison with National Assembly Select Committee on NG-CDF continually engages the National Treasury for prompt release of funds;
- ii) The Principal Secretary for the State Department for Economic Planning communicated the National Treasury's undertaking to be releasing Ksh. 2 billion weekly so that by 31st March 2023 up to 50% of the NG-CDF allocations for the 2022/2023 financial year will have been released;
- iii) This position was reinforced by the communication by the Speaker of the National Assembly during the training;
- iv) The Board is enforcing the recruitment of key constituency staff through ensuring that budgetary provisions are made in the project proposals including for capacity building;

- v) Guidelines on bursary fund have been reviewed and issued to constituencies. This incorporated electronic Funds transfers and any other efficient means;
- vi) Constituency committees have been guided through a circular to dispatch cheques to institutions through express mail service (EMS) or alternative safest and expeditious means that also remits back acknowledgement receipts;
- vii) The Board in consultations with the PSASB undertakes annual trainings of the Fund Account Managers, Sub County Accountants and Chairperson on the financial reporting template;
- viii) In addition, The Board reviews constituencies' annual reports and financial statements to ensure compliance to the reporting template before submission to the Auditor General;
- ix) The Board has developed an M&E Framework guided by the National M&E Policy (2022) which includes provision for linking to NIMES;
- x) The Board is in the process of developing an Integrated Geographic Information System (GIS) based M&E system;
- xi) For a start the Board has developed National Government Constituencies Development Fund Management Information System (NGCDFMIS) capable of online submission and processing of project proposals, automated generation of project code list, and tracking implementation at PMC level;
- xii) This is complemented by a vote book management system deployed by the National Treasury and customized to NGCDF operations to track financial management in the Fund;
- xiii) The Board also has in place Enterprise Risk Management Systems (ERMS) for effective risk management to guarantee achievement of the objectives of the Fund;
- xiv) The Board continuously does quality checks and builds capacity of staff and stakeholders to effectively utilize the developed systems for effective management of the funds.

The CEO NG-CDF Mr. Mbuno further informed the Committee as follows:-

- i) The issue of double funding whereby a student receives funding from the NGCDF, NGAF and MCA bursaries is a challenge to the board. The Board is currently working on an information sharing system whereby once a child receives any of these funding, the other bodies will be notified.
- ii) The Board is working in conjunction with banks so that as it disburses funds electronically, M. Ps can be given dummy cheques to issue out to constituencies for the purpose of awareness creation. The board acknowledges that physical disbursement of bursaries benefits MPs locally, the dummy cheques will help create a good rapport between the constituents and their M.P;
- iii) Absentee fund managers or those who do not report to work and are inaccessible via phone will be identified and the necessary action will be taken on them.

Committee Observations

1. The Committee observed that all the 290 Constituencies are different from one other and the use of alternative systems of tracking initiated by the NG-CDF Board was commendable since each county wants to modify projects to suit their local needs;
2. The Board has put in place mechanisms to ensure imprest is duly surrendered. Further, cases of imprest defaulters are continuously identified through the Board's internal audit and recovery instituted through the payroll and paid back to the respective constituencies;

3. The Board in a circular dated 16th April, 2013 guided the constituency committees on how to transfer of assets and liabilities between the parent and newly created Constituencies;
4. The Board engaged the National Treasury on the matter resulting in the National Treasury establishing four National Sub-County treasuries to serve the 17 constituencies in Nairobi County;
5. The Board has developed a comprehensive appraisal instrument that ensures FAMS have cleared all the outstanding issues before their employment contract are renewed. Further, the Board has recruited substantive Regional Coordinators who are responsible for overseeing handing over process;
6. Seven Board directors for a period of three years with effect from 26th March 2019. Administratively, the Board has divided the country into ten regions namely; Nairobi, Lower Eastern, Upper Eastern, Central, Coast, North Eastern, South Rift and North Rift Regions, Nyanza and Western. The Regional Offices are manned by Regional Coordinators who are the immediate supervisors of Fund Account Managers. The Regional Coordinators report to the Chief Manager, Programmes and Field Services Coordination in the NG-CDF Board;
7. Audit queries raised by the auditor general were either in court or under investigation by the EACC. This matter is within the mandate of the EACC.
8. The Board has taken administrative action on all officers charged in court

Committee Recommendations

1. The Ethics and Anti-Corruption Commission should expedite investigations into active matters in courts and furnish a status report on the investigations to the National Assembly.
2. The National Government Constituencies Development Fund Board suspends Fund account managers and any other officers of the Board who are under investigation by the EACC until these investigations are completed.
3. The National Treasury expedites the process of quarterly disbursements of funds to the NG-CDF Board for timely release to constituencies.
4. The NG-CDF should factor in the outstanding arrears of Kshs. 2.9 billion in the supplementary estimate for the 2022–2023 financial year.
5. The Board should issue a directive requiring the Fund Account Managers to maintain project files containing original BQs, drawings, payment certificates, and expenditure returns, and the Board should include this directive as one of the targets in the performance contract signed with the constituency committee every year.
6. Guidelines on bursary funds should be reviewed and issued to constituencies, and electronic funds transfers should be incorporated.
7. Capacity building of NG-CDF staff targeting fund account managers, national sub-county accountants, and constituency committee chairpersons on financial reporting standards should be done annually upon needs assessment.
8. In regards to the implementation of projects and reallocation of funds without approval from the NG-CDF Board, the Board should take administrative action against the affected Fund Account Managers.
9. On un-surrendered imprest, the NG-CDF Board should put in place mechanisms to ensure imprest is duly surrendered on time.

MIN. NO.NA/DAAOSC/COI/2023/069:

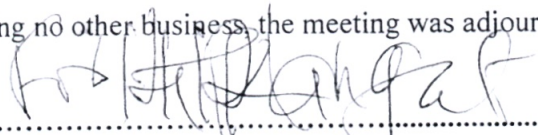
ANY OTHER BUSSINESS

The meeting was informed that the inspection visit to Kenya Ports Authority and Kenya Ferry Services in Mombasa County scheduled to be undertaken between Thursday, 23rd - Sunday, 26th March, 2023 was on course.

MIN. NO.NA/DAAOSC/COI/2023/070:

ADJOURNMENT

There being no other business, the meeting was adjourned at one thirty o'clock.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date.....21/05/2023

MINUTES OF THE FIFTEENTH (15TH) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON SATURDAY, 25TH MARCH, 2023 AT THE KENYA PORTS AUTHORITY BOARD ROOM, MOMBASA COUNTY AT 10.00 AM.

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – Chairperson
2. The Hon. Charles Gumini Gimose, M.P
3. The Hon. Hilary Arap Kosgei, M.P
4. The Hon. George Koimburi Ndung'u, M.P
5. The Hon. Abdul Ebrahim Haro, M.P
6. The Hon. Julius Taitumu M'Anaiba, M.P
7. The Hon. John Okwisia Makali, M.P
8. The Hon. Timothy Kipchumba Toroitich, M.P
9. The Hon. Zamzam Mohamed Chimba, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, M.P – Vice Chairperson
2. The Hon. Mohamed Ali, M.P
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. Johnson Many Naicca, M.P
5. The Hon Prof Guyo Waqo Jaldesa, M.P
6. The Hon. Cynthia Jepkosgei Muge, M.P
7. The Hon. Nicholas Ng'ikor Nixon Ngikilong M.P
8. The Hon. Siyoi Lillian, M.P
9. The Hon. Rael Chepkemai Kasiwai, M.P
10. The Hon. Stanley Muiruri Muthama, M.P
11. The Hon. Mark Samuel Muriithi Mwenje, M.P
12. The Hon. Hamisi Kakuta Maimai, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Abdiaziz Shobay - Clerk Assistant II
2. Mr. Abdimalik Ahmed - Clerk Assistant III
3. Ms. Noel Amutabi - Legal Counsel
4. Dr. Kuria Waitara - Research officer III
5. Ms. Winnie Kiziah - Media Relations Officer

KENYA PORTS AUTHORITY (KPA) AND KENYA FERRY SERVICE (KFS)

1. Capt. William K Ruto - Managing Director, Kenya Ports Authority
2. Mr. Alex Mbui - Representative, Ministry of Roads & Transport
3. Mr. Livingstone Bumbe - Representative, The National Treasury
4. Mr. Turasha Kinyanjui - Kenya Ports Authority
5. Mr. Capt G Namadoa - Kenya Ports Authority
6. Mr. Ali Mwambiro - Kenya Ports Authority
7. Mr. Evelyn Mwamure - Kenya Ports Authority
8. Eng Vincent Sidei - Kenya Ports Authority
9. Mr. Bakari H Gowa - Kenya Ports Authority

- | | | |
|--------------------------|---|-----------------------|
| 10. Mr. Said Mata | - | Kenya Ports Authority |
| 11. Mr. Millicent Omollo | - | Kenya Ports Authority |
| 12. Mr. Tony L Kibwana | - | Kenya Ports Authority |

MIN. NO.NA/DAAOSC/COI/2023/076: PRELIMINARIES.

The Chairperson called the meeting to order at fifty minutes past ten o'clock and The Hon. Julius Taitumu M'Anaiba, M.P said a word of prayer.

AGENDA

- 1) Prayers
- 2) Introduction
- 3) Confirmation of Minutes
- 4) Substantive agenda: **Meeting with the Ministry of Roads & Transport, Kenya Ports Authority, Kenya Ferry Services the National Treasury and Economic Planning to consider the implementation status of the Public Investment Committee's 23rd report on consideration of Auditor-General's report**
- 5) Any Other Business.

MIN. NO.NA/DAAOSC/COI/2023/077:

CONFIRMATION OF MINUTES

The agenda item was deferred to the next sitting.

MIN.NO.NA/DAAOSC/COI/2023/078:

SUBMISSION BY KPA ON KENYA FERRY SERVICES REGARDING REPORT OF THE PUBLIC INVESTMENT COMMITTEE ON THE INQUIRY INTO THE SAFETY OF FERRIES AS OBSERVED IN THE AUDITED ACCOUNTS OF KENYA FERRY SERVICES FOR THE FY 2016/17

The Managing Director, Kenya Ports Authority, Capt. William K. Ruto, submitted the following in response to the implementation status of the Report of the Public Investment Committee on the Inquiry into the Safety of Ferries as observed in the audited accounts of Kenya Ferry Services for the FY 2016/17. Specifically, The Committee assessed the safety of the ferries to confirm the implementation status of the House recommendations.

The following was raised regarding safety of ferries:

1. Dry-docking for MV Kwale and MV Likoni not done as scheduled;
2. MV Kwale engine had operated for more than 30,000 hours without undergoing engine overhaul.
3. Pulleys on most ferries were defective causing prows are to be submerged in water
4. The ferry users are not insured therefore it may be difficult to settle liabilities in case of accident.

Management Response

- i) KFSL had a fleet of 5 vessels and for it to operate optimally it required 4 vessels for Likoni and one for Mtongwe channel (Mtungwe channel was re-opened in March 2017 after closure for 5 years).
- ii) While these vessels were scheduled for dry dock in March 2017, it was impractical to take them to dry dock because this would have meant complete withdrawal of service for a period of not less than 3 months. The Likoni channel would have operated with 3 ferries (deficit of one) and Mtongwe channel be closed down;
- iii) After taking into account demand for the ferry service and assessing the safety condition of the vessels, the KFS undertook minimal maintenance works on the said ferries and reviewed the major maintenance schedule to have the dry docking of the two vessels after delivery of M.V Jambo in July 2017;
- iv) Consequently, the two ferries were dry docked for major repair works in November 2017 for M.V Kwale and MV Likoni was dry docked during the same period;
- v) The ferries are fitted with CAT C12 Engines, which according to its manufacturer's (CATERPILLAR PLC), the engines had already undergone the major overhaul way back and were due for replacement. They have since been replaced with new engines.
- vi) The KFS had a program to repair the lifting systems of the ferry prows, which entails the pulleys and associated parts;
- vii) Repairs on this were done to M.V Kilindini in January 2019 and M.V Likoni in June 2019. Plans were underway to repair M.V Nyayo (Scheduled for Dry Docking in September 2019);
- viii) The Company managed to undertake reasonable repair works on the engine to mitigate on hour overrun safety exposure. However, the engine was overhauled in the year under review and services were offered without any disruption;
- ix) All vessels have sea worthiness certificates issued by KMA (certificate no. 35) and since the vessels were non-deep sea going (international waters), the issuance of an international certificate was of no use;
- x) All the ferry vessels were insured against Protection and third part indemnity liability as well as hull and all machinery.

Committee Observations

The Committee observed that -

- i) The major reason of none maintenance of the ferries, was budgetary constraints.
- ii) M.V Kwale and MV Likoni were dry docked for major repair works in November 2017.
- iii) The lifting systems of the ferry prows, which entail the pulleys and associated parts, have been repaired for M.V Kilindini in January 2019, M.V Likoni in June 2019 with plans to repair M.V Nyayo in September 2019.
- iv) Scheduled dry docking for repair works is delayed due to budgetary constraints at Kenya Ferry Service;
- v) Kenya Ferry Service has an annual expenditure of Kshs. 102,000,000 on fuel of which 25% is accounted for by machine inefficiency that increases consumption;
- vi) The ferries at Likoni and Mtongwe carry an average of 340,000 people and 5800 cars per day.

Recommendation

The Kenya Ferry Services should ground MV Harambee until the vessel undergoes dry docking and significant repair followed by inspection before the ferry can resume operation.

Management response

- i) On Grounding of MV Harambee. The vessel was removed from operations on 1st December 2019 for comprehensive repairs. Dry docking and superstructure started in December 2020 and concluded in August 2021. For the prow lifting system, new hydraulic works started in April 2021 and was concluded in December;
- ii) On inspection of MV Harambee. The ferry was first inspected on 17th Dec 2021 and defects observed and there after collected corrected. A further Re inspection was conducted on 2nd Feb 2023 and a certificate issued on 15th March 2023.

Recommendation

- i) The industry regulator, Kenya Maritime Authority should enforce the grounding of ferries that do not meet safety standards by cancelling the safety certificates issued to these vessels;
- ii) The Authority should undertake fresh inspection of all ferries to determine which of the vessels meet safety standards and have undergone scheduled maintenance to ensure safety of the vessels.

Recommendation

- i) The National Treasury should urgently release funds to the Kenya Ferry Services to ensure ferries operated by the Agency undergo urgent repair and maintenance;
- ii) Funds for ferry repair and maintenance should be ring-fenced in future budgets for Kenya Ferry Services to ensure availability of funds for scheduled maintenance of the vessels.

Management response

Funds disbursed by government are as follows.

Period	New ferries	Ferry rehabilitation
2018/2019	150,000,000	200,000,000
2019/2020	127,000,000	370,000,000
2020/2021	128,000,000	200,000,000
Total	405,000,000	770,000,000

The government merged KPA and KFS in June 2021 partly to ensure ferry services is well resourced so as to improve on the safety of vessels.

Recommendation

The Office of the Auditor General should conduct a value-for-money audit on the contract between African Marine and General Engineering and Kenya Ferry Services for repair and maintenance of ferries to establish whether there was probity, efficiency, and effectiveness in the use of public funds. The company has been the sole provider of dry-docking services for Kenya Ferry Services.

Recommendation

The Kenya Ports Authority should consider establishing a dry dock facility for the repair and maintenance of maritime vessels including ferries. The facility would ensure competitiveness of the Mombasa port facility, generate income for the Authority and provide cost effective service for maritime operators.

Management response

Management is aware that, the Government established Kenya Shipyard Ltd in August 2020 with a mandate to construct, refit, convert, repair and maintain marine vessels among other services. This will serve the purpose as guided by committee recommendation.

Recommendation

The Kenya Maritime Authority should reevaluate the ferry inspection procedures in place to check for lapses and weaknesses in the process. Measures should be put in place to ensure the inspection procedure has no loopholes and that vessels are comprehensively inspected before being issued with safety certificates.

Recommendation

The Kenya Maritime Authority should ensure there is succession planning in hiring and staffing of maritime vessel inspectors. The Authority should put in place measures to ensure younger inspectors are recruited and trained to provide for continuity in inspection of ferries and issuance of safety certificates.

Recommendation

The Kenya Maritime Authority should recruit divers and provide the requisite training on search and rescue operations in the event of an accident as well as acquire valuable sea time for their competency.

Recommendation

All ferries operated by Kenya Ferry Services should be fitted with necessary safety equipment to be used in case of emergency. The ferries should also be fitted with a public address system for communication on safety matters while aboard the vessels.

Management response

Ferries are equipped with live saving equipment on board (rigid life rafts, safety life jackets and life buoys) as established by safety of life at sea regulations (SOLAS). All ferries are fitted with public address systems which is used to disseminate information and safety matters on board and are routinely maintained to ensure functionality.

Recommendation

Board appointees to the Kenya Ferry Services should be competent and qualified individuals to provide effective leadership and strategic direction for the organization. The Board should ensure that Board members are inducted and that their skills and knowledge are regularly enhanced given the specialized nature of the maritime industry.

Management response

Board last appointment by the Government 7th August 2020 comprised of three members with marine background and experience

- a) Chairman Salim Chingabwi worked for KPA at General Manager level for over 30 years
- b) Julius Segera, Ministry of Transport representative was a Director of Maritime.
- c) Mohamed Amin sheikh was a marine Expert having work at KPA among and marine industry.

Recommendation

Kenya Ferry Services should ensure that key positions such as the Head of Engineering are filled substantively. Succession planning should be done to ensure that recruitment of a replacement is done to coincide with the departure of the incumbent office holder.

Management response

The position of Manager Ferry Maintenance was substantively filled up on completion of the merger (KPA and KFS) and restructuring process in April 2022. The delay was occasioned by the merger process. A succession plan had been put in place in line with the recommendation of the committee.

Recommendation

The Ministry of Transport, Infrastructure, Housing and Urban Development should fast track the implementation of infrastructure projects that provide access to South Coast so as to reduce the over-reliance on the ferries operating at the Likoni and Mtongwe channels.

Management response

Management is aware that Dongo Kundu bypasses a road linking Mombasa West mainland to south Coast is its advance stages of completion.

Recommendation

Kenya Maritime Authority and Kenya Ferry Services should conduct a public education and safety campaign at the ferry crossings to sensitize the public on maintaining safety while using the ferries.

Management response

The safety sensitization is regularly done by KMA and ferry customer services team. The last exercise of such programmes was conducted in December 2022.

Recommendation

Kenya Ferry Services should replace the security company that provides security services aboard the ferries due to negligence in performing their duties.

Management response

The services of Guard force Security company group existed on the 31st of December 2019 and Ismax Security Company joined on 1st January 2020

Recommendation

The Kenya Ferry Services should provide stiff penalties for ferry passengers who fail to adhere to safety regulations while using the ferries. The penalties should be enforced strictly to ensure compliance by ferry users.

Management response

Multi Agency team including Kenya Coast Guards Service, National Police Service and Mombasa County Inspectorate assist the ferry security team on enforcement and those who violate the ferry regulations are booked and taken to court for various offenses as provided for by the Kenya Penal Code.

MIN. NO.NA/DAAOSC/COI/2023/079:

ANY OTHER BUSSINESS

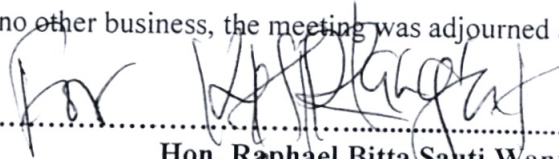
No other business arose

MIN. NO.NA/DAAOSC/COI/2023/080:

ADJOURNMENT

There being no other business, the meeting was adjourned at one o'clock.

Signed.....



Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date.....

29/05/2023

MINUTES OF THE SIXTEENTH (16TH) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON THURSDAY, 6TH APRIL, 2023 AT KIFARU CONFERENCE ROOM, BOMA HOTEL NAIROBI COUNTY AT 2.30 PM

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P - Chairperson
2. The Hon. Prof Guyo Waqo Jaldesa, M.P
3. The Hon. Abdul Ebrahim Haro, M.P
4. The Hon. Cynthia Jepkosgei Muge, M.P
5. The Hon. John Okwisia Makali, M.P
6. The Hon. Rael Chepkemai Kasiwai, M.P
7. The Hon. Mark Samuel Muriithi Mwenje, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, M.P - Vice Chairperson
2. The Hon. Mohamed Ali, M.P
3. The Hon. Johnson Many Naicca, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Elijah Memusi Kanchory, M.P
6. The Hon. Nicholas Ng'ikor Nixon Ngikilong M.P
7. The Hon. Hilary Arap Kosgei, M.P
8. The Hon. George Koimburi Ndung'u, M.P
9. The Hon. Hamisi Kakuta Maimai, M.P
10. The Hon. Julius Taitumu M'Anaiba, M.P
11. The Hon. Zamzam Mohamed Chimba, M.P
12. The Hon. Timothy Kipchumba Toroitich, M.P
13. The Hon. Siyoi Lillian, M.P
14. The Hon. Stanley Muiruri Muthama, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|------------------------|---|-------------------------------|
| 1. Ms. Lucy Kimathi | - | Principal Clerk Assistant/HOD |
| 2. Mr. Abdiaziz Shobay | - | Clerk Assistant II |
| 3. Ms. Noel Amutabi | - | Legal Counsel |
| 4. Dr. Kuria Waitara | - | Research officer III |
| 5. Ms. Winnie Kiziah | - | Media Relations Officer |

IN-ATTENDANCE

NG-CDF BOARD

- | | | |
|-------------------------|---|---|
| 1. Prof. Njuguna Ndungu | - | Cabinet Secretary, National Treasury |
| 2. Mr. Michael Ndichu | - | Director Pensions, National Treasury |
| 3. CPA. Isabella Kogei | - | Parliamentary Liaison Unite National Treasury |
| 4. Mr. Joseph Kinyua | - | Kenya Association of Retired Workers |
| 5. MS. Monica Kilonzo | - | Kenya Association of Retired Workers |
| 6. Ms. Beatrice Mwaniki | - | Kenya Association of Retired Workers |
| 7. Mr. John Wachira | - | Kenya Association of Retired Workers |

- | | | |
|-----------------------------|---|--------------------------------------|
| 8. Mr. Peter Karuga Gichohi | - | Kenya Association of Retired Workers |
| 9. Mr. Boniface Makau | - | Kenya Association of Retired Workers |
| 10. Mr. Ahmed Hussein | - | Kenya Association of Retired Workers |

MIN.NO.NA/DAAOSC/COI/2023/081: PRELIMINARIES.

The Chairperson called the meeting to order at forty minutes past two o'clock and the Hon. Abdul Ebrahim Haro, M.P, said a word of prayer.

AGENDA

1. Prayers
2. Introduction
3. Confirmation of Minutes
4. Substantive agenda: **Meeting with the Cabinet Secretaries for National Treasury & Economic Planning, Labour & Social Protection and Health regarding implementation status of the report on Consideration of a petition by Kenya Association of Retired Officers (KARO) on improved terms for pensioners in Kenya.**
5. Any Other Business.

MIN.NO.NA/DAAOSC/COI/2023/082:

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

The agenda item was deferred to the next sitting.

MIN.NO.NA/DAAOSC/COI/2023/083:

SUBMISSION BY THE KENYA ASSOCIATION OF RETIRED OFFICERS (KARO)

- i) The majority of the pensioners especially those who retired in the year 2003 live in abject poverty and are unable to meet their monthly upkeep;
- ii) That the retired officers paly a very significant role in National Development in their own way and deserve better livelihood through a comprehensive pension and benefit scheme;
- iii) That the Committee should intervne through the implementation of the Salaries and remuneration scheme (SRC) pension increase policy of 2015; amendment of pensions Act, Cap 189 and the pensions increase Act, CAP 190 of the laws of Kenya;
- iv) The Kenya Association of Retired Officers (KARO) on behalf of over 200,000 government pensioners in Kenya who receive their monthly pension from the pensions department of the National Treasury;
- v) Pensioners in the bracket of Kshs. 5,000-10,000 in monthly pension live in abject poverty and are unable to meet their basic needs;
- vi) That out of 220,000 public service retirees in Kenya drawing pensions, 25% earn Kshs. 4,000and below per month;
- vii) The real pension value has been eroded by inflation which between 2013 and 2017 averaged 6.7% per annum against 3% bi-annual pension adjustment;
- viii) Medical covers for the retirees, showing how the low levels of pensions and discrimination of health care insurance providers on age, makes it impossible for the retirees to access quality healthcare service;
- ix) Reports by commissions, Parliamentary resolutions and relevant organizations from 1970 to 2015 recommend that "whenever there are salary adjustments in public sector, pensions should also be adjusted" Best practices cost of living adjustment of adjusting

payment of pensions to a measure of cost of living, as stated in ILO, world social protection report 2017-2019.

Committee Observations

1. Laws on pensions should be reviewed after every three years depending on the cost of living and in line with ILO regulations. Further, the current Act should be reviewed in totality so that irrelevant clauses can be expunged
2. The Committee noted that there are different pension laws for different arms of Government;
3. The current pensions law has punitive clauses where a male cant earn pension of a female pensioner;
4. There was need for comprehensive pensions policy to guard against the suffering of pensioners;
5. Healthcare is key within pension payment and therefore the NHIF contributions need to be retained once an individual retires.

MIN.NO.NA/DAAOSC/COI/2023/084:

SUBMISSION BY THE CABINET
SECRETARY FOR HEALTH ON
IMPROVED TERMS FOR
PENSIONERS IN KENYA

The Cabinet Secretary for Health requested for more time to provide a comprehensive response on the matter; the Committee acceded to the request and directed that a written response be availed in a week's time.

MIN.NO.NA/DAAOSC/COI/2023/085:

SUBMISSION BY THE CABINET
SECRETARY FOR LABOUR &
SOCIAL SERVICE ON IMPROVED
TERMS FOR PENSIONERS IN
KENYA

The Cabinet Secretary for Labour and Social Service submitted a written response in response to the implementation status of the recommendations by Labour & Social Welfare Committee:-

- i) The Ministry has not been able to enroll additional older persons 70 years and above to the cash transfer programme since the year 2017. This is due to inadequate fiscal space as there has been no additional funding from the National Treasury for this programme despite the efforts made to request for the same through the normal budget-making process;
- ii) Currently, the Inua Jamii programme receives Ksh. 28 billion annually which covers the 833,000 older persons, 353,000 orphans and vulnerable children and 47,000 persons with severe disabilities beneficiaries;
- iii) As a programme the next urgent activity is to undertake cleansing of the payroll to remove any ineligible and deceased beneficiaries. This will create some space to include more beneficiaries into the programme;
- iv) The Ministry is also fast trucking the establishment of the Social Assistance Fund. The fund will attract more resources from the government, private sector, development partners, philanthropists and other donors. This will enable a wider coverage of the vulnerable beneficiaries into the programme;
- v) The recommendation to include Government Pensioners who are currently earning less than KShs. 4,000 monthly pension as a stop gap measure before the review of

pensions will be considered when the Ministry is filling the gaps after cleansing of the payroll or if it gets more funding from the National Treasury. Key communications will be given when the enrolment commences.

MIN.NO.NA/DAAOSC/COI/2023/086:

SUBMISSION BY THE CABINET
SECRETARY FOR NATIONAL
TREASURY ON IMPROVED TERMS
FOR PENSIONERS IN KENYA

The Cabinet Secretary, Prof. Njuguna Ndung'u, CBS submitted the following in response to the implementation status of the recommendations by Labour & Social Welfare Committee:-

- i) **The Cabinet Secretary National Treasury should fast track the ongoing process on the development of National Retirement Benefits Policy to provide for the provision and management of retirement benefits in the country** - The National Treasury and Economic Planning has accelerated the momentum to finalize the National Retirement Benefits Policy. The National Treasury retained a consultant who continues to work with the Multi agency team under the coordination of the National Treasury.
- ii) A final stakeholder's forum is planned in the fourth quarter of the FY 2022/2023 whereupon a Cabinet memorandum will be drawn and submitted to the Cabinet before 30th June 2023;
- iii) The policy being developed addresses key areas of concern that include; The pension structure and legal framework, Pension coverage, Consumer protection, Transferability and Portability of Retirement Benefits, Administration and Management of pension funds, Annuities and Income Drawdown, Indexation, Mutual recognition;
- iv) **On Comprehensive review/repeal of the Pensions Act, Cap 189 and the Pensions Increase Act, Cap 190 to align them with the provisions of the constitution of Kenya 2010 and enable it conform to the realities of the day** - a review of the public service pension laws has commenced under the banner of the Transformation of the Public Service Pension Ecosystem initiative of the National Treasury and Economic Planning.
- v) The initiative has four thematic areas, one of which is to review the public pension legal framework to be in accord with the Constitution of Kenya, 2010;
- vi) In the preliminary analysis, the team has considered the gaps in the following key laws and regulations relating to administration of public service pensions: Pension Act Cap.189, Pensions Increase Act Cap.190, Widows' and Children's Pensions Act Cap.195, Parliamentary Pensions Act Cap.196 and Kenya Defence Forces (Pensions and Gratuities) Regulations 2017;
- vii) **The Cabinet Secretary for Health in consultation with the National Treasury should fast track the implementation of the post-retirement medical scheme to cater for the health needs of the pensioners** - the National Treasury and Economic Planning is working closely with the State Department of Public Service in implementing this resolution;
- viii) A draft Post-Retirement Medical Policy has been prepared and public participation conducted with a number of stakeholders including the Kenya Association of Retired Officers.
- ix) The Ministry of Health has been looped in through the NHIF, with a consultative forum planned in the second week of April, 2023. Thereafter a joint Cabinet Memo will be submitted to Cabinet for consideration;

- x) **The Cabinet Secretary for the National Treasury should implement the recommendations of the SRC on pensions increase policy as contained in the public sector remuneration and benefits policy 2015**, - currently monthly pension paid to pensioners and their dependants is subject to a biennial increase at the rate of 3% as per the Financial Act No. 9 of 2007, which was implemented with effect 1st July 2007.
- xi) In order to implement the SRC recommendations, it is necessary to undertake an actuarial review to evaluate the fiscal burden of the recommendations. The actuarial study will be factored in the F/Y 2023/2024;
- xii) **The Cabinet Secretary for Labour in consultation with the National Treasury should include Government pensioners currently earning less than Kshs.4,000 in monthly pension in the next listing of beneficiaries of the cash transfer for the elderly as a stop gap measure pending review to reflect the current cost of living** - the National Treasury shared the list of nine hundred and seventy seven (977) Government pensioners currently earning less than Kshs.4,000 in monthly pension with the Ministry of Labour for further action;
- xiii) **The Cabinet Secretary for the National Treasury and Economic Planning should initiate the transformation of the current Pensions Department into a Semi-Autonomous Government Agency (SAGA) to manage and administer pensions** - as part of the reforms in the Public Service Pensions' Sector, on 1st January 2021, the Government implemented the Public Service Superannuation Scheme Act, 2012 establishing the Public Service Superannuation Scheme (PSSS).
- xiv) The scheme is contributory where the employees contribute at the rate of 7.5 % of their monthly basic salary graduated at the following rates: 2% in first year; 5% in the second year; and 7.5% in the third year. The Government contributes 15% of the basic salary.
- xv) Automation and leveraging on technology will enhance efficiency and effectiveness. Indeed, new institutions increases cost eroding the benefits that could be available to pensioners.

Committee Recommendations

1. The National Treasury should fast track the ongoing process on the development of National Retirement Benefits Policy to provide for the provision and management of retirement benefits in the country. A progress report on this activity should be made to Parliament within 3 months;
2. The Cabinet Secretary for National Treasury should initiate the comprehensive review/repeal of Pensions Act, cap 189 of the Laws of Kenya and the pensions (increase) Act CAP, 190 of the Laws of Kenya to align it conform to the realities of the day.
3. The Cabinet Secretary for Health in consultation with the National Treasury should fast track the implementation of the Post-Retirement medical scheme to cater for the health needs of government pensioners.
4. The Cabinet Secretary for National Treasury and Planning should implement in three months' time the recommendations of the SRC on Pension Increase Policy as contained in the Public Sector Remuneration and Benefits Policy Framework.
5. The Cabinet Secretary for Labour in consultation with the National Treasury should include Government Pensioners currently earning less than Kshs.4000 in monthly pension in the next listing of beneficiaries of the Cash transfer for the elderly as a top gap measure pending review of pension to reflect the current cost of living.

6. The Cabinet Secretary for the National Treasury should initiate the transformation of the current Pensions Department into a Semi-Autonomous Government Agency (SAGA) to manage and administer pensions.

MIN. NO.NA/DAAOSC/COI/2023/087:

ANY OTHER BUSSINESS

Proposed Capacity Building for Members: The Secretariat reported to the Committee that the Center for Parliamentary Studies and Training (CPST) had responded to a request by the Committee for a capacity building program both locally and internationally. CPST listed the following areas as preference venues for training: Mombasa, India, Ghana, Scotland, Guyana and UAE. CPST proposed trainings from 24–28, April, 2023, in Dubai, UAE. However, the Clerk advised that the Committee may proceed with trainings at avenue within the Country.

The meeting proposed the following members to undertake the training in Dubai:-

1. The Hon. Raphael Bitta Sauti Wanjala, M.P - **Chairperson**
2. The Hon. Prof Guyo Waqo Jaldesa, M.P
3. The Hon. Abdul Ebrahim Haro, M.P
4. The Hon. Cynthia Jepkosgei Muge, M.P
5. The Hon. John Okwisija Makali, M.P
6. The Hon. Rael Chepkemoi Kasiwai, M.P

MIN. NO.NA/DAAOSC/COI/2023/088:

ADJOURNMENT

There being no other business, the meeting was adjourned at four thirty o'clock.

Signed.....


Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date.....

02/05/2023

MINUTES OF THE EIGHTEENTH (18TH) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON FRIDAY, 14TH APRIL, 2023 AT GDC OFFICES, MENENGAI, NAKURU COUNTY AT 10.00 AM.

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – Chairperson
2. The Hon. Elijah Memusi Kanchory, M.P
3. The Hon. Hilary Arap Kosgei, M.P
4. The Hon. Julius Taitumu M'Anaiba, M.P
5. The Hon. Timothy Kipchumba Toroitich, M.P
6. The Hon. Rael Chepkemoi Kasiwai, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, M.P – Vice Chairperson
2. The Hon. Mohamed Ali, M.P
3. The Hon. Johnson Many Naicca, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Nicholas Ng'ikor Nixon Ngikilong M.P
6. The Hon. George Koimburi Ndung'u, M.P
7. The Hon Prof. Guyo Waqo Jaldesa, M.P
8. The Hon. Abdul Ebrahim Haro, M.P
9. The Hon. John Okwisia Makali, M.P
10. The Hon. Zamzam Mohamed Chimba, M.P
11. The Hon. Cynthia Jepkosgei Muge, M.P
12. The Hon. Siyoi Lillian, M.P
13. The Hon. Stanley Muiruri Muthama, M.P
14. The Hon. Mark Samuel Muriithi Mwenje, M.P
15. The Hon. Hamisi Kakuta Maimai, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

1. Ms. Lucy Kimathi - Principal Clerk Assignment/HOD
2. Mr. Abdiaziz Shobay - Clerk Assistant II
3. Ms. Kafuyai Wamae - Clerk Assistant III
4. Ms. Noel Amutabi - Legal Counsel
5. Dr. Kuria Waitara - Research officer III
6. Ms. Winnie Kiziah - Media Relations Officer
7. Joshua Lenambeti - Sergeant-At-Arms

GEOHERMAL DEVELOPMENT COMPANY(GDC)

1. Mr. Paul Ngugi - Ag. Managing Director & CEO
2. Mr. Cornel Ofwona - General Manager, Geothermal Resource Development
3. Ms. Jackeline Wakhungu - Ag. Manager, Finance

MIN. NO.NA/DAAOSC/COI/2023/094: PRELIMINARIES.

The Chairperson called the meeting to order at forty minutes past twelve o'clock and he said a word of prayer.

AGENDA

- 1) Prayers
- 2) Introduction
- 3) Confirmation of Minutes
- 4) Substantive agenda: **Meeting with GDC Officials concerning the implementation status of the PIC 24th report of the Auditor General on the financial statements of state corporations.**
- 5) Any Other Business.

MIN. NO.NA/DAAOSC/COI/2023/095:

CONFIRMATION OF MINUTES

The agenda item was deferred to the next sitting.

MIN.NO.NA/DAAOSC/COI/2023/096:

SUBMISSION BY GDC CONCERNING THE PIC'S 24TH REPORT ON CONSIDERATION OF THE AUDITOR GENERAL'S REPORT ON THE FINANCIAL STATEMENTS OF STATE CORPORATION

The Ag. Managing Director and CEO of Geothermal Development Company Mr. Paul Ngugi submitted the following in response to the implementation status of the recommendations by the Public Investment Committee's 24th report on consideration of the Auditor General's Report on the financial statements of State Corporations.

Procurement of rig move services

a) Status of Investigation by EACC

- i) EACC made a prosecution recommendation to DPP who went ahead to file a High Court Case No.20 of 2015- *Republic Vs. Nicholas Karume Weke & Others*. In a ruling of February 2023 on application by the defendants, the Supreme Court ordered the case to proceed to full hearing.

b) Arbitration and Court process

- ii) The company entered into a contract with Bonafide Clearing and Forwarding Company Limited for provision of rig moves services. The company terminated the contract on 13th September, 2016. Bonafide referred the matter for arbitration claiming an amount of Kshs. 3,334,124,194 for work done, loss of business, interest and damages;
- iii) The arbitrator issued an interim award in September 2017 and Bonafide filed an application in the High Court against the award in October 2017.

- iv) Bonafide Clearing Company Limited have appealed against the interim award No.1 which dismissed the bulk of their claim leaving a balance of Kshs. 38.5 million which the Hon. Arbitrator deemed provable which was to proceed for formal proof through a hearing;
 - v) On 24th June, 2022, the High Court dismissed as being unmerited the appeal by M/s Bonafide Clearing & Forwarding made vide Misc. application No.431 of 2017. Bonafide thereafter filed for a notice of appeal signaling their intention to move to the Court of Appeal. The substantive Memorandum of Appeal and Record of appeal are yet to be filed and served;
 - vi) The issue before the arbitrator has been in abeyance since Bonafide Clearing & Forwarding elected to abandon the hearing of the residue of the claim as per Arbitral Award;
- c) Unproductive and abandoned wells**
- vii) The Company has collaborated with geothermal experts including ELC consultants (Italy), West JEC (Japan), JICA and further constituted a Geothermal Advisory Board (GAB) of experts for peer review on geo-scientific and drilling activities. The close collaboration and recommendations have aided in improving well targeting;
 - viii) The company has also put in place a well siting and abandonment policy to guide on the conduct of identification and drilling of wells;
 - ix) The Policy is aimed at ensuring that wells are optimally sited to maximize productivity and drilled efficiently to increase success rates and minimize cost;
 - x) It provides detailed guidelines for planning, well siting, decision making, responsibility assignment, well measurement, well abandonment and costing. It also provides for tracking of key performance indicators during drilling, and a governance structure to guide decision making during drilling.
- d) Cost of Non-productive time**
- xi) The Company Well Siting and Abandonment Policy also guide efficient drilling and minimization of costs from Non-productive time (NPT).
 - xii) The company continues to seek adequate budgetary allocation and timely disbursement.
- e) Corporation tax and related penalties**
- xiii) The National Treasury has provided direction on the tax matter stating that the funds allocated toward development of geothermal resources be exempted from taxes.

Committee Observation

The committee observed that GDC had implemented the PIC recommendations contained in its 23rd Report.

MIN. NO.NA/DAAOSC/COI/2023/097:

ANY OTHER BUSSINESS

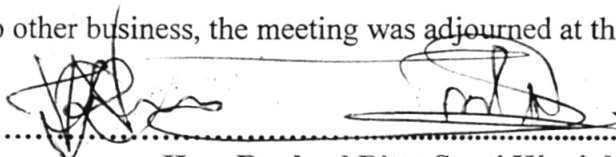
No other business arose

MIN. NO.NA/DAAOSC/COI/2023/098:

ADJOURNMENT

There being no other business, the meeting was adjourned at thirty minutes past eleven o'clock.

Signed.....



Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date.....

27/4/2023

MINUTES OF THE NINETEENTH (19TH) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON FRIDAY, 14TH APRIL, 2023 AT KENGEN OFFICES, NAIVASHA, NAKURU COUNTY AT 2.00 PM.

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – Chairperson
2. The Hon. Elijah Memusi Kanchory, M.P
3. The Hon. Hilary Arap Kosgei, M.P
4. The Hon. Julius Taitumu M'Anaiba, M.P
5. The Hon. Timothy Kipchumba Toroitich, M.P
6. The Hon. Rael Chepkemai Kasiwai, M.P

APOLOGIES

1. The Hon. Rose Museo Mumo, M.P – Vice Chairperson
2. The Hon. Mohamed Ali, M.P
3. The Hon. Johnson Many Naicca, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Nicholas Ng'ikor Nixon Ngikilong M.P
6. The Hon. George Koimburi Ndung'u, M.P
7. The Hon Prof. Guyo Waqo Jaldesa, M.P
8. The Hon. Abdul Ebrahim Haro, M.P
9. The Hon. John Okwisia Makali, M.P
10. The Hon. Zamzam Mohamed Chimba, M.P
11. The Hon. Cynthia Jepkosgei Muge, M.P
12. The Hon. Siyoi Lillian, M.P
13. The Hon. Stanley Muiruri Muthama, M.P
14. The Hon. Mark Samuel Muriithi Mwenje, M.P
15. The Hon. Hamisi Kakuta Maimai, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

1. Ms. Lucy Kimathi - Principal Clerk Assignment/HOD
2. Mr. Abdiaziz Shobay - Clerk Assistant II
3. Ms. Kafuyai Wamae - Clerk Assistant III
4. Ms. Noel Amutabi - Legal Counsel
5. Dr. Kuria Waitara - Research officer III
6. Ms. Winnie Kiziah - Media Relations Officer
7. Joshua Lenambeti - Sergeant-At-Arms

KENYA ELECTRICITY GENERATING COMPANY(KENGEN)

1. Mr. Abraham Serem - Ag. Managing Director & Chief Executive Officer
2. Mr. Peketsa Mangi - General Manager, Geothermal Development
3. Ms. Mary Maalu - General Manager, Finance & ICT
4. Ms. Elizabeth Njenga - General Manager, Business Development
5. Mr. Henry Ithiami - Ag. General Manager, Corporate & Regulatory
6. Eng. Francis Makabwa - Operations Manager, Geothermal
7. Eng. John Muoka - Technical Assistant to Managing Director & CEO
8. Mr. Frank D. Ochieng - Communications Manager

MIN. NO.NA/DAAOSC/COI/2023/099: PRELIMINARIES.

The Chairperson called the meeting to order at forty four minutes past six o'clock and requested Hon. Elijah Memusi Kanchory, MP to say a word of prayer.

AGENDA

- 1) Prayers
- 2) Introduction
- 3) Confirmation of Minutes
- 4) Substantive agenda: **Meeting with the Kenya Electricity Generating Company (KENGEN) Officials concerning the implementation status of the PIC 24th report of the Auditor General on the financial statements of state corporations.**
- 5) Any Other Business.

MIN. NO.NA/DAAOSC/COI/2023/100:

CONFIRMATION OF MINUTES

The agenda item was deferred to the next sitting.

MIN.NO.NA/DAAOSC/COI/2023/101:

**SUBMISSION BY KENGEN
CONCERNING THE PIC 24TH
REPORT ON CONSIDERATION OF
THE AUDITOR GENERAL'S
REPORT ON THE FINANCIAL
STATEMENTS OF STATE
CORPORATION**

The Ag. Managing Director and CEO of KENGEN Mr. Abraham Serem submitted the following in response to the implementation status of the recommendations by the Public Investment Committee's 24th report on consideration of the Auditor General's Report on the financial statements of State Corporations.

- a) **Examination of the reports of the auditor general on the audited accounts of the Kenya Electricity Generating Company for the financial years 2014/2015 to 2019/2020**
 - i) KenGen has been paying TARDA KShs 5.1Millions monthly for dam maintenance and water catchment areas;
- b) **Amount due from Kenya Power and Lighting Company PLC (FY 2019/2020)**
 - ii) Under the leadership of KenGen and KPLC CEOs, reconciliations have been undertaken and amounts agreed. KENGEN received a commitment from KPLC to enhance the monthly payments once they receive funds from the new tariff review;
- c) **Non-Valuation of Property, Plant and Equipment (FY /2020/2021)**
 - iii) The valuation was completed and incorporated in the Financial Statements for the year ended 30 June 2022;
- d) **Capital Work in Progress (FY 2020/2021)**
 - iv) The project pipeline which was intended to connect the wells is behind schedule. However, the costs incurred will be recovered when the wells are connected upon commissioning of the pipeline geothermal power plants in line with the Least Costs Power Development Plans (LCPDP) and other relevant approvals;
 - v) The 58 wells which were not connected have been connected, assigned, and allocated to

- the projects as shown below;
- vi) The Company has connected and assigned an additional 23 wells as follows.
 - a) Olkaria I Unit 6-10 wells
 - b) Olkaria II- 2 wells
 - c) Olkaria I AU- 3 wells
 - d) Wellheads- 8 wells
 - vii) The balance of the 35 wells are scheduled to be connected to the following projects as follows;
 - a) Wellhead leasing- 7 wells
 - b) Olkaria VII-15 wells
 - c) Olkaria VI- 2 wells
 - d) Olkaria II- 5 wells
 - e) Olkaria IAU-2 wells
 - f) Olkaria I- 2 wells
 - g) Monitoring & Research- 2 wells

e) Amounts due from Kenya Power and Lighting Company PLC (FY 2019/2020)

- viii) Through the leadership of the KenGen and KPLC CEOs, the two parties have reconciled and agreed to most of the interest charged;
- ix) KenGen continues to charge interest on delayed payments as provided in the various Power Purchase Agreements (PPAs). From various discussions, KPLC have disagreed in principle with some of KenGen's positions such as charging interest on Force Majeure balances, delayed payments based on initialed PPAs among others. Further, KPLC has indicated some of the reconciling items which have not been resolved require guidance from EPRA;
- f) Non-Compliance with Capital Markets Authority Regulations (FY 2019/2020)**
- x) The Profit before Tax (PBT) in the year ended June 2021 was KShs. 14.761B compared to KShs 13.789B for prior period which was higher by 7%. The Profit After Tax (PAT) for the year ended 2021 was KShs 1.188B compared KShs 18.377B in prior year;
- xi) The CMA regulations stated that if earnings drop by 25%, the entity should issue a profit warning. The word earnings were not clear whether to consider PBT or PAT in order to issue the profit warning;
- xii) CMA issued a clarification in the subsequent year to clarify that the earnings mean Profit after Tax (PAT). Had this clarification been issued earlier, KENGEN would have complied and issued a profit warning.

MIN. NO.NA/DAAOSC/COI/2023/102:

ANY OTHER BUSSINESS

No other business arose

MIN. NO.NA/DAAOSC/COI/2023/103:

ADJOURNMENT

There being no other business, the meeting was adjourned at eight o'clock.

Signed.....

**Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)**

Date.....

27/6/23

MINUTES OF THE TWENTY-FOURTH (24TH) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON SATURDAY, 6TH MAY, 2023 AT SERENA BEACH HOTEL, MOMBASA COUNTY AT 10.00 AM.

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – Chairperson
2. The Hon. Rose Museo Mumo, M.P – Vice Chairperson
3. The Hon. Johnson Many Naicca, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Hilary Arap Kosgei, M.P
6. The Hon Prof Guyo Waqo Jaldesa, M.P
7. The Hon. George Koimburi Ndung’u, M.P
8. The Hon. John Okwisia Makali, M.P
9. The Hon. Abdul Ebrahim Haro, M.P
10. The Hon. Siyoi Lillian, M.P
11. The Hon. Mark Samuel Muriithi Mwenje, M.P
12. The Hon. Stanley Muiruri Muthama, M.P
13. The Hon. Zamzam Mohamed Chimba, M.P
14. The Hon. Rael Chepkemai Kasiwai, M.P

APOLOGIES

1. The Hon. Mohamed Ali, M.P
2. The Hon. Elijah Memusi Kanchory, M.P
3. The Hon. Nicholas Ng’ikor Nixon Ngikilong M.P
4. The Hon. Cynthia Jepkosgei Muge, M.P
5. The Hon. Timothy Kipchumba Toroitich, M.P
6. The Hon. Julius Taitumu M’Anaiba, M.P
7. The Hon. Hamisi Kakuta Maimai, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-------------------------|---|------------------------------|
| 1. Ms. Lucy Kimathi | - | HOD/Principal Clerk I |
| 2. Ms. Beatrice Auma | - | Senior Personal Secretary |
| 3. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 4. Mr. Abdimalik Ahmed | - | Clerk Assistant III |
| 5. Dr. Kuria Waitara | - | Research officer III |
| 6. Ms. Winnie Kiziah | - | Media Relations Officer |
| 7. Mr. Boniface Mugambi | - | Sergeant-at-arms |

KENYA WILDLIFE SERVICE (KFS)

- | | | |
|------------------------|---|--|
| 1. Dr. Erustus Kanga | - | Director General Kenya Wildlife Service |
| 2. Mr. John K Chelimo | - | State Department for Wildlife |
| 3. Mr. Japheth Kilonzo | - | Kenya Wildlife Service |
| 4. Mr. Samuel Toroke | - | Kenya Wildlife Service |
| 5. Mr. Collins Nthuni | - | Lands Management, Kenya Wildlife Service |
| 6. Mr. John Mugendi | - | Administrator Kenya Wildlife Service |
| 7. Ms. Leah Naisoi | - | Kenya Wildlife Service |
| 8. Mr. Hassan Bashir | - | P.A, DG Kenya Wildlife Service |

MIN. NO.NA/DAAOSC/COI/2023/124: PRELIMINARIES.

The Chairperson called the meeting to order at fifty minutes past ten o'clock and said a word of prayer.

AGENDA

1. Prayers
2. Introduction
3. Confirmation of Minutes
4. Substantive agenda: **Meeting with Kenya Wildlife Service to Consider Implementation Status of the Report of the Public Investment Committee's (PIC) 24TH Report on consideration of the Auditor General's Report on the financial statements of State Corporations.**
5. Any Other Business.

MIN. NO.NA/DAAOSC/COI/2023/125:

CONFIRMATION OF MINUTES

The agenda item was deferred to the next sitting.

MIN.NO.NA/DAAOSC/COI/2023/126:

SUBMISSIONS BY THE KENYA WILDLIFE SERVICE REGARDING THE IMPLEMENTATION STATUS OF THE PUBLIC INVESTMENT COMMITTEE'S 24th REPORT.

The Director General Kenya Wildlife Service (KWS) Dr. Erustus Kanga submitted the following in response to the implementation status of the recommendations by the Public Investment Committee's 24th report on consideration of the Auditor General's Report on the financial statements of State Corporations.

- i) Status of Acquisition of titles to 131 parcels of land which were at risk of being grabbed

Summary of Categorized Land Parcels

S/No	CATEGORY	TOTAL NUMBER
1	Terrestrial National Parks	24
2	Terrestrial National Reserves	29*
3	Marine National Parks	4
4	Marine National Reserves	6
5	National Sanctuaries	8
6	Station Plots, Outposts and Other Land Parcels	187
	Total Number	258

- ii) The Service is consistently pursuing acquisition of titles and a total of 51 titles have been acquired, 131 surveyed awaiting titles and 76 other land parcels are at various stages towards acquisition of title documents.

Table 2: Status of Land Acquisition Documents

Category	No. of Properties	Status Land Acquisition Documents				
		Boundary Plan Prepared but not surveyed	PDP Prepared (Planned)	Surveyed	Title registered	Cannot be registered*
National Parks	24	2	N/A	22	12	0
National Reserves	29	1	N/A	4	1	28
Marine National Parks/Reserves	10	2	N/A	10	1	0
Sanctuaries	8	0	N/A	5	1	0
Station Plots Outposts and Other Land Parcels	187	N/A	57	90	36	13
TOTAL	258	5	57	131	51	41

The status of valuation of assets owned by KWS to ascertain the fair value of KWS assets,

Management Response

- iii) The Service commenced valuation of assets in 2021 and managed to undertake valuation of motor vehicles, motor cycles, boats, plant and machinery. This exercise was carried out by the State Department of infrastructure for these categories of assets across all the conservation regions and a report submitted on 4th October 2021

The Status of payment of Ksh.6 million towards the Endowment Fund accruing from the land hived off for Standard Gauge Railway and a further Ksh.2.4 billion accruing from hiving off a parcel for the Southern bypass by the Kenya National Highways Authority;’

Management Response

- iv) The Kenya Wildlife Service, Kenya Railways and Kenya National Highways Authority reached an agreement without taking any land from the Kenya Wildlife Service. Kenya Railways fulfilled its financial obligations by paying a total of Ksh1,469 million in accordance with the specified clauses. There is an outstanding amount of Ksh.6 million due to a typographical error in the contract. The Kenya National Highways Authority owes Kenya Wildlife Service Kshs.2,474,710,000 since 2016, despite multiple reminder letters being sent without any response.

Status of adoption of e-procurement and implementation of IFMIS system in all your financial transactions among other recommendations contained in the report.

Management Response

- v) The Service is yet to adopt the e-procurement system however it had engaged IFMIS Directorate at the National Treasury requesting for installation of e- procurement system module via a letter dated 17th June 2015.

vi) The National Treasury in their letter dated 2nd July 2015 responded to request by KWS and informed them that they were in the process of implementing E-procurement in phases and that they will be informed of the connectivity and issuance of user rights.

vii) A follow up letter on 18th February 2020 was sent to the Director of IFMIS seeking support to implement the system. However no response to date.

Committee Recommendations

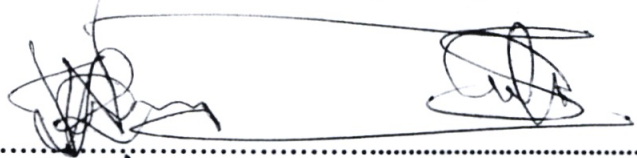
1. The Kenya Wildlife Service management should fast-track the process of getting ownership of documents for its properties.
2. Kenya Wildlife Service should ensure that the assets register is updated.
3. The management of Kenya Wildlife Service should follow up with the Kenya National Highways Authority on the settlements of the Kshs 6 million
4. Kenya Wildlife Service should follow up on payment of the balances of KSh 2,474,710,000 from the Kenya National Highways Authority and the National Treasury.
5. The Committee recommends that the Kenya Wildlife Service board should adopt the e-procurement and implement the IFMIS system in all her financial transactions.

MIN. NO.NA/DAAOSC/COI/2023/127: ANY OTHER BUSSINESS

Inspection/site visit -_The Committee resolved to conduct an inspection visit at a later date to various parcels of land owned by the Kenya Wildlife Service that are at risk of unlawful encroachment.

MIN. NO.NA/DAAOSC/COI/2023/128: ADJOURNMENT

There being no other business, the meeting was adjourned at twelve o'clock.

Signed.....

**Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)**

Date. .....

MINUTES OF THE TWENTY THIRD (23RD) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON SATURDAY, 5TH MAY, 2023 AT SERENA HOTEL, MOMBASA COUNTY AT 4.00 PM.

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – Chairperson
2. The Hon. Rose Museo Mumo, M.P – Vice Chairperson
3. The Hon. Johnson Many Naicca, M.P
4. The Hon. Hilary Arap Kosgei, M.P
5. The Hon. Charles Gumini Gimose, M.P
6. The Hon Prof Guyo Waqo Jaldesa, M.P
7. The Hon. John Okwisia Makali, M.P
8. The Hon. Abdul Ebrahim Haro, M.P
9. The Hon. George Koimburi Ndung'u, M.P
10. The Hon. Siyoi Lillian, M.P
11. The Hon. Mark Samuel Muriithi Mwenje, M.P
12. The Hon. Stanley Muiruri Muthama, M.P
13. The Hon. Zamzam Mohamed Chimba, M.P
14. The Hon. Rael Chepkemai Kasiwai, M.P

APOLOGIES

1. The Hon. Mohamed Ali, M.P
2. The Hon. Elijah Memusi Kanchory, M.P
3. The Hon. Nicholas Ngikor Nixon Ngikilong M.P
4. The Hon. Cynthia Jepkosgei Muge, M.P
5. The Hon. Timothy Kipchumba Toroitich, M.P
6. The Hon. Julius Taitumu M'Anaiba, M.P
7. The Hon. Hamisi Kakuta Maimai, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-------------------------|---|-------------------------|
| 1. Ms. Lucy Kimathi | - | HOD/Principal Clerk I |
| 2. Ms. Beatrice Auma | - | Executive Secretary |
| 3. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 4. Mr. Abdimalik Ahmed | - | Clerk Assistant III |
| 5. Dr. Kuria Waitara | - | Research officer III |
| 6. Ms. Winnie Kiziah | - | Media Relations Officer |
| 7. Mr. Boniface Mugambi | - | Sergeant-at-arms |

ATHI WATER WORKS DEVELOPMENT AGENCY

- | | | |
|-----------------------------|---|-----------------------------------|
| 1. Eng. Michael Thuita, MBS | - | Chief Executive Officer |
| 2. Mr. Michael Kimotho | - | Chief Manager, Finance & Strategy |

MIN. NO.NA/DAAOSC/COI/2023/119:

PRELIMINARIES.

The Chairperson called the meeting to order at fifty minutes past four o'clock and he said word of prayer.

AGENDA

1. Prayers
2. Introduction
3. Confirmation of Minutes
4. Substantive agenda: **Meeting with Athi Water Works Development Agency Officials on implementation Status of the Report of the Public Investment Committee's (PIC) 24TH Report on consideration of the Auditor General's Report on the financial statements of State Corporations.**
5. Any Other Business.

MIN. NO.NA/DAAOSC/COI/2023/120:

CONFIRMATION OF MINUTES

The agenda item was deferred to the next sitting.

MIN.NO.NA/DAAOSC/COI/2023/121:

SUBMISSIONS BY ATHI WATER
WORKS DEVELOPMENT AGENCY
REGARDING THE IMPLEMENTATION
STATUS OF THE PUBLIC
INVESTMENT COMMITTEE'S 24th
REPORT.

The Chief Executive Officer, Athi Water Works Development Agency Eng. Michael Thuita submitted the following in response to the implementation status of the recommendations by the Public Investment Committee's 24th report on consideration of the Auditor General's Report on the financial statements of State Corporations.

a) Concerning debtors FY2014/15 & FY 2015/16

- i) The management has made several efforts in a bid to collect the debt including:
 - a) Holding a meeting with NCWSC, WASREB and AWWDA Holding a workshop in Naivasha with the Kiambu county WSPs together with the county leadership
 - b) Signing re-payment plans with NCWSC
 - c) Initiating the process to engage a professional debt collector through a board approval after guidance by WASREB
 - d) Board resolution to appoint a debt collector
 - e) The Attorney General however advised that AWWDA should explore for alternative debt collection efforts in the spirit of intergovernmental relations Act; including mediation process incorporating the National Treasury and Planning, the Ministry of Water & Sanitation and Irrigation, AWWDA and any other relevant agency. AWWDA was advised that engagement of a debt collector should be option as a last resort
 - f) AWWDA wrote to the Ministry requesting for guidance on the collection of the outstanding debts

ii) Further AWWDA has ensured the outstanding amounts have been incorporated in the Tariff as approved by WASREB

b) Non-Compliance with Legal Notice No. 101 of August 2005- Transfer Plan

- iii) The Agency undertook valuation of the assets in readiness for the transfer of assets, subsequent vesting and securing of ownership documents;
- iv) With the enactment of the Water Act 2016, The Ministry of Water Sanitation and Irrigation prepared a Water Sector Transitional Plan for the period 2019-2021 which was expected to fully resolve the matter;
- v) The issue of asset and liability transfers is being handled by the intergovernmental relations technical committee who together with representatives from various Agencies (AWWDA is represented) are working towards ensuring full resolution of this matter;
- vi) After valuation the organization embarked on registration and titling which is ongoing

c) Cash and bank balances FY 2015/16

- v) The Agency has ensured that all bank deposits are held in Government linked banks;
- vii) After chase bank was placed under receivership, AWWDA immediately accessed Kshs.1 million. The balance of Kshs.31,451,912 was placed in different accounts as follows in the same bank as guided by CBK.

Account Details		Amount (Kshs)
Savings accounts(Two)	unrestricted usage	5,897,233.50
	6.30% Interest earning restricted usage	5,897,233.50
Fixed deposit accounts (One)	1-year	3,931,489.00
	2-year	3,931,489.00
	3-year	3,931,489.00

viii) AWWDA accessed the savings unrestricted account balance by transferring the same to the National Treasury for loan repayment on 26th June 2019

d) Relocation of water and sewerage facilities at Thika Road FY 2016/17

ix) EACC initiated investigations on the same. They requested for the documents which AWWDA submitted as evidenced by the letter dated 14th October 2022.

Committee Observations

The committee was satisfied with the submissions presented before it.

It noted that all the recommendations were either completed or are currently being implemented.

MIN. NO.NA/DAAOSC/COI/2023/122:

ANY OTHER BUSSINESS

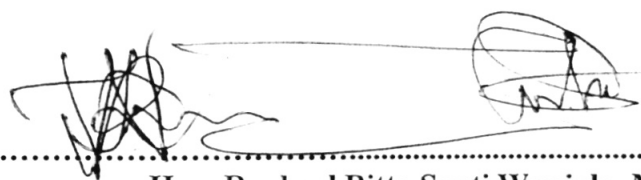
No other business arose.

MIN. NO.NA/DAAOSC/COI/2023/123:

ADJOURNMENT

There being no other business, the meeting was adjourned at eighteen minutes past one o'clock.

Signed.....



Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date.....

27/6/23

MINUTES OF THE TWENTY SECOND (22ND) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON SATURDAY, 5TH MAY, 2023 AT SERENA HOTEL, MOMBASA COUNTY AT 3.00 PM.

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – Chairperson
2. The Hon. Rose Museo Mumo, M.P – Vice Chairperson
3. The Hon. Johnson Manya Naicca, M.P
4. The Hon. Hilary Arap Kosgei, M.P
5. The Hon. Charles Gumini Gimose, M.P
6. The Hon Prof Guyo Waqo Jaldesa, M.P
7. The Hon. John Okwisia Makali, M.P
8. The Hon. Abdul Ebrahim Haro, M.P
9. The Hon. George Koimburi Ndung'u, M.P
10. The Hon. Siyoi Lillian, M.P
11. The Hon. Mark Samuel Muriithi Mwenje, M.P
12. The Hon. Stanley Muiruri Muthama, M.P
13. The Hon. Zamzam Mohamed Chimba, M.P
14. The Hon. Rael Chepkemai Kasiwai, M.P

APOLOGIES

1. The Hon. Mohamed Ali, M.P
2. The Hon. Elijah Memusi Kanchory, M.P
3. The Hon. Cynthia Jepkosgei Muge, M.P
4. The Hon. Timothy Kipchumba Toroitich, M.P
5. The Hon. Julius Taitumu M'Anaiba, M.P
6. The Hon. Nicholas Ngikor Nixon Ngikilong M.P
7. The Hon. Hamisi Kakuta Maimai, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

1. Ms. Lucy Kimathi - HOD/Principal Clerk I
2. Ms. Beatrice Auma - Executive Secretary
3. Ms. Kafuyai Wamae - Clerk Assistant III
4. Mr. Abdimalik Ahmed - Clerk Assistant III
5. Dr. Kuria Waitara - Research officer III
6. Ms. Winnie Kiziah - Media Relations Officer
7. Mr. Boniface Mugambi - Sergeant-at-arms

KENYATTA NATIONAL HOSPITAL

1. Dr. Evanson Kamuri - Chief Executive Officer
2. Mr. Michael Kihunga - Director Finance

- 3. Mr. Calvin Nyachoti – Director, Legal
- 4. Ms. Eunice Gathoni – Manager M& C

MIN. NO.NA/DAAOSC/COI/2023/114: PRELIMINARIES.

The Chairperson called the meeting to order at twenty minutes past three o'clock and Hon. Mark Mwenje, MP said word of prayer.

AGENDA

- 1. Prayers
- 2. Introduction
- 3. Confirmation of Minutes
- 4. Substantive agenda: **Meeting with Kenyatta National Hospital to Consider Implementation Status of the Report of the Public Investment Committee's (PIC) 24TH Report on consideration of the Auditor General's Report on the financial statements of State Corporations.**
- 5. Any Other Business.

MIN. NO.NA/DAAOSC/COI/2023/115: CONFIRMATION OF MINUTES

The agenda item was deferred to the next sitting.

MIN.NO.NA/DAAOSC/COI/2023/116: SUBMISSIONS BY THE KENYATTA NATIONAL HOSPITAL REGARDING THE IMPLEMENTATION STATUS OF THE PUBLIC INVESTMENT COMMITTEE'S 24th REPORT.

The Chief Executive Officer of Kenyatta National Hospital Dr. Evanson Kamuri submitted the following in response to the implementation status of the recommendations by the Public Investment Committee's 24th report on consideration of the Auditor General's Report on the financial statements of State Corporations.

- a) On Trade and other receivables FY 2012/12-2017/18**
- i) The long outstanding debts whose recoverability is doubtful have been provided for on monthly basis as impaired in the hospital's financial statements in accordance to International Public Sector Accounting Standards (IPSAS) and the Hospital Finance Manual and Policy;
- ii) The provision for bad and doubtful debt is as follows;

Financial Year	18/19	19/20	21/22
Amount in Ksh.	755,669	1,059,515	610,743

- iii) However, the Hospital Management has put measures in place to recover debts owed to the Hospital by ;
 - a) Engaging an external Debt collector.
 - b) Sending reminders to the debtors on monthly basis through letters and making calls.
 - c) Sensitizing patients on the importance of registering with NHIF for medical cover.

iv) On KNH/NHIF accounting standards, the Hospital does annual reconciliations with NHIF and discrepancies found are resolved on time;

b) Letters of Credit

- v) The Hospital appointed an Audit Issues Resolution Committee that retrieved documents from all service points related to the LCs;
- vi) Poor flow of documents and goods movement in the period 2001 to 2008 was realized as the main reason why it was difficult to reconstruct files and pass the necessary book entries;
- vii) Supporting documentation for the outstanding balance of Ksh 96 million relating to clinical consumables were further availed to the Office of the Auditor General for scrutiny before the relevant book entries were passed in FY 2018/19;
- viii) The Hospital no longer issues Letter of Credit for consumable items.

c) Inconsistencies in depreciating policy(FY 2017/2018)

- ix) The hospital management carried out re-computation amounts using straight line method as stipulated in the finance manual and passed the necessary adjustments required in the books of account in FY2019/2020. After concurrence with the AG, the financial statements for the FY2018/2019 were restated;
- x) From the FY2019/20, the Hospital has been using the straight line method of depreciation as per the approved Hospital Finance Manual. The Auditor has been satisfied with the resolution and has dropped the matter from the subsequent reports.

Committee observation

1. The EACC and DCI carry away documents containing the outcomes of their investigations. This takes away history of matters since the physical evidence is not traceable despite attempts to obtain them back.
2. It is unclear how a bank account can be opened without due diligence from the registrar of Companies.

MIN. NO.NA/DAAOSC/COI/2023/117: ANY OTHER BUSSINESS

No other business arose.

MIN. NO.NA/DAAOSC/COI/2023/118: ADJOURNMENT

There being no other business, the meeting was adjourned at fifty minutes past four o'clock.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date.....

MIN. NO.NA/DAAOSC/COI/2023/134:

PRELIMINARIES.

The Chairperson called the meeting to order at thirty minutes past twelve noon and he said word of prayer.

AGENDA

1. Prayers
2. Introduction
3. Confirmation of Minutes
4. Substantive agenda: **Meeting with the Cabinet Secretaries for Interior and National Administration, the National Treasury and Kenya National Bureau of Statistics(KNBS) regarding implementation Status of the Report of the Public Investment Committee's (PIC) 24TH Report on consideration of the Auditor General's Report on the financial statements of State Corporations.**
5. Any Other Business.

MIN. NO.NA/DAAOSC/COI/2023/135:

CONFIRMATION OF MINUTES

The agenda item was deferred to the next sitting.

MIN.NO.NA/DAAOSC/COI/2023/136:

**SUBMISSION BY THE MINISTRY OF
INTERIOR & NATIONAL
ADMINISTRATION REGARDING THE
IMPLEMENTATION STATUS OF THE
PUBLIC INVESTMENT COMMITTEE'S
24th REPORT**

The secretariat reported that they were in receipt of a letter Ref. No. MOINA/SEC.1/27/1 dated May 29, 2023, from the Ministry of Interior and National Administration requesting that the Cabinet Secretary for Interior and National Administration is currently finalizing the preparation of the Madaraka Day's celebrations, which will be held in Embu County on 1st June, 2023, and therefore is not in a position to honor the invitation. The committee acceded to the request and resolved to reschedule the meeting to a later date to be communicated in due course.

MIN.NO.NA/DAAOSC/COI/2023/137:

**SUBMISSION BY KENYA NATIONAL
BUREAU OF STATISTICS ON THE
IMPLEMENTATION STATUS OF THE
PUBLIC INVESTMENT COMMITTEE'S
24th REPORT**

The Director General, KNBS, Mr. Macdonald Obudho, MBS submitted the following in response to the implementation status of the recommendations by the Public Investment Committee's 24th report on consideration of the Auditor General's Report on the financial statements of State Corporations.

1. **Status of recovery of long outstanding imprest FY 2015/16 to 2019/20**
 - a) **Outstanding 2009 KPHC imprest**

- i) The Bureau has been engaging the National Treasury on the recovery of the long-standing outstanding imprest, and various correspondences have been done.
- ii) On 21st December 2021, the Bureau wrote to the PS State Department for Interior and Coordination of National Government through PS, State Department for Planning to assist in recoveries of the outstanding imprests;
- iii) A reminder letter on the same was done by PS State Department for Economic Planning to PS Internal Security and National Administration on 31st January 2023.

Committee Observations

- iv) KNBS wrote to the PS State Department for Economic Planning in January and there has been no response four months down the line;
- v) KNBS has been struggling to get any response from the National Treasury and Economic Planning since 2010.

b) Long Outstanding Imprest FY 2015/16

- i) The Bureau has been recovering outstanding imprest from the affected employees on a monthly basis through the payroll and some recoveries are made through cash payments.
- ii) The total current outstanding imprest as at 25th May 2023 is Kshs 7,142,817. Issuance of multiple imprests has been stopped.

Analysis of balances

Customer	180 Days	150 Days	120 Days	90 Days	60 Days	Balance
Totals:	3,812,372.50	9,460.00	103,583.00	2,196,517.68	1,020,884.00	7,142,817.00
%of Balance:	29.23	0.07	0.79	16.84	7.83	

2. Current status of fixed asset register

The fixed asset register is now in place. The updating of the assets register is a continuous process.

Committee observation

- i) The sample assets register submitted was unsatisfactory.
- ii) The total book value of assets owned by KNBS is Ksh. 168,000,000 as per December 2022.
- iii) Presenting a sample asset register totaling Ksh. 4,105,519.04 is a meagre percentage of the total assets owned and is unreliable.
- iv) There is still noncompliance by KNBS to implement the recommendations contained in the 24th PIC Report.

3. Status of Tittle deed of land belonging to KNBS in Embu County

- i) The Bureau wrote to the Director of Surveys on 12th April, 2023 requesting for the Registry Index Map(RIM) to facilitate the issuance of the Allotment Letter by the National Land Commission(NLC).
- ii) The land has already been surveyed and the necessary documents forwarded to NLC Embu Office.

Committee observation

The submissions presented were satisfactory and well documented.

4. Doubtful payments to village elders FY 2018/2019

- i) The matter was viewed by OAG during their subsequent cycle of audit.
- ii) The matter was sorted.
- iii) Signing of attendance registers has been implemented for all similar activities.

Committee observation

- i) The sample of village elders' payment schedule and attendance had anomalies.
- ii) There are no signatures of the various village elders to authenticate the payment made.
- iii) The population census preparation figures include an amount of Ksh. 18,509,600 paid to village elders involved in the cartographic mapping exercise in ALL the 47 counties.
- iv) The submission presented showed the distribution of the Ksh. 18,509,600 among 6 counties. The rest of the 41 counties have not been included.
- v) This submission was unsatisfactory before the Committee.

5. Mobile devices and related accessories expenses (FY 2018/2019)

The then accounting officer was reprimanded for irregular use of direct procurement and for getting expensive letters of credit from banks instead of using the National Treasury.

Committee observation

- i) The presented letter of reprimand was unsatisfactory.
- ii) The said accounting officer is no longer an employee of KNBS thus KNBS has no solid ground of reprimanding him because he is now in a different state agency.

Committee Recommendations

- i) KNBS ought to follow up on the letters written to the National Treasury and Economic Planning for a response concerning the status of recovery of long outstanding imprests.
- ii) KNBS to give a status report on the recovery of outstanding imprests.
- iii) KNBS should submit clear terms of reprimand as envisaged by the PIC and the law to provide effective actions to be taken against the affected officers.

MIN. NO.NA/DAAOSC/COI/2023/138:

ANY OTHER BUSSINESS

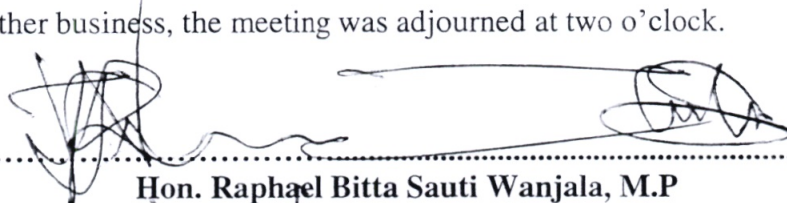
Members were reminded of a retreat meeting scheduled with various stakeholders and a site visit by the Committee to the Coast Development Authority (CDA) from 8th to 11th June, 2023. Further, A

report writing retreat will also be carried out from 19th to 23rd June, 2023. Both meetings would be held in Mombasa County.

MIN. NO.NA/DAAOSC/COI/2023/139:

ADJOURNMENT

There being no other business, the meeting was adjourned at two o'clock.

Signed.....

**Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)**

Date.....

MINUTES OF THE TWENTY SEVENTH (27TH) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON FRIDAY, 9TH JUNE, 2023 AT THE PIER CONFERENCE ROOM, ENGLISH POINT MARINA HOTEL, MOMBASA COUNTY AT 10.00 AM.

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – **Chairperson**
2. The Hon. Rose Museo Mumo, M.P – **Vice Chairperson**
3. The Hon Prof Guyo Waqo Jaldesa, M.P
4. The Hon. George Koimburi Ndung'u, M.P
5. The Hon. Abdul Ebrahim Haro, M.P
6. The Hon. Mark Samuel Murithi Mwenje, M.P
7. The Hon. Siyoi Lillian, M.P
8. The Hon. Zamzam Mohamed Chimba, M.P
9. The Hon. Rael Chepkemai Kasiwai, M.P

APOLOGIES

1. The Hon. Mohamed Ali, M.P
2. The Hon. Johnson Many Naicca, M.P
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Nicholas Ngikor Nixon Ngikilong M.P
6. The Hon. Hilary Arap Kosgei, M.P
7. The Hon. Cynthia Jepkosgei Muge, M.P
8. The Hon. Julius Taitumu M'Anaiba, M.P
9. The Hon. Timothy Kipchumba Toroitich, M.P
10. The Hon. Hamisi Kakuta Maimai, M.P
11. The Hon. John Okwisia Makali, M.P
12. The Hon. Stanley Muiruri Muthama, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-------------------------|---|----------------------------------|
| 1. Ms. Lucy Kimathi | - | HOD/ Principal Clerk Assistant I |
| 2. Mr. Abdiaziz Shobay | - | Clerk Assistant II |
| 3. Mr. Abdimalik Ahmed | - | Clerk Assistant III |
| 4. Ms. Noel Amutabi | - | Legal Counsel |
| 5. Dr. Kuria Waitara | - | Research officer III |
| 6. Ms. Winnie Kiziah | - | Media Relations Officer |
| 7. Mr. Joshua Lenambeti | - | Sergeant at-arms |

NORTHERN WATER SERVICE BOARD (NWSB)

- | | | |
|----------------------|---|---|
| 1. Mr. Andrew Rage | - | Ag. CEO Northern Water Service Board |
| 2. Ms. Amina Issa | - | Ag. Finance Manager, Northern Water Service |
| 3. Mr. Samuel Ndungu | - | Ag. Technical Service Manager, Northern Water |

MIN. NO.NA/DAAOSC/COI/2023/140: PRELIMINARIES.

The Chairperson called the meeting to order at fifty minutes past ten o'clock and said a word of prayer.

AGENDA

1. Prayers
2. Introduction
3. Confirmation of Minutes
4. Substantive agenda: **Meeting with the Ministry of Water and Sanitation, Northern Water Service Board (NWSB) & the National Treasury and Economic Planning to consider the implementation status of the Public Investment Committee's 24th report on consideration of the Auditor-General's report**
5. Any Other Business.

MIN. NO.NA/DAAOSC/COI/2023/141:

CONFIRMATION OF MINUTES

The agenda item was deferred to the next sitting.

MIN.NO.NA/DAAOSC/COI/2023/142:

**SUBMISSIONS BY THE NORTHERN
WATER SERVICE BOARD (NWSB)
ON THE IMPLEMENTATION
STATUS OF THE PUBLIC
INVESTMENT COMMITTEE'S 24TH
REPORT.**

The Ag. Managing Director, Mr. Andrew Rage submitted the following in response to the implementation status of the 12th Parliament's Public Investments Committee's 23rd report on consideration of the Auditor General's reports on financial statements of state corporations:

1. Status of Non-Current Assets

- i) The Northern Water Service Board was recommended by the Public Investment Committee Report that the organization should follow the parent ministry and transfer these assets to the North Water and Services Board.
- ii) As reported in the previous year, the property, plant and equipment balance of Kshs. 173,105,944 as at 30th June 2012 includes an amount of Kshs 6,509,000 in respect of motor vehicles procured by the Ministry of Water and Irrigation on behalf of the Board. However, the transfer of ownership of these vehicles to the Board had not been affected as at the date of this report.
- iii) In the circumstances, the accuracy and ownership of the property, plant and equipment balance of Kshs. 173,105,944 as at 30 June 2012 could not be confirmed

Management Response

- i) The amount of Kshs. 6,509,000 relates to two motor vehicles Reg. No. GK A 741L and GK A999J purchased by the Ministry of water and irrigation for use by the board as part of the capacity building process during the formation of water sector institutions.
- ii) The Board has written to the ministry to approve the change of ownership to the Board as per recommendation of the Controller and Auditor General's Audit reports. However, the transfer of the motor vehicles is yet to be fully affected.
- iii) The Agency still awaits the Ministry to do the transfer of ownership as per the recommendation.

Committee Observations

1. The Committee noted that the vehicles are serviceable, but the Ministry of Water and Sanitation has not transferred the vehicles to the agency.
2. The assets are with the agency, however; it is only the ownership document that has not been transferred yet.

Implementation Status

The Agency still awaits the Ministry to do the transfer of ownership as per the recommendation.

2. Financial Performance

- i) During the year under review, the board recorded a loss of Kshs.56,396,426 (2011-loss of kshs.161,136,135), thereby reducing the revenue reserves to Kshs.88,802,580 as at 30 June 2012 from Kshs145,199,006 in the previous year.
- ii) Although the Board reflects a net asset position of Kshs.600,076,742 as at 30 June 2012, its financial position is precarious and future operations may have to rely upon continued support of the Government and creditors.

Management Response.

- i) The deficit in the financial statements was because of the non-monetary expenditure incurred on depreciation of Property, plant and equipment some of which were purchased through donor funding.
- ii) Since the Board relied mostly on government donor funding to finance most of her operations, the expenditure on these funds were linked to the Performance Contract (PC) whose deliverables were expected at the end of the financial year.
- iii) This required the Board to utilize 100% of its grants to achieve the targets of each contract year, thus leaving a shortage for financing the non-monetary expenditure on depreciation of PPE.

Committee Observation

This was an accounting issue that has since been rectified.

Committee Recommendation

The Committee recommends that the North Water Services Board should develop an elaborate policy on how assets received through donation will be charged in books of account.

Implementation Status

The Agency has put a policy in place on how to receive and account for assets from donations in the books of accounts.

3. Trade and other Receivables

- i) The receivables from non-exchange transactions balance of Ksh. 23,880,969 as at 30th June, 2018 related to revenue receivables from the Water Service Providers which remained outstanding for more than two years.
- ii) Consequently, it was not possible to confirm that the receivables from non-exchange transactions balance of KSh23,880,969 as at 30th June, 2018 was fairly stated

Management Response

- i) The Management informed the Committee that the Board attributed the arrears to major government institutions not honoring their monthly bills and the challenges of

transition period and the confusion that was with the county government and interference with their operations, but that notwithstanding, the Board was talking to them and obtained a promise to pay our arrears

ii) The Agency is still following up on the arrears.

Committee Observations

- i. The recommendation has not been implemented
- ii. The Committee noted that this is a recurrent audit query which has been occasioned by water companies
- iii. The Committee also observed that Northern Water Service Board is following up Ksh 23, 880,969 from the water companies.

Committee Recommendations

- 1. The Northern Water Service Board should consistently follow the parent ministry by writing letters to expedite the transfer of ownership of motor vehicles.
- 2. The Committee recommends that the North Water Services Board write demand letters to county governments and water companies and pay for all its arrears.
- 3. The board should provide or sell water to water companies to raise its profits.

MIN. NO.NA/DAAOSC/COI/2023/143: ANY OTHER BUSSINESS

No other business arose

MIN. NO.NA/DAAOSC/COI/2023/144: ADJOURNMENT

There being no other business, the meeting was adjourned at twelve o'clock.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date.....

MINUTES OF THE TWENTY EIGHTH (28TH) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON FRIDAY, 9TH JUNE, 2023 AT THE PIER CONFERENCE ROOM, ENGLISH POINT MARINA HOTEL, MOMBASA COUNTY AT 11.00 AM.

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – **Chairperson**
2. The Hon. Rose Museo Mumo, M.P – **Vice Chairperson**
3. The Hon Prof Guyo Waqo Jaldesa, M.P
4. The Hon. George Koimburi Ndung'u, M.P
5. The Hon. Abdul Ebrahim Haro, M.P
6. The Hon. Mark Samuel Murithi Mwenje, M.P
7. The Hon. Siyoi Lillian, M.P
8. The Hon. Zamzam Mohamed Chimba, M.P
9. The Hon. Rael Chepkemoi Kasiwai, M.P

APOLOGIES

1. The Hon. Mohamed Ali, M.P
2. The Hon. Johnson Many Naicca, M.P
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Nicholas Ngikor Nixon Ngikilong M.P
6. The Hon. Hilary Arap Kosgei, M.P
7. The Hon. Cynthia Jepkosgei Muge, M.P
8. The Hon. Julius Taitumu M'Anaiba, M.P
9. The Hon. Timothy Kipchumba Toroitich, M.P
10. The Hon. Hamisi Kakuta Maimai, M.P
11. The Hon. John Okwisia Makali, M.P
12. The Hon. Stanley Muiruri Muthama, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-------------------------|---|----------------------------------|
| 1. Ms. Lucy Kimathi | - | HOD/ Principal Clerk Assistant I |
| 2. Mr. Abdiaziz Shobay | - | Clerk Assistant II |
| 3. Mr. Abdimalik Ahmed | - | Clerk Assistant III |
| 4. Ms. Noel Amutabi | - | Legal Counsel |
| 5. Dr. Kuria Waitara | - | Research officer III |
| 6. Ms. Winnie Kiziah | - | Media Relations Officer |
| 7. Mr. Joshua Lenambeti | - | Sergeant at-arms |

TANA AND ATHI RIVERS DEVELOPMENT AUTHORITY (TARDA)

- | | | |
|----------------------|---|--|
| 1. Mr. Liban R Duba | - | Managing Director, TARDA |
| 2. Ms. Maureen Oloo | - | Tana and Athi Rivers Development Authority |
| 3. Mr. David Kimaiyo | - | Tana and Athi Rivers Development Authority |
| 4. Mr. Joseph Okoth | - | Tana and Athi Rivers Development Authority |

MIN. NO.NA/DAAOSC/COI/2023/145: PRELIMINARIES.

The Chairperson called the meeting to order at ten minutes past ten o'clock and said a word of prayer.

AGENDA

1. Prayers
2. Introduction
3. Confirmation of Minutes
4. Substantive agenda: **Meeting with the Ministry of EAC, ASALs & Regional Development, Tana and Athi Rivers Development Authority (TARDA) & the National Treasury and Economic Planning to consider the implementation status of the Public Investment Committee's 24th report on consideration of the Auditor-General's report**
5. Any Other Business.

MIN. NO.NA/DAAOSC/COI/2023/146:

CONFIRMATION OF MINUTES

The agenda item was deferred to the next sitting.

MIN.NO.NA/DAAOSC/COI/2023/147:

**SUBMISSIONS BY THE TANA AND
ATHI RIVERS DEVELOPMENT
AUTHORITY REGARDING THE
IMPLEMENTATION STATUS OF
THE PUBLIC INVESTMENT
COMMITTEE'S 24th REPORT.**

The Managing Director, Mr. Liban R Duba submitted the following in response to the implementation status of the 12th Parliament's Public Investments Committee's 24th report on consideration of the Auditor General's reports on financial statements of state corporations:

Going Concern (FY 2014/2015 & FY 2015/16)

- i) The Tana and Athi Rivers Development agency was recommended in the 12th Parliament by the Public Investment Committee to follow up on the 19th and 21st recommendations
- ii) The Committee noted a significant loss of Kshs. 753,407,355 in the previous year this loss added to the cumulative deficit, reaching Kshs. 12,232,654,792 by June 30, 2015 depreciation charges on Masinga and Kiambere Hydro power facilities accounted for a substantial portion of the deficit.
- iii) the non-remittance of accrued revenue from Kenya Power and Lighting Company also contributed to the deficit the Government's directive to remit all revenue from hydroelectric power facilities to the National Treasury impacted the Authority's financial situation
- iv) Further the Committee Recommended that the Head of Public Service should convene a meeting between the two entities and resolve the matter.

Management Response

- i) KenGen continues to pay TARDA Kshs. 62,000,000 p.a despite recommendations by PWHC report of Kshs.533 million p.a, ISG of Kshs. 420 million p.a, PIC in 19th & 21st reports.

- ii) Recommendations by PIC in its 23rd report are similarly yet to be implemented. the recommended meeting between KenGen and the Authority to be convened by the Head of Public Service to resolve this matter is equally yet to be materialized

Committee Observations

- i) The Committee observed that TARDA is making loses regarding depreciation charges on Masinga and Kiambere Hydro power facilities.
- ii) The Committee also observed that it was a challenge to get arrangement with the Head of the Public Service in resolving the matter.

Work in-Progress (FY 2016/17)

- i) The Committee discovered that the capital work in progress balance of Kshs. 252,001,275, as reported in the previous year, consisted of stalled and dilapidated projects whose documented procurement and construction details were missing, raising concerns about the accuracy and validity of the disclosed amount.

Management Response

- i) Works related to Tana Delta Irrigation Project remains incomplete and as earlier reported relevant documents were destroyed during bomb blast. However, Masinga Dam Resort Construction was completed and commissioned.
- ii) Relevant procurement documents and payment vouchers were availed for audit verification, the cost capitalized as addition to non-current assets there by adjusting Work in Progress balance.

Committee Observations

- i) Tana and Athi Rivers Development Authority owns Masinga dam and Kiambere however the power generating companies owns the infrastructure and the income.
- ii) The Committee noted that it's difficult for the Committee on Implementation to follow up since the document got destroyed during the bomb last in 1998.
- iii) This involves other authority i.e. the Office of the Auditor General in closing the matter.

Other Incomes

- i) The Committee heard that revenue from exchange transactions of Kshs. 168,049,484 included an amount of Kshs. 61,036,682 in respect of sale of produce, sale of tree seedlings, sale of sand and honey and rendering services which was not fully supported by documentary evidence.
- ii) Consequently, the validity and accuracy of the recorded amounts totaling Kshs. 61,036,682 for other incomes could not be confirmed.
- iii) The Public Investment Committee however recommended that TARDA should provide documents for audit and also put in place system that ensure proper accountability of the revenue from this transaction.

Management Response.

- i) TARDA provides documents for audit verification within the required timelines as recommended by the Committee.
- ii) Appropriate systems are in place to ensure proper accountability of revenue as was recommended in the PIC report.

Committee Observation

The Committee noted that the Recommendations have been implemented.

Committee Recommendation

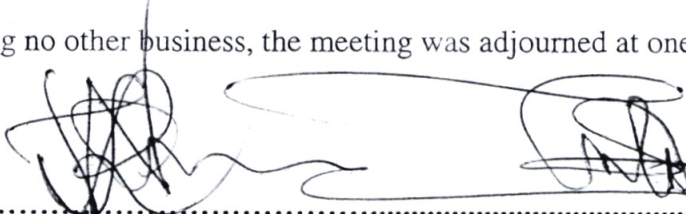
- i) The Management of TARDA should provide documents for audit within the required timelines failure to which sanctions provided under sections 62 of the Public Audit Act 2015 and Section 68 of the PFM Act should be instituted against the accounting officer.
- ii) Management should put in place a system that ensures proper accountability of the revenue streams from this transaction.
- iii) The office of the Auditor General should audit the entire transaction and report compliance of the same in the next audit report for TARDA's financial statements.

MIN. NO.NA/DAAOSC/COI/2023/148: ANY OTHER BUSSINESS

Inspection/site visit - The Committee resolved to conduct an inspection visit to Masinga and Kiambere dams at a later date to be communicated in due course.

MIN. NO.NA/DAAOSC/COI/2023/149: ADJOURNMENT

There being no other business, the meeting was adjourned at one o'clock.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date: 27/6/23.....

MINUTES OF THE TWENTY NINTH (29TH) SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON SATURDAY, 10TH JUNE, 2023 AT THE PIER CONFERENCE ROOM, ENGLISH POINT MARINA HOTEL, MOMBASA COUNTY AT 10.30 PM.

PRESENT

1. The Hon. Raphael Bitta Sauti Wanjala, M.P – **Chairperson**
2. The Hon. Rose Museo Mumo, M.P – **Vice Chairperson**
3. The Hon Prof Guyo Waqo Jaldesa, M.P
4. The Hon. George Koimburi Ndung'u, M.P
5. The Hon. Abdul Ebrahim Haro, M.P
6. The Hon. Mark Samuel Murithi Mwenje, M.P
7. The Hon. Siyoi Lillian, M.P
8. The Hon. Zamzam Mohamed Chimba, M.P
9. The Hon. Rael Chepkemai Kasiwai, M.P

APOLOGIES

1. The Hon. Mohamed Ali, M.P
2. The Hon. Johnson Many Naicca, M.P
3. The Hon. Elijah Memusi Kanchory, M.P
4. The Hon. Charles Gumini Gimose, M.P
5. The Hon. Nicholas Ngikor Nixon Ngikilong M.P
6. The Hon. Hilary Arap Kosgei, M.P
7. The Hon. Cynthia Jepkosgei Muge, M.P
8. The Hon. Julius Taitumu M'Anaiba, M.P
9. The Hon. Timothy Kipchumba Toroitich, M.P
10. The Hon. Hamisi Kakuta Maimai, M.P
11. The Hon. John Okwisia Makali, M.P
12. The Hon. Stanley Muiruri Muthama, M.P

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-------------------------|---|----------------------------------|
| 1. Ms. Lucy Kimathi | - | HOD/ Principal Clerk Assistant I |
| 2. Mr. Abdiaziz Shobay | - | Clerk Assistant II |
| 3. Mr. Abdimalik Ahmed | - | Clerk Assistant III |
| 4. Ms. Noel Amutabi | - | Legal Counsel |
| 5. Dr. Kuria Waitara | - | Research officer III |
| 6. Ms. Winnie Kiziah | - | Media Relations Officer |
| 7. Mr. Joshua Lenambeti | - | Sergeant at-arms |

RURAL ELECTRICIFICATION & RENEWABLE ENERGY CORPORATION

- | | | |
|------------------------|---|------------|
| 1. Mr. Peter Mbugua | - | CEO, REREC |
| 2. Mr. Davis Cheruiyot | - | REREC |
| 3. Mr. Wilfred Oduor | - | REREC |

- | | | |
|-------------------------|---|---------------------------------------|
| 4. Mr. Fredrick Gicharu | - | REREC |
| 5. Mr. Peter Namui | - | Representative, Ministry of Energy |
| 6. Mr. Rodrick Koome | - | Representative, The National Treasury |
| 7. Ms. Catherine Nzioki | - | Representative, The National Treasury |

MIN. NO.NA/DAAOSC/COI/2023/150: PRELIMINARIES.

The Chairperson called the meeting to order at Eleven o'clock and said a word of prayer.

AGENDA

1. Prayers
2. Introduction
3. Confirmation of Minutes
4. Substantive agenda: **Meeting with the Ministry of Energy & Petroleum, Rural Electrification and Renewable Energy Corporation, & the National Treasury and Economic Planning to consider the implementation status of the Public Investment Committee's 24th report on consideration of the Auditor-General's report**
5. Any Other Business.

MIN. NO.NA/DAAOSC/COI/2023/151: CONFIRMATION OF MINUTES

The agenda item was deferred to the next sitting.

MIN.NO.NA/DAAOSC/COI/2023/152: SUBMISSIONS BY THE RURAL ELECTRIFICATION AND RENEWABLE ENERGY CORPORATION REGARDING THE IMPLEMENTATION STATUS OF THE PUBLIC INVESTMENT COMMITTEE'S 24th REPORT.

The Chief Executive Officer, Rural Electrification & Renewable Energy Corporation (REREC), Mr. Peter Mbugua submitted the following in response to the implementation status of the 12th Parliament's Public Investments Committee's 24th report on consideration of the Auditor General's reports on financial statements of state corporations:

1. Damaged Wood Poles (FY 2012/2013)

- i) The Rural Electrification & Renewable Energy Corporation was recommended in the 12th Parliament by the Public Investment Committee that the EACC should investigate the entire procurement of the poles with a view to preferring charges on those that may have abdicated and or violated the law since wood poles totaling 2,310 and valued at KSh. 30,177,505 were stored in open spaces on the ground at both Makuyu and Mariakani Substations thus being exposed to adverse weather conditions and were therefore damaged beyond reasonable use.
- ii) Consequently, it was not possible to confirm that public resources were managed efficiently, economically and in an effective manner.

Management Response

- i) REREC informed the Committee that Wooden poles accumulated damage over several fiscal years. As storing them in enclosed warehouses was impractical, the Corporation followed best practices by stacking them to minimize damage.
- ii) Additional warehouses were constructed to improve storage capacity for other construction materials.
- iii) Damaged poles were offered to KWS for fencing national parks, as allowed by the Public Procurement and Asset Disposals Act.
- iv) While the Corporation had general insurance coverage, it did not cover losses from natural causes.
- v) The Corporation believes its procurement process was lawful but acknowledges the occasional need to dispose of damaged or unserviceable stores as per the Act.

Committee Observation

- i) The Committee noted that the explanation offered by REREC was satisfactory considering the damaged poles accumulated over multiple fiscal years were handed over to the Kenya Wildlife Service (KWS) as a method of asset disposal authorized by the Public Procurement and Asset Disposals Act.
- ii) It is not specified whether the damaged poles can be recovered and used for another purpose. However, since they were deemed unserviceable and unfit for the Corporation's projects, it is likely that their reuse or recovery was not feasible.

Committee Recommendation

- i) The Committee still recommends that the EACC should investigate the entire procurement of the poles.
- ii) The Committee further directed to invite Kenya Wildlife Service (KWS) on the matter.

2. Property, Plant and Equipment FY 2013/2014

- i) The financial statement on October 30th, 2014, revealed that the balance for Property, Plant and Equipment was KSh. 30,366,778,000.00, including Work in Progress (WIP) valued at KSh9, 736, 172,000.
- ii) Within the WIP category, KSh. 54,218,400.00 (VAT inclusive) was associated with a terminated five-month contract for the supply, installation, and commissioning of diesel generators and associated boards in Kiunga and Hulugho towns, located in Lamu East and Ijara Constituencies.
- iii) however, the Public Investment Committee recommended that the EACC should investigate the procurement of the project.

Management Response

- i) The Committee was informed that the company's financial statements recorded the costs of gen sets delivered to the site as Work in Progress (WIP), despite the project contract being terminated due to poor performance.
- ii) Another contractor was subsequently hired to procure, install, and commission the already delivered gen sets.
- iii) In the procurement process, the evaluation committee assessed the terminated contractor's past experience and performance in similar projects within the last five years, requesting certified copies of completion certificates as evidence.

- iv) This due diligence was conducted by the Corporation. Furthermore, the Corporation had issued an open tender for the supply, installation, testing, and commissioning of enclosed diesel generators (80kVA & 150kVA) and associated distribution boards in multiple locations, including Laisamis, Eldas, Takaba, North Horr, Hulugho, Kiunga, and Rhamu.

Committee Observations and Recommendations

- i) The Committee noted that the query was satisfactorily answered
- ii) The recommendation has been implemented.

3. Unrecovered Duty Paid to KRA on Behalf of Vendors (FY 2014/2015 to 2017/18)

- i) The Authority paid Ksh 47,605,799 for custom duty owned by two vendors, with one vendor's duty already recovered but the recovery of Ksh 31,894,048 from the other vendor remained uncertain.

Management Response

- i) The Corporation filed a civil suit against Apar Industries for recovery of the amounts, but Apar Industries requested arbitration, and on June 4th, 2021, the court referred the matter to arbitration (Rural Electrification and Renewable Energy Corporation vs. Apar Industries, Nairobi (Milimani) HCCC No. 153 of 2019).

Committee Observations and Recommendation

- i) REREC should follow up on the matter referred to arbitration.
- ii) The accounting officer for REREC should not make any payment to any vendor that had not been cleared with KRA
- iii) The Implementation of the resolution is on-going

4. Procurement of distribution of transformers.

- i) REREC procured 200 transformers from a Tanzanian Company based on Section 103(2b) of the Public Procurement and Asset Disposal Act, 2015.
- ii) They deemed the procurement urgent and unforeseen due to the government's plan to introduce a laptop project in public schools, which required electricity connection for its success.

Management Response.

- i) The assessment of the company's capacity and quality for manufacturing transformers was carried out by Tanelec Limited representatives in response to the Committee's claim that no due diligence was conducted, we would like to clarify that a thorough assessment was carried out by a team of REA and KPLC engineers who visited Tanelec Limited, evaluating their manufacturing processes, capacity, and material availability.
- ii) REREC provides documents for audit verification within the required timelines as recommended by the Committee. Appropriate systems are in place to ensure proper accountability of revenue as was recommended in the PIC report.

Committee Observation and Recommendation

The Committee noted that the query was satisfactory answered

5. Enterprise Resource Planning Overhaul FY 2018/2019

The audit found that Management planned to overhaul the ERP system for KSh.200,000,000, but it wasn't fully utilized and some modules were inactive, like the HR module used manually for payroll. Vendor support for the system will end in December 2025. Considering these factors, the planned overhaul may not be justified.

Management Response

The Corporation has put measures to fast track implementation of S4/Hanna system and all modules currently at user Acceptance testing with expected Go-live being 30/60/3023 and there shall be no contra variation.

Implementation Status

Status is on-going

Committee Recommendation

The accounting officer for REREC should always ensure timely implementation of projects to avoid costly variations.

6. Long Outstanding receivables FY 2019/2020

The Financial statements reflected other receivables-sale of power amounting to Ksh 760,606,000 the amount was due from the Kenya Power and Lighting Company Plc under a power purchase agreement with the Corporation. However, the amount had been outstanding for long periods exceeding 360days. Further there was no debt management policy in place at the Corporation to guide recovery of overdue debts

Management Response

- i) The Committee was informed that the KPLC, Kenya's power utility company, has been diligent in making timely payments for the revenues generated from the sale of power, ensuring that its debt remains current.
- ii) That the Government of Kenya, represented by The National Treasury of Kenya, entered into a concessional loan agreement with the Export Import Bank of China for the construction of the Garissa Solar Power Plant, which has a capacity of 54 MW.
- iii) KPLC signed an on-lending agreement with the Republic of Kenya to finance the commercial contract between the Ministry of Energy and Petroleum, REA, China Corporation for International Economic and Technical Cooperation, and Jianko Solar Company Limited.
- iv) This agreement highlights the collaborative effort between various entities to develop the solar power plant in Garissa. as part of the concessional loan agreement, it is stipulated that if the amount collected from the project is not sufficient to cover the loan repayment, the National Treasury of Kenya will undertake the responsibility of making the payment. This provision ensures that the loan obligations will be met, even in the case of potential revenue shortfalls.

Committee Observation

The submission presented was satisfactory.

MIN. NO.NA/DAAOSC/COI/2023/153: ANY OTHER BUSSINESS

No other business arose

MIN. NO.NA/DAAOSC/COI/2023/154: ADJOURNMENT

There being no other business, the meeting was adjourned at one o'clock.

Signed.....

Hon. Raphael Bitta Sauti Wanjala, M.P
(CHAIRPERSON)

Date.....27/6/23

ANNEXTURE 3

Submission by the Geothermal Development Company on the implementation status of the Public Investments Committee, Twenty Fourth Report of on consideration of the Auditor General's reports on the financial statements of State Corporations: Geothermal Development Company (FY 2016/2017).

THE PUBLIC INVESTMENT COMMITTEE'S (PIC) 24TH REPORT ON CONSIDERATION OF THE AUDITOR GENERAL'S REPORT ON THE FINANCIAL STATEMENTS OF STATE CORPORATION

STATUS UPDATE ON THE BELOW MATTERS

a. Procurement of rig move services.

Committee Recommendations:

The committee recommends that the committee on implementation should follow up on implementation of the PIC recommendations in its 23rd Report.

Status

Investigation by EACC status

EACC made a prosecution recommendation to DPP who went ahead to file a High Court Case No. 20 of 2015 – Republic Vs. Nicholas Karume Weke & Others. In a ruling of February 2023 on application by the defendants, the Supreme Court ordered the case to proceed to full hearing.

Arbitration and Court process

Introduction:

The Company entered a contract with Bonfide Clearing and Forwarding Company Limited for provision of rig moves services. The Company terminated the contract on 13 September 2016. Bonfide referred the matter for arbitration claiming an amount of Shs 3,334,124,194 for work done, loss of business, interest, and damages. The arbitrator issued an interim award in September 2017 and Bonfide filed an application in the High Court against the award in October 2017.

Bonfide Clearing Company Limited have appealed against the interim award No. 1 which dismissed the bulk of their claim leaving a balance of Kshs. 38.5 million which the Hon. Arbitrator deemed provable which was to proceed for formal proof through a hearing.

On the 24th day of June 2022, the High Court dismissed as being unmerited the appeal by M/s Bonfide Clearing & Forwarding made vide Misc application No. 431 of 2017. Bonfide thereafter filed a notice of appeal signaling their intention to move to the Court of Appeal. The substantive Memorandum of Appeal and Record of appeal are yet to be filed and served.

The dispute before the arbitrator has been in abeyance since Bonfide Clearing & Forwarding elected to abandon the hearing of the residue of the claim as per Arbitral Award.

b. Unproductive and abandoned wells

Committee Recommendations

- i) *The Company's Board should review identification and digging of wells mechanism to reduce losses on unproductive wells.*
- ii) *The Company's Board should ensure the wells dug to avoid losses from unproductive wells.*

Status

The Company has collaborated with geothermal experts including ELC consultants (Italy), WestJEC (Japan), JICA and further constituted a Geothermal Advisory Board (GAB) of experts for peer review on geo-scientific and drilling activities. The close collaboration and recommendations have aided in improving well targeting.

The Company has also put in place a Well Siting and Abandonment Policy to guide well siting and drilling to guide on the conduct of identification and drilling of wells. The policy is aimed at ensuring that wells are optimally sited to maximize productivity and drilled efficiently to increase success rate and minimize cost. It provides detailed guidelines for planning, well siting, decision making, responsibility assignment, well measurement, well abandonment and costing. It also provides for tracking of key performance indicators during drilling, and a governance structure to guide decision-making during drilling.

OTHER ISSUES AS CONTAINED IN THE PIC's 24TH REPORT

a) Cost of Non-productive time

Committee Recommendations

- i) *The Company Leadership develops a formal policy on what should constitute acceptable levels of NPT based on international standards to reduce loss from NPT.*
- ii) *The National Treasury should ensure timely release of exchequer on projects under implementation.*

Status

The Company Well Siting and Abandonment Policy also guides efficient drilling and minimization of costs arising from Non-productive time (NPT).

The company continues to seek adequate budgetary allocation and timely disbursement.

b) Corporation tax and related penalties

Committee Recommendations

The committee recommends that the National Treasury should allocate funds to the GDC to be used in meeting her tax obligations.

Status



The National Treasury has provided direction on the tax matter stating that the funds allocated toward development of geothermal resources be exempted from taxes.

c) Vesting of Olkaria Wells

Committee Recommendations

The report noted that this matter had been closed.



ANNEXTURE 4

Submission by the Kenya Electricity Generating Company on the implementation status of the Public Investments Committee, Twenty Fourth Report of on consideration of the Auditor General's reports on the financial statements of State Corporations: Kenya Electricity Generating Company (FY 2016/2017).



KenGen

APPENDIX 2

DOCUMENTS HEREIN:

- **AMOUNT DUE FROM KENYA POWER AND LIGHTING COMPANY PLC (FY 2019/2020)**



Kenya Power

The Kenya Power & Lighting Co. Plc
Central Office - P.O. Box 30099 Nairobi, Kenya
Telephone – 254-20-3201000- Telegrams 'ELECTRIC'
Fax No. 254- 20-3514485
STIMA PLAZA, KOLOBOT ROAD
www.kenyapower.co.ke

Our Ref: KP1/8/12/8/SV/bm

18th October, 2022

Your Ref:

Deloitte & Touche
P. O. Box 40092-00100
Nairobi

Dear Sir,

RE: REQUEST FOR BALANCE CONFIRMATION

We refer to the letter from KenGen dated 7th June 2022 under reference **CF/CRC/KPLC/CK/2022/01** (copy attached) requesting us to confirm balance of our accounts owing/owed to them as at 30th June 2022.

According to our records, the balance owed to KenGen as at 30th June 2022 is as tabulated herein.

Item	USD	KSHS
Electricity Purchase (including Late payment Interest)	26,456,983.26	19,725,278,981.66
Garissa Equipment Purchase		91,810,795.61
Temporary Power Plant (Aggreko)	1,327,847.47	56,221,167.40

We have herewith attached a statement of accounts for ease reference and reconciliation.

Yours faithfully,

FOR: THE KENYA POWER & LIGHTING COMPANY PLC

STEPHEN VIKIRU
GENERAL MANAGER, FINANCE



Kenya Power



KenGen

AGREED POSITION BETWEEN KENGEN AND KPLC FOR THE DISPUTED LATE INTEREST AMOUNT FOR THE PERIOD UPTO 30TH JUNE 2022

1. INTRODUCTION

KenGen charges interest on late interest when payments have been late receipt past the due dates.

2. DISPUTED INTEREST AMOUNT

Over time KenGen and KPLC have had differences in the interest amount computed leading to a disputed amount recorded by both companies in their books of accounts.

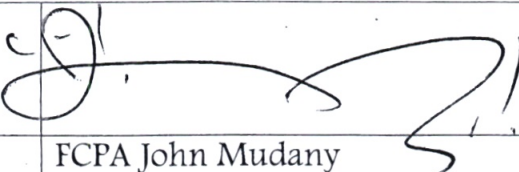

3. JOINT RECONCILIATION OF DISPUTED INTEREST AMOUNT

The Finance teams of both KenGen and KPLC undertook a joint reconciliation exercise which culminated in the sign off on 21st October 2022 of the jointly agreed disputed amount of KShs. 620,751,726.93 and USD. 184,369.92. (Appendix 1)

4. AGREED WAY FORWARD

Parties have agreed to work together, to clear the remaining part, in having an agreed treatment of the disputed interest amount, in order to eliminate the dispute as an outstanding issue in both companies' books of accounts.



Signed by:

Signature		
Name	FCPA John Mudany	CPA Stephen Vikiru
Title	General Manager, Finance & ICT	General Manager, Finance
Organization	Kenya Electricity Generating Company Plc (KenGen)	Kenya Power & Lighting Company Plc (KPLC)
Date	28/11/2022	28/11/2022

APPENDIX 1

Kenya Power and KenGen Late Payment Reconciliation Report Balances as at 30th June 2022		KenGen Balance		Kenya Power Balance		Variance	
Financial Period	USD	KES	USD	KES	USD	KES	Amount USD
Late Payment Interest June 2016	73,918.78	78,405.06		35,406.11	38,452.67	78,405.06	38,452.67
Late Payment Interest June 2017	609,842.00	1,996,494.70		564,094.21	45,747.79	(27,189,975.91)	38,452.67
Late Payment Interest June 2018	2,076,615.75	789,738,535.70		2,060,193.33	16,422.42	16,422.42	38,452.67
Late Payment Interest June 2019	1,445,370.95	571,844,669.92		1,417,146.87	28,424.08	28,424.08	38,452.67
Late Payment Interest June 2020	1,492,013.08	645,439,043.19		1,462,944.44	29,068.64	29,068.64	38,452.67
Late Payment Interest June 2021	1,271,315.93	797,996,620.38		1,251,338.86	19,977.07	19,977.07	38,452.67
Late Payment Interest June 2022	1,175,780.99	714,305,052.36		1,169,503.74	6,277.25	6,277.25	38,452.67
Financial Year	Variance USD	Variance KES	Variance USD	Variance KES	Total	Total	Amount USD
Late Payment Interest as at 30th June 2016	78,405.06	78,405.06	38,452.67	78,405.06			38,452.67
Late Payment Interest as at 30th June 2017	(27,189,975.91)	(27,189,975.91)	45,747.79	(27,189,975.91)			45,747.79
Late Payment Interest as at 30th June 2018	16,422.42	36,626,525.25	16,422.42	36,626,525.25			16,422.42
Late Payment Interest as at 30th June 2019	28,424.08	189,514,486.28	28,424.08	189,514,486.28			28,424.08
Late Payment Interest as at 30th June 2020	29,068.64	90,711,768.16	29,068.64	90,711,768.16			29,068.64
Late Payment Interest as at 30th June 2021	19,977.07	159,623,442.79	19,977.07	159,623,442.79			19,977.07
Late Payment Interest as at 30th June 2022	6,277.25	171,387,075.30	6,277.25	171,387,075.30			6,277.25
Grand Total	620,751,726.93	184,369.92	184,369.92	171,387,075.30	6,277.25	6,277.25	6,277.25

Notes:
Causes of the difference Between KP&C and KenGen Figures
 Debit notes to be resent by KenGen for USD and KES variances
 Total
 1. KP&C to review all the payments made to KenGen on KES invoices.
 2. Difference in No. of days & or Amount used to compute interest
 Total
 1. Interest charged on delayed payment on Mithoroni GT by KenGen
 2. Difference in No. of days & or Amount used to compute interest
 Total
 1. Interest charged on delayed payment on Mithoroni GT by KenGen
 2. Difference in No. of days & or Amount used to compute interest
 Total
 1. Interest charged on delayed payment on Olkaria V invoices by KenGen
 2. Part of invoice amount to be recognized by KP&C
 3. Interest charged on delayed payment on WAKMA Levy
 4. Interest charged on delayed payments on Force Majeure Invoice Amounts
 5. Difference in No. of days & or Amount used to compute interest
 Total
 1. Interest charged on delayed payment on Olkaria V invoices by KenGen
 2. Interest charged on delayed payments on Force Majeure Invoice Amounts
 3. Interest charged on delayed payment on WAKMA Levy invoices by KenGen
 4. Difference in No. of days & or Amount used to compute interest
 5. Interest charged on delayed payment on IDF (fuel) invoice amounts
 6. Part of invoice amount to be recognized by KP&C
 Total
 1. Interest charged on delayed payment on WAKMA Levy invoices by KenGen
 2. Interest charged on delayed payment on Olkaria I invoices by KenGen
 3. Interest charged on delayed payments on Mithoroni GT invoices by KenGen
 4. Interest charged on delayed payments on Force Majeure Invoice Amounts
 5. Adjustment on initially invoiced amounts by KenGen.
 6. Adjustment on initially invoiced amounts by KP&C.
 7. Difference in No. of days & or Amount used to compute interest
 Total

Approved By: 
 Kenya Power
 Reviewed By: 
 KenGen
 21-10-22



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Name	Celestine Kyalo
Signature	
Date	24/10/2022
Company	KenGen

Balance reconciliation done by:

Aggreco	1,827,847.47	56,221,167.40
Ex Rate	117.8324	0.00
Total KES	156,463,494.37	56,221,167.40
GRAND TOTAL	212,684,621.77	

Outgoing payment April 2021	26,548,774.78	19,580,456,290.13
Outgoing payment March 2021	-	5,929,759,980.10
Outgoing payment February 2021	-	1,512,170,043.65
Outgoing payment January 2021	-	15,846,934.09
Add Outgoing Amounts	-	-
TOTAL GL Balance	26,548,774.78	14,402,665,982.95

Late Payment Interest June 2016	35,466.11	
Late Payment Interest June 2017	864,094.21	
Late Payment Interest June 2018	2,060,193.33	
Late Payment Interest June 2019	1,417,146.87	
Late Payment Interest June 2020	1,462,944.44	
Late Payment Interest June 2021	1,251,338.86	
Late Payment Interest June 2022	1,169,503.74	
TOTAL in KES	117,8324	19,660,436,290.13

Transfer of Carissa Generation Equipment Plant

Jun-19	17,984.88	
Jun-20		
Jun-21		
Jun-22	6,402,423.46	
May-22	4,117,491,146.41	
Apr-22	2,461,836,466.77	
Mar-22	2,808,472.39	
Feb-22	224,988,809.17	
Jan-22	268,546,340.13	
Dec-21	201,523,503.74	
Nov-21	139,736,990.66	
Oct-21	187,712,808.87	
Sep-21	235,487,975.00	
Aug-21	194,395,290.29	
Jul-21	134,695,735.72	
Jun-21	165,863,293.06	
May-21	255,853,710.67	
Apr-21	205,731,930.85	
Jan-21		
Dec-20		
Nov-20	6,336,764.24	
Oct-20	3,446,849.04	
Sep-20	8,879,651.14	
Jul-20	65,002,256.65	
Nov-19	734,466.89	
Oct-19-Aug-20	8,348,336.81	
Jun-19		

KenGen Outstanding Balance as at 30th June 2022

KenGen Power & Lighting Co

USD

KES

17,984.88

65,002,256.65

8,879,651.14

3,446,849.04

6,336,764.24

Jun-19	Muhoroni GT	49,602.95	
Jun-19	Muhoroni GT Debit/Credit Oct2019-Aug2020	12,005,913.43	
Nov-19		753,795.38	
Jul-20	FM Apr - July 2020	65,000,280.99	
Sep-20	Mashinga - Low availability	8,879,651.14	
Oct-20	Mashinga - Low availability	3,446,849.04	
Nov-20	Disputed IDF	6,336,764.23	
Dec-20	KDP1	380,340.36	
Jan-21			
Apr-21	OLK 1 & Muhoroni GT	205,731,930.85	
May-21	OLK 1 & Muhoroni GT	260,897,824.61	
Jun-21	OLK 1 & Muhoroni GT	165,863,293.05	
Jul-21	OLK 1 & Muhoroni GT	134,695,735.71	
Aug-21	OLK 1 & Muhoroni GT	194,395,290.29	
Sep-21	OLK 1 Muhoroni GT	235,487,975.00	
Oct-21	OLK 1 & Muhoroni GT	187,712,808.87	
Nov-21	OLK 1 & Muhoroni GT	139,736,990.66	
Dec-21	OLK 1 & Muhoroni GT+Major Hydrop DN	208,437,936.33	
Jan-22	OLK 1 Muhoroni GT, Wanjil DN, Forex DN	351,075,134.41	
Feb-22	OLK 1 & Muhoroni GT	282,082,962.59	
Mar-22		2,808,472.39	
Apr-22	Outstanding Invoices	1,737,158,926.58	
May-22		6,935,934.91	
Jun-22		6,402,423.47	
Grand Total		26,739,144.71	
Late Payment Interest June 2016		73,918.78	
Late Payment Interest June 2017		609,842.00	
Late Payment Interest June 2018		2,076,619.35	
Late Payment Interest June 2019		1,448,570.95	
Late Payment Interest June 2020		1,492,013.08	
Late Payment Interest June 2021		1,271,318.93	
Late Payment Interest June 2022		1,175,760.99	
Grand Total		20,432,932,478.33	
Aggreco	1,304,698.00	64,963,475.00	
Ex Rate	117.8324	0.00	
Total KES	155,735,696.62	64,963,475.00	
Transfer of Carissa Generation Equipment Plant		87,737,960.00	
Grand Total	23,582,383,078.77		

KPLC Account Balance as 30th June 2022

USD

KES

49,602.95

12,005,913.43

753,795.38

65,000,280.99

8,879,651.14

3,446,849.04

6,336,764.23

Transfer of Carissa Generation Equipment Plant

Aggreco	1,304,698.00	64,963,475.00
Ex Rate	117.8324	0.00
Total KES	155,735,696.62	64,963,475.00

Grand Total

23,582,383,078.77

117.8324

20,432,932,478.33

663,726,960.78

171,387,078.30

19,977.07

29,068.64

26,424.08

16,422.42

43,747.79

36,432.67



APPENDIX 4

DOCUMENTS HEREIN:

- TAKE OVER MINUTES FOR 280MW TRANSMISSION LINES
- IMPLEMENTATION AGREEMENT BETWEEN KENYA ELECTRICITY TRANSMISSION COMPANY LIMITED AND KENYA ELECTRICITY GENERATING COMPANY LIMITED.



S&S POWER SWITCHGEAR EQUIPMENT LIMITED

T. C. NO : P - D - 20130916 - 838 - ACC

DATE : 16 / 09 / 2013

ACCEPTANCE TEST CERTIFICATE

W.O.REF	12/05/D/W/ 2546
CUSTOMER	M/S KEC INTERNATIONAL LIMITED MUMBAI
P.O.REF	KX/802/S&S POWER/PS/B/048
SYSTEM	RC 145kV
PROJECT	OLKARIA IV AND OLKARIA I ADDITIONAL UNITS PROJECTS
SUBSTATION	OLKARIA I AU SUBSTATION
QUANTITY OFFERED	WSE-3SETS + WOE - 8SETS + SPARES
DATE OF INSPECTION	13/09/2013 to 16/08/2013
SAMPLE TAKEN FOR INSPECTION WITH SI.No	1)RC 145kV, 1600A , 31.5kA / 3 Sec, 3 Pole , Mechanically ganged Centre break Disconnecter with single earth switch(Female side) -with Insulators and support structures but without terminal connectors (Main-Motor & Earth manual operated) Qty: 01Set, SI .No. for Main :031 & SI.No. for Earth : 031E
G.A.DRAWING NO.	3C4G200 / 2546, 3C4G210 / 2546, 3C4G100 / 2546
SCHEMATIC DRG.NO.	3UCS152 / 2546

ALL TESTS WERE CONDUCTED AS PER IEC - 62271 - 102. THE DETAILS OF THE TEST CONDUCTED ARE AS PER THE ENCLOSURES AND FOUND SATISFACTORY.

TEST WITNESSED BY

ANDREAS LAUBI
Senior Associate
SKM, AUSTRALIA

SALIM WANYANDE
KETRACO, KENYA

ALOK SINGH
KEC IND LTD, MUMBAI

CHARLES NDUNGU
KENYA POWER, KENYA

TEST PERFORMED BY FOR S&S POWER SWITCHGEAR EQUIPMENT LTD

M.RENGARAJ
Manager -QA/QC



06 / FO / QC - 11

1 / 5


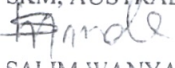
1.DIMENSIONAL CHECK FOR CENTRE BREAK DISCONNECTOR



Dimensional checks were carried out as per the drawing and the dimensions were found within limits

RELEVANT DRAWING NUMBER


3C4G200 / 2546	GA OF 145kV, 1600A, THREE POLE CENTRE BREAK DISCONNECTOR WITH SINGLE EARTH SWITCH (FEMALE SIDE) (MGB/MOM)
3C4G210 / 2546	GA OF 145kV, 1600A, THREE POLE CENTRE BREAK DISCONNECTOR WITH SINGLE EARTH SWITCH (MALE SIDE) (MGB/MOM)
3C4G100 / 2546	GA OF 145kV, 1600A, THREE POLE CENTRE BREAK DISCONNECTOR WITHOUT EARTH) (MOM)
3C4H011 / 2546	GA OF MALE AND FEMALE HAMPER FOR 145kV, 1600A CENTRE BREAK DISCONNECTOR
3C4E002 / 2546	GA 145kV EARTH SWITCH AND EARTH FIXED CONTACT
3UCM545 / 2546	GA OF MANUAL OPERATING BOX FOR DISCONNECTOR WITHOUT EARTH SWITCH
3UCD011 / 2546	GA OF OPERATING BOX FOR DISCONNECTOR WITH SINGLE EARTH SWITCH (FEMALE SIDE)
3UCD012 / 2546	GA OF OPERATING BOX FOR DISCONNECTOR WITH SINGLE EARTH SWITCH (MALE SIDE)
3UCS152 / 2546	DC & AC CONTROL CIRCUIT FOR 145kV DISCONNECTOR WITH SINGLE EARTH SWITCH
3UCA556 / 2546	AUXILLARY SWITCH DETAILS FOR DISCONNECTOR & EARTH SWITCH AND COMMON LEGENDS & NOTES AND DC CONTROL CIRCUIT FOR WITHOUT EARTH SWITCH
3C4P001 / 2546	NAME PLATE DETAILS FOR 145kV DISCONNECTOR & EARTH SWITCH
3C4I001 / 2546	145kV SOLIDCORE POST INSULATOR
3C4B200 / 2546	GA OF RC145kV DRIVE BASE DRAWING FOR WITH & WITHOUT EARTH SWITCH
3C4S200 / 2546	GA OF RC145kV 1600A 3 POLE STRUCTURE & FOUNDATION BOLT FOR WITH & WITHOUT EARTH

TEST WITNESSED BY


ANDREAS LAUBI
 Senior Associate
 SKM, AUSTRALIA

SALIM WANYANDE
 KETRACO , KENYA


ALOK SINGH
 KEC IND LTD, MUMBAI

CHARLES NDUNGU
 KENYA POWER , KENYA

**TEST PERFORMED BY
 FOR S&S POWER SWITCHGEAR EQUIPMENT LTD**


M.RENGARAJ
 Manager -QA/QC



1.DIMENSIONAL CHECK FOR CENTRE BREAK DISCONNECTOR

Dimensional checks were carried out as per the drawing and the dimensions were found within limits

RELEVANT DRAWING NUMBER


3C4G200 / 2546	GA OF 145kV, 1600A, THREE POLE CENTRE BREAK DISCONNECTOR WITH SINGLE EARTH SWITCH (FEMALE SIDE) (MGB/MOM)
3C4G210 / 2546	GA OF 145kV, 1600A, THREE POLE CENTRE BREAK DISCONNECTOR WITH SINGLE EARTH SWITCH (MALE SIDE) (MGB/MOM)
3C4G100 / 2546	GA OF 145kV, 1600A, THREE POLE CENTRE BREAK DISCONNECTOR WITHOUT EARTH) (MOM)
3C4H011 / 2546	GA OF MALE AND FEMALE HAMPER FOR 145kV, 1600A CENTRE BREAK DISCONNECTOR
3C4E002 / 2546	GA 145kV EARTH SWITCH AND EARTH FIXED CONTACT
3UCM545 / 2546	GA OF MANUAL OPERATING BOX FOR DISCONNECTOR WITHOUT EARTH SWITCH
3UCD011 / 2546	GA OF OPERATING BOX FOR DISCONNECTOR WITH SINGLE EARTH SWITCH (FEMALE SIDE)
3UCD012 / 2546	GA OF OPERATING BOX FOR DISCONNECTOR WITH SINGLE EARTH SWITCH (MALE SIDE)
3UCS152 / 2546	DC & AC CONTROL CIRCUIT FOR 145kV DISCONNECTOR WITH SINGLE EARTH SWITCH
3UCA556 / 2546	AUXILLARY SWITCH DETAILS FOR DISCONNECTOR & EARTH SWITCH AND COMMON LEGENDS & NOTES AND DC CONTROL CIRCUIT FOR WITHOUT EARTH SWITCH
3C4P001 / 2546	NAME PLATE DETAILS FOR 145kV DISCONNECTOR & EARTH SWITCH
3C4I001 / 2546	145kV SOLIDCORE POST INSULATOR
3C4B200 / 2546	GA OF RC145kV DRIVE BASE DRAWING FOR WITH & WITHOUT EARTH SWITCH
3C4S200 / 2546	GA OF RC145kV 1600A 3 POLE STRUCTURE & FOUNDATION BOLT FOR WITH & WITHOUT EARTH

TEST WITNESSED BY


 ANDREAS LAUBI
 Senior Associate
 SKM, AUSTRALIA

 SALIM WANYANDE
 KETRACO , KENYA


 ALOK SINGH
 KEC IND LTD, MUMBAI


 CHARLES NDUNGU
 KENYA POWER , KENYA

TEST PERFORMED BY FOR S&S POWER SWITCHGEAR EQUIPMENT LTD


 M.RENGARAJ
 Manager -QA/QC





S&S POWER SWITCHGEAR EQUIPMENT LIMITED

T. C. NO : P - D - 20130916 - 838 - ACC

DATE : 16 / 09 / 2013

ACCEPTANCE TEST CERTIFICATE

W.O.REF	12/05/D/W/ 2546
CUSTOMER	M/S KEC INTERNATIONAL LIMITED MUMBAI
P.O.REF	KX/802/S&S POWER/PS/B/048
SYSTEM	RC 145kV
PROJECT	OLKARIA IV AND OLKARIA I ADDITIONAL UNITS PROJECTS
SUBSTATION	OLKARIA I AU SUBSTATION
QUANTITY OFFERED	WSE-3SETS + WOE - 8SETS + SPARES
DATE OF INSPECTION	13/09/2013 to 16/08/2013
SAMPLE TAKEN FOR INSPECTION WITH SI.No	1)RC 145kV, 1600A , 31.5kA / 3 Sec, 3 Pole , Mechanically ganged Centre break Disconnecter with single earth switch(Female side) -with Insulators and support structures but without terminal connectors (Main-Motor & Earth manual operated) Qty: 01Set, SI.No. for Main :031 & SI.No. for Earth : 031E
G.A.DRAWING NO.	3C4G200 / 2546, 3C4G210 / 2546, 3C4G100 / 2546
SCHEMATIC DRG.NO.	3UCS152 / 2546

ALL TESTS WERE CONDUCTED AS PER IEC - 62271 - 102. THE DETAILS OF THE TEST CONDUCTED ARE AS PER THE ENCLOSURES AND FOUND SATISFACTORY.

TEST WITNESSED BY

ANDREAS LAUBI
Senior Associate
SKM, AUSTRALIA

SALIM WANYANDE
KETRACO, KENYA

ALOK SINGH
KEC IND LTD, MUMBAI

CHARLES NDUNGU
KENYA POWER, KENYA

TEST PERFORMED BY FOR S&S POWER SWITCHGEAR EQUIPMENT LTD

M.RENGARAJ
Manager -QA/QC



06 / FO / QC - 11

1 / 5

2. OPERATION TESTS ON DISCONNECTOR /EARTH SWITCH WITH OPERATING MECHANISM

(As per IEC - 62271-102)

The disconnectors with single earth switch were erected on a structure with operating mechanisms and the operation test was conducted

**For Motor Operated DISCONNECTOR .
Sl.No. 003**

- Operating cycles at 85 % of rated voltage **OK**
- Operating cycles at 110 % of rated voltage **OK**
- Operating cycles at 100 % of rated voltage **OK**

**For Motor Operated EARTH SWITCH
Sl.No. 003E**

- Operating cycles at 85 % of rated voltage
- Operating cycles at 110 % of rated voltage
- Operating cycles at 100% of rated voltage

The above operations were found satisfactory and no wear and tear observed in the contacts.

**Check for Current drawn by the motor
in Amps.(Disconnector)**

**Check for Operating Time in Seconds.
(Not Exceeding 12 Seconds at rated voltage
of the Drive motor)**

	85%	100%	110%
CLOSE TO OPEN	0.57	0.83	1.09
OPEN TO CLOSE	0.58	0.88	1.06

	85%	100%	110%
CLOSE TO OPEN	12.0	11.5	11.1
OPEN TO CLOSE	12.0	12.0	11.2

**Check for Current drawn by the motor
in Amps. (Earth Switch)**

**Check for Operating Time in Seconds.
(Not Exceeding 12 Seconds at rated voltage
of the Drive motor)**

	85%	100%	110%
CLOSE TO OPEN	0.67	0.84	1.04
OPEN TO CLOSE	0.56	0.87	1.02

	85%	100%	110%
CLOSE TO OPEN	9.6	9.0	9.1
OPEN TO CLOSE	9.0	9.0	8.7

The above operations were found satisfactory and no wear and tear observed in the contacts.

3. DIELECTRIC TEST ON CONTROL AND AUXILIARY CIRCUITS (As per IEC 62271-102)

A 2 KV rms voltage was applied for one minute between control and auxiliary circuits and the earth, the MGB box withstood the test satisfactorily.

TEST WITNESSED BY

TEST PERFORMED BY

FOR S&S POWER SWITCHGEAR EQUIPMENT LTD

ANDREAS LAUBI
Senior Associate
SKM AUSTRALIA

SALIM WANYANDE
KETRACO, KENYA

ALOK SINGH
KEC IND LTD, MUMBAI

CHARLES NDUNGU
KENYA POWER, KENYA

M.RENGARAJ
Manager -QA/QC



1.DIMENSIONAL CHECK FOR CENTRE BREAK DISCONNECTOR

Dimensional checks were carried out as per the drawing and the dimensions were found within limits

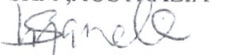
RELEVANT DRAWING NUMBER

3C6G220/ 2546	GA OF 245kV, 1600A, THREE POLE CENTRE BREAK DISCONNECTOR WITH SINGLE EARTH SWITCH (MGB/MOM)
3C6G225 / 2546	GA OF 245kV, 1600A, THREE POLE CENTRE BREAK DISCONNECTOR WITH SINGLE EARTH SWITCH (MGB/MGB)
3C4G100 / 2546	GA OF 245kV, 1600A, THREE POLE CENTRE BREAK DISCONNECTOR WITHOUT EARTH (MOM)
3C6H004 / 2546	GA OF MALE AND FEMALE FOR 245kV, 1600A CENTRE BREAK DISCONNECTOR
3C6E084 / 2546	GA OF 245kV, EARTH SWITCH AND EARTH FIXED CONTACT.
3UCD010 / 2546	GA OF OPERATING BOX FOR DISCONNECTOR & EARTH SWITCH
3UCM545 / 2546	GA OF MANUAL OPERATING BOX & KEY EXCHANGE BOX FOR DISCONNECTOR WITHOUT EARTH SWITCH
3UCS151/2546	DC & AC CONTROL CIRCUIT FOR 245kV DISCONNECTOR WITH SINGLE EARTH SWITCH
3UCS152/2546	DC & AC CONTROL CIRCUIT FOR 245kV DISCONNECTOR WITH SINGLE EARTH SWITCH
3UCA556 / 2546	AUXILLARY SWITCH DETAILS FOR DISCONNECTOR & EARTH SWITCH AND COMMON LEGENDS & NOTES AND DC CONTROL CIRCUIT FOR WITHOUT EARTH SWITCH
3C6P001 / 2546	NAME PLATE DETAILS FOR 245kV DISCONNECTOR & EARTH SWITCH
3C6I001/ 2546	245kV SOLIDCORE POST INSULATOR
3C6B200 / 2546	GA OF RC245kV DRIVE BASE DRAWING FOR WITH & WITHOUT EARTH SWITCH
3C6B201 / 2546	GA OF RC245kV BASE FOR 245kV CENTRE BREAK DISCONNECTOR
3C6S200 / 2546	GA OF RC245kV 1600A 3 POLE STRUCTURE & FOUNDATION BOLT FOR WITH & WITHOUT EARTH
3C6S201/ 2546	GA OF RC245kV 1600A 3 POLE STRUCTURE & FOUNDATION BOLT FOR WITH & WITHOUT EARTH

TEST WITNESSED BY



ANDREAS LAUBI
Senior Associate
SKM ,AUSTRALIA



SALIM WANYANDE
KETRACO , KENYA



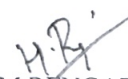
ALOK SINGH
KEC IND LTD, MUMBAI



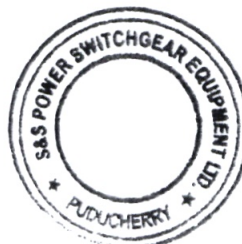
CHARLES NDUNGU
KENYA POWER , KENYA

TEST PERFORMED BY

FOR S&S POWER SWITCHGEAR EQUIPMENT LTI



M.RENGARAJ
Manager -QA/QC



**4. RESISTANCE VALUES : FOR 145kV, 1600A CENTRE BREAK DISCONNECTOR
(AS PER IEC 62271 - 102)**

Temperature Rise Test Report No.

P-D-20121105-56

Measured Resistance Value on the unit passed in the above type test (Ru)

90.2

Micro Ohms

Max.Allowable Limit is 1.2 Ru during Routine

108.24

Micro Ohms

MEASURED RESISTANCE VALUES ACROSS THE CURRENT PATH PASSING 100A DC. (INDICATED IN MICRO OHMS)							
SERIAL NO:	BEFORE OPERATION			SERIAL NO:	AFTER OPERATION		
	R	Y	B		R	Y	B
031	92.3	94.1	86.9	031	95.4	98	84.3

5. FUNCTIONAL CHECK OF ELECTRICAL AND MECHANICAL INTERLOCK

Mechanical and electrical interlock is inspected and interlock are working properly during operation.

6. MANUAL / LOCAL / REMOTE OPERATING MECHANISM

Disconnecter is operated in manual / local / remote modes and found satisfactory.

7. TEST REPORT FOR HOT DIP GALVANISING OF BASES

01) APPEARANCE OF COATING	Coating found continuous , smooth free from stain , flux etc	
02) COATING THICKNESS		
DESCRIPTION	REQUIREMENT	OBSERVED COATING THICKNESS BY COATING METER
BASES & ACCESSORIES	MINIMUM 87 MICRONS	98 to 162 microns

TEST WITNESSED BY

ANDREAS LAUBI
 Senior Associate
 SKM,AUSTRALIA

 SALIM WANYANDE
 KETRACO , KENYA

ALOK SINGH
 KEC IND LTD, MUMBAI

CHARLES NDUNGU
 KENYA POWER , KENYA

**TEST PERFORMED BY
FOR S&S POWER SWITCHGEAR EQUIPMENT LTD**

M.RENGARAJ
 Manager -QA/QC



2. OPERATION TESTS ON DISCONNECTOR /EARTH SWITCH WITH OPERATING MECHANISM

(As per IEC - 62271-102)

The disconnecter with single earth switch were erected on a structure with operating mechanisms and the operation test was conducted

For Motor Operated DISCONNECTOR .
Sl.No. 003

- Operating cycles at 85 % of rated voltage **OK**
- Operating cycles at 110 % of rated voltage **OK**
- Operating cycles at 100 % of rated voltage **OK**

For Motor Operated EARTH SWITCH
Sl.No. 003E

- Operating cycles at 85 % of rated voltage
- Operating cycles at 110 % of rated voltage
- Operating cycles at 100% of rated voltage

The above operations were found satisfactory and no wear and tear observed in the contacts.

Check for Current drawn by the motor
in Amps. (DISCONNECTOR)

Check for Operating Time in Seconds.
(Not Exceeding 12 Seconds at rated voltage
of the Drive motor)

	85%	100%	110%
CLOSE TO OPEN	0.55	0.79	1.02
OPEN TO CLOSE	0.57	0.80	1.03

	85%	100%	110%
CLOSE TO OPEN	11.0	11.2	12.0
OPEN TO CLOSE	12.0	11.7	11.5

The above operations were found satisfactory and no wear and tear observed in the contacts.

3. DIELECTRIC TEST ON CONTROL AND AUXILIARY CIRCUITS (As per IEC 62271-102)

A 2 KV rms voltage was applied for one minute between control and auxiliary circuits and the earth, the MGB box withstood the test satisfactorily.

TEST WITNESSED BY

ANDREAS LAUBI
 Senior Associate
 SKM, AUSTRALIA

 SALIM WANYANDE
 KETRACO , KENYA

ALOK SINGH
 KEC IND LTD, MUMBAI

CHARLES NDUNGU
 KENYA POWER , KENYA

TEST PERFORMED BY

FOR S&S POWER SWITCHGEAR EQUIPMENT LTD

M.RENGARAJ
 Manager -QA/QC



8.DIMENSIONAL CHECK FOR RC 245kV / 1600A CENTRE BREAK DISCONNECTOR

SL. NO.	DESCRIPTION		SPEC. VALUE	OBSERVED	OBSERVED
a	Base	Phase to Phase	4000	4002	4000
		Mounting Center Distance	1950/300/250	1950/301/250	1950/300/251
		Interpole Distance	2850	2850	2852
b	Hamper (Al. tube)	Dimension	Ø76 x 6.35THK	Ø76 x 6.35THK	Ø76 x 6.35THK
	Male hamper	Connector stem to male contact	1475	1475	1476
	Female hamper	Connector stem to spring center	1375	1376	1375
	Contacts Fingers	3 Pairs - 19 x 5	3 Pairs - 19 x 5	3 Pairs - 19 x 5	3 Pairs - 19 x 5
	Male contact (Cu. tube)	Dimension	Ø50 x 5THK	Ø50 x 5THK	Ø50 x 5THK
	Earth Switch	Over all length &Size	2955(Approx), 50 X 5 THK	2925, 50 X 5 THK	2928, 50 X 5 THK
d	Earth Fixed contact	No.Of Cu. Finger&size	3 Pairs - 19 X 5	3 Pairs - 19 X 5	3 Pairs - 19 X 5
e	Drive Box -WSE (MGB)	Over all Dim.	650X600X500	650X600X500	650X600X500
		Mounting Center Distance	70/112/106/118	70/112/106/118	70/112/106/118
f	Drive Box -WOE (MOM)	Over all Dim.	600X450X243	600X451X243	600X450X243
		Mounting Center Distance	70/118	70/118	70/118
g	Insulator	Height	2650	2653	2653
		Pitch Circle Distance(Top)	127 PCD M16 4 tapped holes	127 PCD M16 4 tapped holes	127 PCD M16 4 tapped holes
		Pitch Circle Distance(Bottom)	225PCD 18 Ø- 4holes	225PCD 18 Ø- 4holes	225PCD 18 Ø- 4holes
		Creepage(25 mm/KV)	6125	7530	--

Note: Values are in mm

TEST WITNESSED BY

ANDREAS LAUBI
 Senior Associate
 SKM ,AUSTRALIA

SALIM WANYANDE
 KETRACO , KENYA



ALOK SINGH
 KEC IND LTD, MUMBAI

CHARLES NDUNGU
 KENYA POWER , KENYA

**TEST PERFORMED BY
 FOR S&S POWER SWITCHGEAR EQUIPMENT LTD**

M.RENGARAJ
 Manager -QA/QC





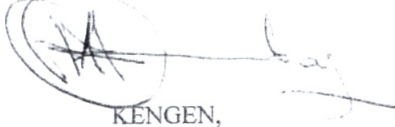

Project: Olkaria IV & Olkaria I Additional Units 	<h1>Transmittal</h1>	<h1>KEC</h1>	
		Ref. No.	ZP00700-CG-KEC-SKM-T-453
		SKM Job No.	ZP00700
Subject: OLKARIA IV & 1 ADDITIONAL UNITS 4&5 HV SUBSTATION AND TRANSMISSION LINE MANDATORY SPARE PARTS HANDINGOVER			
For the attention of: Mr D. Judkins		Receiving organisation: 	
Originated by: KEC	Date of Request: 12/05/2015	Info required no later than: -----	
Discipline: SUBSTATION			

MANDATORY SPARE PARTS HANDINGOVER

Ref: Document No: ZP00700-C0CE-PMG-LST-0001

2.8	MANDATORY SPARE PARTS	Unit	QTY
2.8.23	Bay Controller IED- SIEMENS MAKE-6MD 66	NO	1
2.8.24	Main Protection 1 Relay- SIEMENS MAKE-Rel 670	No	1
2.8.25	Main Protection 2 Relay- SIEMENS Make- 7SD	No	1
2.8.26	One of each Auxiliary & Tripping relay type provided as part of main works		
2.8.26 a	Transformer Protection Relay – 7UT61	No	1
2.8.26 b	Busbar Relay- 7SR2302	No	1
2.8.26 c	Transformer Protection Relay – 7UT61	No	1
2.8.26 d	RXTCS- Sr. No B 13-19141 & B13-19133- ABB MAKE	No	2
2.8.26 e	RXMH 2		
	RX223067-AN ABB Make	No	1
	RX223900-XA ABB	No	1
2.8.26 f	RXMM1 1342 ABB Make	No	1
2.8.26 g	RX MS1 -1339 ABB Make	No	1
2.8.26 h	TSR134230174	NO	1

Remarks The above spare handover in good condition to SKM/KENGEN/KETRACO

- | | | |
|--|--|---|
| <input type="checkbox"/> Mail | <input type="checkbox"/> Fax | <input type="checkbox"/> Our Messenger |
| <input type="checkbox"/> Airmail/Fast post | <input type="checkbox"/> Electronic Mail | <input type="checkbox"/> Your Messenger |
| <input type="checkbox"/> Courier | | <input type="checkbox"/> Air Freight |
| <input type="checkbox"/> Sub 60 | | <input checked="" type="checkbox"/> Other ___ Uploaded via DMCA _____ |

ZP00700-CG-KEC-SKM-T-0 453

Page 1 of 1

**4. RESISTANCE VALUES : FOR 245kV, 1600A CENTRE BREAK DISCONNECTOR
(AS PER IEC 62271 - 102)**

Temperature Rise Test Report No.

P-D-20121105-55

Measured Resistance Value on the unit passed
in the above type test (Ru)

102.6

Micro Ohms

Max.Allowable Limit is 1.2 Ru during Routine

123.12

Micro Ohms

MEASURED RESISTANCE VALUES ACROSS THE CURRENT PATH PASSING 100A DC. (INDICATED IN MICRO OHMS)							
SERIAL NO:	BEFORE OPERATION			SERIAL NO:	AFTER OPERATION		
	R	Y	B		R	Y	B
003	112.30	110.20	103.60	003	110.80	107.00	107.80

5. FUNCTIONAL CHECK OF ELECTRICAL AND MECHANICAL INTERLOCK

Mechanical and electrical interlock is inspected and interlock are working properly during operation.

6. MANUAL / LOCAL / REMOTE OPERATING MECHANISM

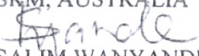
Disconnecter is operated in manual / local / remote modes and found satisfactory.

7. TEST REPORT FOR HOT DIP GALVANISING OF BASES

01) APPEARANCE OF COATING	Coating found continuous , smooth free from stain , flux etc	
02) COATING THICKNESS		
DESCRIPTION	REQUIREMENT	OBSERVED COATING THICKNESS BY COATING METER
BASES & ACCESSORIES	MINIMUM 87 MICRONS	95 to 158 microns

TEST WITNESSED BY

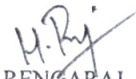

ANDREAS LAUBI
Senior Associate


SALIM WANYANDE
KETRACO, KENYA


ALOK SINGH
KEC IND LTD, MUMBAI


CHARLES NDUNGU
KENYA POWER, KENYA

**TEST PERFORMED BY
FOR S&S POWER SWITCHGEAR EQUIPMENT LTD**


M.RENGARAJ
Manager -QA/QC



IMPLEMENTATION AGREEMENT BETWEEN KENYA
ELECTRICITY TRANSMISSION COMPANY LIMITED AND
KENYA ELECTRICITY GENERATING COMPANY LIMITED.

1474



Kenya Electricity Transmission
Co. Ltd.

IMPLEMENTATION AGREEMENT

(Kenya Electricity Expansion Project)

Between

KENYA ELECTRICITY TRANSMISSION COMPANY LIMITED

and

KENYA ELECTRICITY GENERATING COMPANY LIMITED

8th September, 2010

This Agreement made this ^{8th}... day of September, 2010

Between:

KENYA ELECTRICITY TRANSMISSION COMPANY LIMITED
(hereinafter "KETRACO") which expression includes its successors and assigns, a limited liability company incorporated under the Companies Act, Chapter 486 laws of Kenya whose offices are located at Caparo Place, 2nd floor, Chyulu Road, Upper Hill, and of Post Office Box Number 34942-00100, Nairobi,

and

KENYA ELECTRICITY GENERATING COMPANY LIMITED
(hereinafter "KenGen") which expression includes its successors and assigns, a limited liability company incorporated under the Companies Act, Chapter 486 of the Laws of Kenya whose principal office is at Stima Plaza Phase III, Kolobot Road, Parklands and of Post Office Box Number 47936-00100, Nairobi.

WHEREAS

- A. KETRACO was incorporated on 2nd December 2008 pursuant to Sessional Paper No.4 of 2004 on Energy and the Energy Act No.12 of 2006, and is wholly owned by the Government of Kenya with the mandate of planning, designing, constructing, operating and maintaining high-voltage electricity transmission lines and substations.
- B. KETRACO wishes to co-operate with and obtain from KenGen certain services in connection with the transmission of electricity and KENGEN is willing to render such services to KETRACO on the terms and conditions to be agreed upon hereunder.
- C. KETRACO and KenGen are desirous of entering into an Implementation Agreement (this "Agreement") on the terms and conditions hereafter contained.

NOW THEREFORE it is agreed by and between the Parties hereto as follows:

ARTICLE I

DEFINITIONS AND INTERPRETATIONS

For the purposes of this Agreement, the words and expressions herein below shall bear the meanings attached thereto unless the context otherwise dictates or unless it is expressly otherwise provided.

GB

1.1 Definitions

- a. **"Agreement"** means ~~this Agreement and the documents attached or referred hereto~~ which form an integral part of the AGREEMENT.
- b. **"Applicable Law"** means the laws and any other instruments having the force of Law in the Republic of Kenya as they may be issued and are in force from time to time.
- c. **"GoK"** means the Government of Kenya.
- d. **"ERC"** means the Energy Regulatory Commission.
- e. **"MoE"** means Ministry of Energy.
- f. **"Parties"** means KETRACO and KenGen and **"Party"** shall refer to any of them.
- g. **"Project"** means a project for construction of transmission network together with the connection assets associated with the transmission network, and **"Projects"** shall bear a corresponding meaning.
- h. **"Services"** means the services to be provided by KenGen as agreed upon by KenGen and KETRACO.
- i. **"Take Over Certificate"** means certificate issued to certify completion of works.
- j. **"Transmission System"** means a transmission network together with the connection assets associated with the transmission network, which is connected to another transmission or distribution system; and
- k. **"Third Party"** means any party other than KETRACO and KenGen.

1.2 Interpretations

In this Agreement:-

- a) the headings and paragraph numbering are for convenience only and shall not be considered in construing this Agreement;
- b) the singular includes the plural and vice versa;
- c) any Schedules and tables to this Agreement shall form part of this Agreement,
- d) references to Sections and Schedules in the body of this Agreement are, unless otherwise specified, references to Sections of, and Schedules to, this Agreement;

- e) references to any agreement, enactment, ordinance or regulation ~~includes any amendment thereof or any replacement in whole or in part;~~
- f) references to a Party shall be construed so as to include that Party's assigns or transferees permitted in accordance with the terms of this Agreement and its successors in title;
- g) unless otherwise provided herein, whenever a consent or approval is required by one Party from the other Party, such consent or approval shall not be unreasonably withheld or delayed;
- h) words importing any gender include the other gender; and
- i) the words "include," "includes" and "including" are not limiting; and shall be construed without limitation.

ARTICLE II

SCOPE OF AGREEMENT

- 2.1 Until such time as this Agreement is terminated in accordance with its terms, KETRACO appoints KenGen to provide the SERVICES as and when required in accordance with the terms and conditions of the Agreement.
- 2.2 In providing the services to KETRACO, KenGen undertakes to apply its relevant knowledge, technical and organizational experience. In particular, KenGen will seek to apply reasonable working methods, procedures and standards applied under prudent industry practice.

ARTICLE III

TECHNICAL, OPERATIONAL AND SUPPORT SERVICES

- 3.1 The technical and operational services to be provided by KenGen will involve the supervision, construction of lines and substations, commissioning, operations and maintenance when required.
- 3.2 With regard to engineering services, KenGen will provide the following services;
 - 3.2.1 Construction of new transmission lines and substations, alterations in or additions to individual units and facilities of the transmission network;
 - 3.2.2 Project supervision and commissioning;
 - 3.2.3 any other services that the Parties may agree to.

- 3.3 Projects environmental and social safeguards will be undertaken by Land Economists, Surveyors, Environmental and Social Experts who have already been recruited competitively by KETRACO for wayleaves acquisition and compensation, environmental and social impact and resettlement action plans. Where necessary, the KETRACO team will be supplemented by KenGen Experts.
- 3.4 Health, safety and environment services will comprise of industrial and operational health and safety, environmental protection, security of plant, premises and personnel.
- 3.5 Prior to the commencement of each service/work, the parties shall develop clear Terms of Reference and Scope of Services provided that where services/work have already been provided prior to the commencement of this Agreement, Parties will agree on the apportionment and refund of related costs .

ARTICLE IV

PROVISION OF STAFF SUPPORT

- 4.1 KETRACO may request KenGen to provide it with suitably trained and qualified personnel for some of its operations when it is unable to meet its staff requirements and KenGen, subject to availability, may provide such staff at such agreed terms and conditions between the Parties.

ARTICLE V

PROCUREMENT SERVICES

- 5.1 KenGen will provide KETRACO with procurement services upon KETRACO's request and the procurement shall be governed by the provisions of the Public Procurement & Disposal Act (and the Public Procurement & Disposal Regulations, 2006) or its successor legislation, and other relevant regulations including EIB, JICA, ADB, AFD, World Bank and FIDIC Guidelines pertaining to specific projects as the case may be.
- 5.2 The preparation of tender documents shall be undertaken jointly by both parties and evaluation committees will include at least one KETRACO staff. For this purpose, KETRACO shall refund KenGencosts agreed between the Parties for KenGen staff working in respect of the KETRACO Project.
- 5.3 A KETRACO representative will attend the tender adjudication for oversight purposes.
- 5.4 KenGen will notify KETRACO of the Tender Committee decision on tender awards within seven (7) days for record purposes.
- 5.5 KETRACO will be represented in every factory acceptance inspection tests. On its part, KenGen will give KETRACO a least fourteen (14) days notice of the

planned factory visit. Any expenses or costs incurred due to the delay of such acceptance tests occasioned on KETRACO's side, shall be borne by KETRACO.

ARTICLE VI

TRAINING SERVICES

- 6.1 KETRACO may request KenGen to provide on-the-job training and induction for its staff and KenGen may provide or arrange for such training at KETRACO's costs.
- 6.2 The Parties undertake to share information on training opportunities.
- 6.3 Employees nominated to undergo training shall comply with KenGen's policies.

ARTICLE VII

PROJECT IMPLEMENTATION TEAM

- 7.1 For every project executed by KenGen on KETRACO's behalf, the Project Implementation Team ("PIT") will include at least one designated qualified person and any other required KETRACO staff who are competent in various fields for the purpose of training and capacity building. KETRACO will provide the said staff within reasonable time.
- 7.2 The PIT will be required to prepare an implementation schedule for each project.

ARTICLE VIII

HANDOVER OF PROJECTS

- 8.1 Handover of completed projects undertaken on KETRACO'S behalf shall be effected within 30 days of issuance of Take Over Certificate. KenGen will, however, be called upon to rectify any defects that may arise if the same occur during the defects liability period provided that such defects do not occur due to the negligent act or omission of KETRACO, their agent and/or a third party .

ARTICLE IX

KENGEN'S REMUNERATION

- 9.1 Project Management Costs for the Electricity Expansion Project shall be as follows;
 - a) 15% of the wage bill of the Resident Chief Engineer for the Project period
 - b) 15% of the Resident Chief Engineer's secretary's wages bill for the project period.
 - c) 15% of the Resident Chief Engineer's office stationary, electricity costs, telephone bills and photocopying for the project period

d) 5% Project Manager's wage bill, including secretary and clerk for the period of the Project

- e) 5% of the Project Finance specialist's wage bill for the project period;
- f) 5% of the project procurement specialist's wage bill for the project period;
- g) 15% of the Project Engineer's wage bill for the project period;
- h) 5% of the Project's Legal Counsel wage bill for the period;
- i) 5% of the Project's Property Manager for one year and as agreed between the parties after expiration of the one year.
- j) 5% of the environmental specialist's wage bill for the project period.
- k) Reimbursable expenditure actually and reasonably incurred by KenGen in relation to the Electricity Expansion Project (and any other agreed projects) such as travelling expenses (per diem) and vehicle & air transport.
- l) KenGen Senior Management overheads at the rate of Kshs.28,000/= per month for the project period.

9.2 Prior to incurring any expenditure over and above those specified in the implementation schedule in 7.2 above, KenGen shall seek KETRACO's approval.

ARTICLE X

KENGEN'S TERMS OF PAYMENT & THIRD PARTY COSTS

- 10.1 KETRACO shall pay KenGen for any costs and expenses KenGen shall incur in fulfilling its obligations as contained in this agreement in so far as the same has been duly and properly incurred.
- 10.2 KenGen shall compute and invoice KETRACO for these costs on a monthly basis.
- 10.3 KETRACO shall settle the invoices within 45 days from the date of receipt of invoice by KETRACO plus any applicable VAT. The final notification for reimbursement shall be submitted to KETRACO when the final accounts shall have been prepared at the end of the Defects Liability Period.
- 10.4 Where KETRACO has required KenGen to procure services from third parties as provided under Article 5, KETRACO shall pay the third parties for the services provided within thirty (30) days of notification and receipt of invoices duly certified by KenGen as payable.

ARTICLE XI

PATENTS AND OTHER PROPRIETARY RIGHTS

- 11.1 KETRACO shall pay any royalties or licence fees to any THIRD PARTY in connection with patents or licensed technical knowledge belonging to the Third Party embodied in the SERVICES.

10/1/18

- 11.2 In providing the SERVICES, KenGen shall take reasonable precautions to avoid ~~infringing on any patents or other proprietary rights owned by any Third Party~~ provided that if KenGen is shown to have carried out due diligence and taken reasonable precautions not to infringe on Third Party's proprietary rights yet a claim is proved as against KenGen KETRACO shall be liable to settle such claim.

ARTICLE XII

REPRESENTATIONS AND WARRANTIES

12.1 **KETRACO's Representations and Warranties**

KETRACO represents and warrants to KenGen that:

- (i) it is duly incorporated, and validly existing in accordance with the laws of Kenya and has complied fully with all requirements of the laws of Kenya;
- (ii) it has full power to carry on its business and to enter into, legally bind itself by, and perform its obligations under, this Agreement;
- (iii) this Agreement has been duly authorized, executed, and delivered by KETRACO and constitutes its legal, valid and binding obligation;
- (iv) the execution, delivery, and performance of this Agreement does not, and will not, constitute a violation of any statute, judgment, order, decree or regulation or rule of any court, governmental authority or arbitrator of competent jurisdiction applicable or relating to the utility, its assets or its businesses, or KETRACO's Articles of Association or other organic documents or any indenture, contract or agreement to which it is a party or by which it or its property may be bound.

12.2 **KENGEN Representations and Warranties**

KenGen represents and warrants to KETRACO that:-

- (i) it is duly incorporated, and validly existing in accordance with the laws of Kenya and has complied fully with all requirements of the laws of Kenya;
- (ii) it has full power to carry on its business and to enter into, legally bind itself by, and perform its obligations under, this Agreement;
- (iii) this Agreement has been duly authorized, executed, and delivered by the KenGen and constitutes its legal, valid and binding obligation;
- (iv) the execution, delivery, and performance of this Agreement does not, and will not, constitute a violation of any statute, judgment, order, decree or regulation or rule of any court, governmental authority or arbitrator of competent jurisdiction applicable or relating to the utility, its assets or its businesses, or **KenGen's** Articles of Association or other organic documents or any indenture, contract or agreement to which it is a party or by which it or its property may be bound.

ARTICLE XIII

FORCE MAJEURE

- 13.1 "Force Majeure" shall mean any event beyond the reasonable control of the parties, as the case may be, and which is unavoidable notwithstanding the reasonable care of the party affected.
- 13.2 If either party is prevented, hindered or delayed from or in performing any of its obligations under the Agreement by an event of Force Majeure, then it shall notify the other in writing of the occurrence of such event and the circumstances thereof within fourteen (14) days after the occurrence of such event.
- 13.3 The party who has given such notice shall be excused from the performance or punctual performance of its obligations under the Agreement for so long as the relevant event of Force Majeure continues and to the extent that such party's performance is prevented, hindered or delayed. The party or parties affected by the event of Force Majeure shall use reasonable efforts to mitigate the effect thereof upon its or their performance of the Agreement and to fulfill its or their obligations under the Agreement but without prejudice to either party's right to terminate the Agreement.
- 13.4 No delay or nonperformance by either party hereto caused by the occurrence of any event of Force Majeure shall constitute a default or breach of the Agreement.
- 13.5 Force Majeure shall not apply to any obligation of KETRACO to make due payments to the KenGen to the extent of services duly rendered under the Agreement

ARTICLE XIV

DISPUTE RESOLUTION

- 14.1 The parties agree that they will use their best efforts to resolve amicably a dispute arising out of or in connection with this Agreement or in its interpretation, including any disagreement by either party with any action, inaction or opinion.
- 14.2 Such attempt at amicable resolution shall commence upon written notification by the disputing Party to the other citing the points of disagreement. Both parties shall then proceed to commence amicable settlement meetings within 14 days of the notification.
- 14.3 In the event that the parties fail to secure an agreement within 14 days of the amicable settlement attempts, the dispute shall be referred to an Arbitrator. The seat of Arbitration shall be in Nairobi, Kenya and the Arbitrator shall be appointed by mutual consent of the parties hereto. The Arbitrator's remuneration shall be negotiated between the parties and payments to the Arbitrator made in accordance with the Arbitral award. The Arbitrator, in negotiating his fee, shall take cognizance of the remuneration guidelines provided by the local Chartered Institute of Arbitrators.

14.4 If the Parties fail to agree on an Arbitrator, they shall refer the matter to the Chairperson for the time being of the Chartered Institute of Arbitrators, Kenya Chapter who shall appoint an arbitrator on behalf of the Parties. The Arbitration shall be governed in accordance with the provisions of the Arbitration Act (1995) of the Laws of Kenya or any other succeeding law. The arbitral Award shall be final and binding on the Parties and shall be enforceable in Courts of competent jurisdiction in Kenya. Nothing in this provision shall stop a Party hereto from seeking injunctive relief from a court of competent jurisdiction.

14.5 It is further agreed between the Parties that should any arbitration or dispute resolution mechanisms be put in place in accordance with the terms of this Agreement, the parties shall, pending the determination of the dispute, continue with the services not in dispute in accordance with the provisions of this Agreement.

ARTICLE XV

TERM

15.1 This Agreement shall come into force on execution hereof and shall remain in force for a period of ten (10) years from the date of execution, or if terminated under Clause XVI. The term of the Agreement may be extended, subject to agreement in writing by the Parties for such period as the Parties may agree.

15.2 This Agreement shall be reviewed by the Parties after six years from the signature date or such other earlier period as may be requested by a Party. A Party seeking a review of the Agreement shall send a written notice to the other Party with full particulars of the proposed scope of the review together with reasons thereof. The Parties shall thereafter meet in good faith to discuss the proposed review. Following such review, this Agreement may be amended or supplemented to accord with the understanding reached by the Parties. Such variation shall, however, be in writing and signed by both Parties.

ARTICLE XVI

DEFAULT AND TERMINATION

16.1 Events of Default

Each of the following events shall be an act which, if not cured within the time permitted in this Section shall give rise to the right on the part of either Party to terminate this agreement.

- (a) The neglect or refusal by any Party to pay any amount payable hereunder within the time permitted.
- (b) Any breach by the Parties of this Agreement which is not remedied within thirty (30) days following notice by the affected Party stating that a breach of this Agreement has occurred and identifying the breach in question, (a "material breach").

- (c) any voluntary liquidation under applicable bankruptcy or reorganization legislation, or any dissolution or winding up of either Party under applicable Legislation;
- (d) Relinquishment or revocation of the Parties License by the Electricity Regulatory Commission or any relevant successor Regulator.

16.2 Sole Grounds for Termination

Unless otherwise provided, the provisions of Section 16.1 shall be the sole and exclusive grounds on which the Parties may terminate this Agreement save for a circumstance of Force Majeure that has occurred and shall continue for a period of 14 days from the issue of the notice of occurrence of Force Majeure Event by the Party, then, any party shall be entitled to serve upon the other 28 days' notice to terminate this Agreement. If at expiry of such period of 28 days Force Majeure shall still continue the Agreement shall terminate.

16.3 Termination Notices

Upon the occurrence of an event of default, the Party not in default shall issue a written notice to the Party in default, indicating the nature of the default and requesting the same to be remedied within a period of 30 days. Upon expiration of this period of cure, and unless the Parties shall have otherwise agreed or unless the event of default ("material breach") giving rise to the intent to terminate shall have been remedied, the Party giving notice (the non-defaulting Party) may at its option terminate the agreement with immediate effect by delivering a written notice to the defaulting Party whereupon this Agreement shall immediately terminate.

16.4 Payments in the Event of Termination

Any Party shall be liable to and shall indemnify the other Party for the proven loss or damage directly and foreseeably suffered by the other Parties as a result of termination of this Agreement, due to that Party's event of default. The Parties will endeavour to agree on the loss or damage suffered failure to which the matter shall be referred to arbitration.

16.5 Cure and Consequences of Breach

At the time of occurrence of an event of default, the Party which has not breached will have the right, in addition to any other rights, remedies and actions according to this Agreement, the law or in equity, of terminating this Agreement without requiring a judicial action, by providing written notice to the other Party. If such early termination occurs, all amounts owed between the Parties will be due immediately.

16.6 Remedies

The remedies expressly provided for the Parties in this Agreement are not exclusive, they are cumulative and may be exercised concurrently or consecutively and will be in addition to other remedies existing under this Agreement, the law or in equity, with the exception of the payment of damages and losses that will be treated according to what is established in this Agreement. This section will remain effective after the termination of the Agreement.

ARTICLE XVII

NOTICES

- 17.1 Any notice, request or consent required or permitted to be given or made pursuant to this agreement shall be in writing. Any such notice, request or consent shall be deemed to have been given or made when delivered in person to an authorized representative of the party to whom the communication is addressed, or when sent by registered mail, telegram or facsimile to such party at the following address;-

For KETRACO: The Company Secretary/Head of Legal Services
Kenya Electricity Transmission Company Limited
2nd Floor, Caparo Place, Chyulu Road, Upper Hill
P. O 34942-00100
NAIROBI
Email: dmacharia@ketraco.co.ke

For KENGEN: The Company Secretary, Legal and Corporate Affairs Director
The Kenya Electricity Generating Company Limited
Stima Plaza Phase III, Kolobot Road, Parklands
P. O. Box 47936 - 00100
NAIROBI
Email: rmiano@KenGen.co.ke

- 17.2 Notices will be deemed to be effective as follows:
- a) in the case of personal delivery, on delivery, evidenced by signature and an impression of the company's official stamp.
 - b) in the case of registered mail, seven days from the date of registration, subject to the confirmation of the sender;
 - c) in the case of telegrams, facsimiles e-mail 24 hours from the date of the confirmed transmission.
- 17.3 A Party may change its address for notice hereunder by giving the other Party notice of such change pursuant to this clause. A press advertisement of such change of address in a newspaper that has a countrywide circulation shall be deemed adequate.

ARTICLE XVIII

MISCELLANEOUS PROVISIONS

- 18.1 Variations in Writing

All additions, amendments or variations to this Agreement shall be binding if in writing and signed by duly authorized representatives of both Parties.

18.2 Entire Agreement

This Agreement and all Schedules thereto together represent the entire understanding between the Parties in relation to the subject matter thereof and supersede any or all previous agreements or arrangements between the Parties (whether oral or written).

18.3 Severability

In the event that any one or more of the provisions of this Agreement shall be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein or of the same provisions in any other jurisdiction shall not in any way be affected or impaired thereby.

18.4 Waivers

18.4.1 No waiver by either Party of any default by the other in the performance of any of the provisions of this Agreement shall (a) operate or be construed as a waiver of any other or further default whether of a like or different character (b) be effective unless in writing duly executed by an authorized representative of such Party.

18.4.2 The failure by either Party to insist on any occasion upon the performance of the terms, conditions or provisions of this Agreement or time or other indulgence granted by one Party to the other shall not thereby act as a waiver of such breach or acceptance of any variation.

18.5 Confidentiality

18.5.1 Each of the Parties shall hold in confidence all documents and other information, whether technical or commercial, relating to this Agreement that is supplied to it by or on behalf of the other Party.

18.5.2 For the avoidance of doubt, nothing herein contained shall preclude the use of provisions similar to those contained in this Agreement and the other agreements referred to herein in any agreements prepared and issued in connection with other projects.

18.6 Successors and Assigns

This Agreement shall be for the benefit of, and be binding upon, the Parties hereto and their respective successors and permitted assigns.

18.7 Relationship of the Parties

This Agreement shall not make either of the Parties partners or joint ventures one with the other, nor make either the agent of the other. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent or representative of, or the otherwise bind, the other Party.

18.8 Counterparts

This Agreement may be executed in two (2) or more original copies and each such copy may be executed by each of the Parties in separate counterparts, each of which copies when executed and delivered by the Parties shall be an original, but all of which shall together constitute one and the same instrument.

18.9 Partial Invalidity

The illegality, invalidity or unenforceability of any provision of this Agreement in whole or in part under the law of any jurisdiction shall neither affect its (i) legality, validity or enforceability under the law of any other jurisdiction, nor (ii) the legality of any other provision or part thereof.

18.10 Survival

Cancellation, expiration or earlier termination of this Agreement shall not relieve the Parties of obligations that by their nature should survive such cancellation, expiration or termination, including the rights and obligations, warranties, remedies, promises of indemnity and confidentiality.

18.11 Fairness and Good Faith

18.11.1 The parties undertake to act in good faith with respect to each other's rights under this Agreement and to adopt all reasonable measures to ensure the realization of objectives of this Agreement.

18.11.2 The parties recognize that it is impractical in this Agreement to provide for every contingency which may arise during the life of the Agreement, and the parties hereby agree that it is their intention that this Agreement shall operate fairly between them, and without detriment to the interest of either of them, and that if during the term of this Agreement either party believes that this Agreement is operating unfairly, the parties will use their best efforts to agree on such action as may be necessary to remove the cause or causes of such unfairness.

18.12. Law & Language

18.12.1 This Agreement, its meaning and interpretation and the relation between the parties shall be governed by the Laws of Kenya. The courts of the Republic of Kenya shall have exclusive jurisdiction to enforce any arbitral awards that may be issued pursuant to the clause on settlement of disputes.

18.12.2 The language for the purpose of administering this Agreement, including any expert proceeding or arbitration hereunder shall be English.

18.13 Amendment

The Parties acknowledge that in the event of a change of circumstances, including applicable Government policy or the law, they are under an obligation to negotiate in good faith such amendments as will enable the Agreement to continue to be implemented with such modifications and adjustments as are necessary to take account of the changed circumstances.

18.14 Governance

Nothing in this entire agreement, except where exemptions have been expressly provided for, shall override the provisions of the State Corporations Act (Cap 446), the Public Procurement & Disposal Act (No. 3 of 2005) & its Regulations and Memorandum and Articles of Association of KenGen and KETRACO.

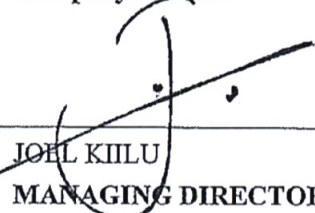
18.15 Entire Agreement

This Agreement forms the entire agreement between the Parties hereto with respect to the matters herein and supersedes any other agreement between the Parties with respect to the same matters.

IN WITNESS WHEREOF the Parties have caused this Agreement to be duly executed by their duly authorized representatives the day and year first above written.

FOR AND ON BEHALF OF:

**Kenya Electricity Transmission
Company Limited**



**JOEL KIILU
MANAGING DIRECTOR & CEO**

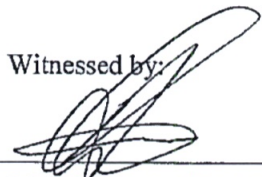
FOR AND ON BEHALF OF:

**Kenya Electricity Generating Company
Limited**

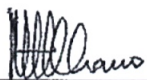


**EDWARD NJOROGE
MANAGING DIRECTOR & CEO**

Witnessed by:



**DUNCAN MACHARIA
COMPANY SECRETARY & HEAD
OF LEGAL SERVICES**



**REBECCA MIANO
COMPANY SECRETARY, LEGAL &
CORPORATE AFFAIRS DIRECTOR**

MANAGING DIRECTOR & CEO'S OFFICE

Our Ref: CF/PROJ/MOE/PN/2022/71

2nd November 2022

Dr. Julius Muia, CBS
Principal Secretary
The National Treasury
Treasury Building
NAIROBI



Thro'
Maj Gen. (Rtd) Dr. Gordon O. Kihalangwa, CBS
Principal Secretary,
Ministry of Energy & Petroleum
P.O. Box 30582
NAIROBI

Dear Sir,

**NOVATION AGREEMENT AND PENDING DEBT BETWEEN KENGEN AND KETRACO FOR
OLKARIA I AND IV TRANSMISSION LINE AND SUBSTATIONS**

1. BACKGROUND

KenGen implemented the construction of the high voltage transmission lines and substations on behalf of KETRACO. An Implementation Agreement was signed between KenGen and KETRACO on 8th September 2010. Under this agreement, KenGen would transfer the asset and the accompanying liability upon completion to KETRACO. The transmission lines were developed under the 280 MW Olkaria 1 & IV geothermal project and completed successfully in 2015.

The transmission line was constructed by KEC Ltd and supervised by Sinclair Knight Merz (SKM). It was funded by European Investment Bank (EIB) through the Government of Kenya as an on-lent loan, KfW Bank of Germany (KfW) as a direct loan guaranteed by the Government of Kenya and KenGen working capital. The understanding was that KETRACO would reimburse KenGen costs incurred during implementation and take over the entire loan and re-payments of the loan on completion of the project.

2. TRANSFER OF THE TRANSMISSION ASSET THROUGH NOVATION AGREEMENT

The asset was supposed to be transferred to KETRACO on completion of the project according to Article VIII clause 8.1 of the implementation agreement which provides: *"Hand over of completed projects undertaken on KETRACO's behalf shall be effected within 30 days of issuance of Take Over Certificate. KenGen will, however, be called upon to rectify any defects that may arise if the same occur during the defects liability period provided that such defects do not occur due to the negligent act or omission of KETRACO, their agent and/or a third party."*

The PPAs in respect of Olkaria I & IV under Clause 4.2 provides: *"KETRACO interconnection facilities: KenGen shall construct the KETRACO interconnection facilities as agreed between KenGen and KETRACO provided that the cost inclusive of*

taxes of undertaking the design, construction, installation, testing and commissioning of the KETRACO interconnection facilities and the payment terms shall be agreed between KenGen and KETRACO.”

Additionally, under the PPA preamble (D) it provides: “KenGen is to develop the transmission lines step up switch yards and tie-in to existing networks for evacuation of power from the plant via a development agreement where on commissioning KenGen transfers the assets to KETRACO and KenGen is reimbursed by KETRACO for the costs of such transmissions, step up switch yards and tie-in works.”

It was against this backdrop that a novation agreement was to be executed between KenGen and KETRACO. KenGen has been having discussions with KETRACO on the Novation Agreement and we are glad to report that the draft Novation Agreement has been largely finalized. However, the Agreement has not been signed as KETRACO indicated that they do not have funds, thus they cannot commit to reimbursement of the costs already incurred as well as servicing the loan balance.

The tariff KETRACO was given caters for future loan obligations and not fully sufficient. KETRACO is therefore seeking for funds through the Ministry of Energy to pay arrears of the costs incurred during the implementation of the project as well as debt obligations already settled on their behalf through one of the following:

- i. Allocation to KETRACO of GOK Exchequer budget amounting to KES 2.5 Billion to reimburse KenGen for the amount incurred to date; or
- ii. Facilitation of allocation of a wheeling tariff through EPRA to enable KETRACO pay off the amount incurred by KenGen.

KETRACO has indicated that only once the source of funds is assured will the Novation Agreement be executed. KETRACO will then take over the assets and liabilities, reimburse the costs already incurred and fund future loan obligations.

3. DEBT OWED BY KETRACO

The amount of current debt owed by KETRACO as at 30th June 2022 is KShs 2.5 billion while the future loan obligations amount to KShs 2.1 billion, therefore totaling KShs 4.6 billion as shown below:

Table 1 Total receivable amount from KETRACO

KETRACO Olkaria I&IV 280 MW Cost Summary as at 30th June 2022	KShs Billion
A. Summary of costs already incurred in Equivalent KShs.	2.5
B. Loan balance (EIB and KfW) to be paid in future in Equivalent KShs.	2.1
C. Total amount in KenGen Receivable – Deferred Debt (A+B)	4.6

Note: Exchange rates used: 1EUR-KES 124.795 USD=KES 117.7029 (28th June 2022)

Table 2- Transmission line Loan Details from inception as at 30th June 2022.

Financier	Security	Loan Amount	Repaid Amount	Balance	Months of Payment	Instalment Amount
		EURO	EURO	EURO		EURO
EIB	On-Lent	22,585,275	6,210,951	16,374,324	March & September	564,631.88
KfW	Guaranteed	2,528,632	1,649,108	879,524	June & December	109,940.51
Total		25,113,907	7,860,058	17,253,849		

Note: For On-lent loan, the payments are made to the National Treasury for onward transmission to the lenders.

4. CHALLENGES FACED BY KENGEN DUE TO DELAY IN SIGNING THE NOVATION AGREEMENT AND TRANSFER OF THE ASSET AND LIABILITY

The Implication of delay in execution of the novation agreement, reimbursement of KenGen funds and transfer of assets and liabilities are as follows:

- i. **Cash Flow Constraints** -The prolonged non-reimbursement is affecting KenGen cash flow, as the funds are supposed to be utilized for implementation of some of our pipeline projects and working capital.
- ii. **Audit Issue**- This has been a major focus area by the Auditors, and it was cited in qualification of the Company's Financial Statements for FY 2020/2021. It has also been a major issue with the delegated auditors (Deloitte) for the 2021/2022 financial statements majorly due to the fact that KETRACO has not confirmed the balances and demonstration of debt recoverability.
- iii. **Parliamentary Issue**-The issue was picked by Parliamentary Public Investment Committee (PIC) and the Company was summoned to appear before it to clarify the issues surrounding the Novation agreement in Parliament and transfer of transmission assets to KETRACO.
- iv. **Transfer of Asset** – Whereas KenGen is ready to officially transfer the Transmission Asset and related liability to KETRACO, KETRACO on the other hand is not ready to sign the Novation Agreement without guaranteed source of funding of loan repayment.

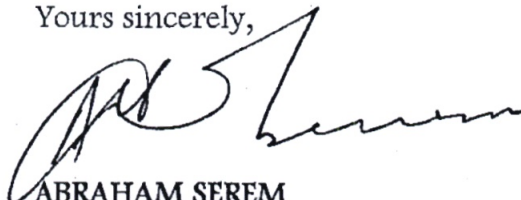
5. OUR REQUEST

In view of the above, we wish to seek the National Treasury & Planning support through Ministry of Energy & Petroleum for the following:

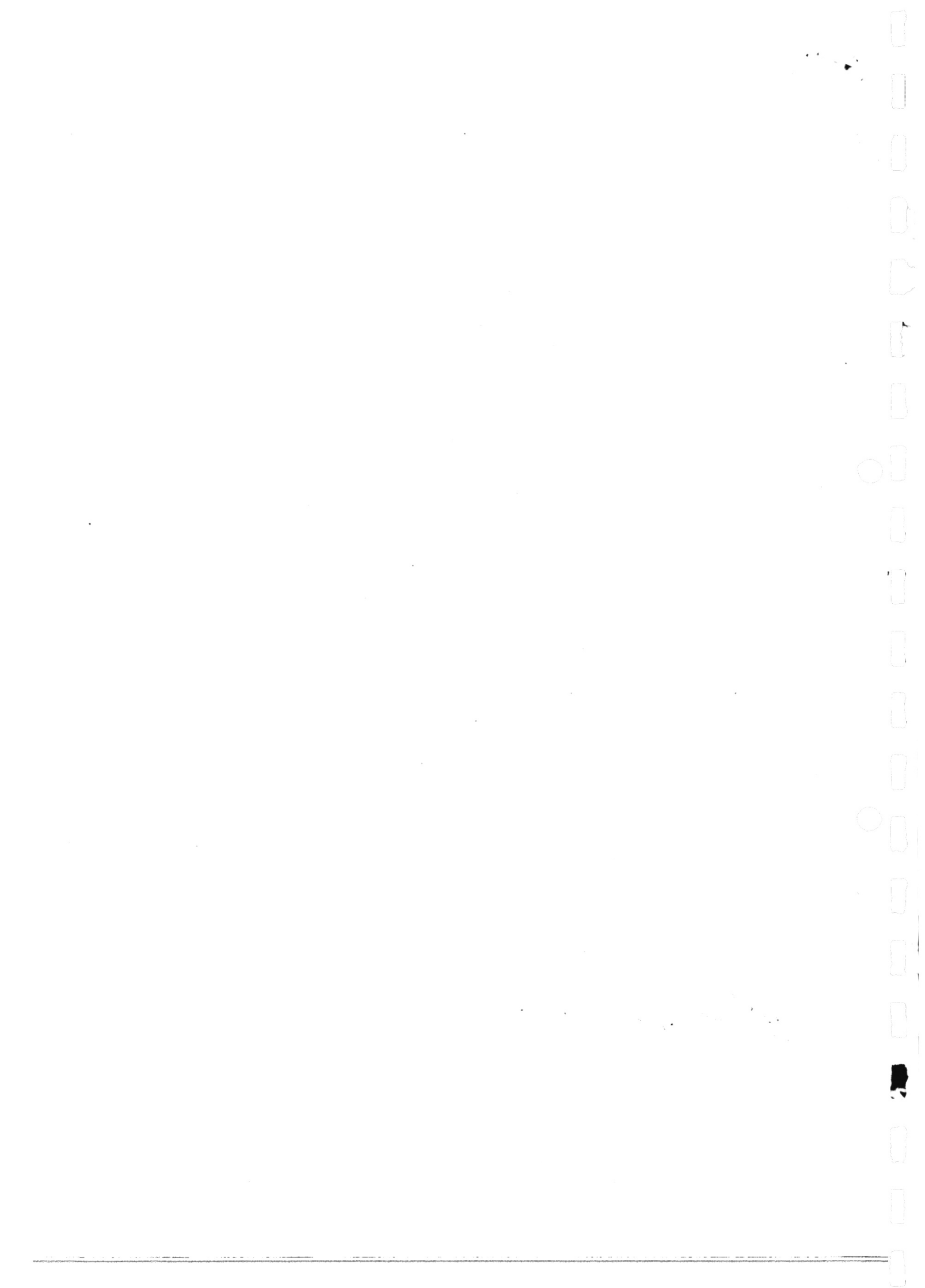
- i. Confirmation of receivables amounting to KShs, 4.6 billion by KETRACO;
- ii. Commitment to pay the balance and a payment plan as a proof of recoverability;
- iii. Signing of the Novation Agreement ;
- iv. Reimbursement of the costs already incurred up to the total amount collected by KETRACO using the current wheeling charge already received from Kenya Power.

Thank you for your continued support.

Yours sincerely,



ABRAHAM SEREM
Ag. MANAGING DIRECTOR & CEO

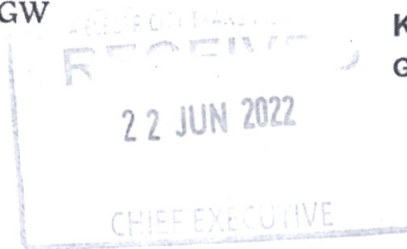


MANAGING DIRECTOR'S OFFICE

CF/PROJ/KETRACO/PN/21/26

21st June 2022

Eng. (CPA) Anthony Wamukota, OGW
Ag. Managing Director
KETRACO
Kawi House, South C
P.O Box 34932-00100
NAIROBI



**Kenya Electricity
Generating Company PLC**

Dear Sir,

**REQUEST FOR A MEETING TO CLOSE PENDING ISSUES BETWEEN, KENGEN PLC AND
KETRACO FOR OLKARIA I AND IV NOVATION AGREEMENT**

Reference is made to our letter dated 25th May 2022 (copy attached) on the above captioned subject matter and discussions held between KenGen and KETRACO finance teams on 14th June 2022 in your offices.

We would like to register our appreciation for efforts made by the teams to meet and hold preliminary discussions. However, there is need to conclude discussions before end of the financial year ending 30th June 2022.

We hereby request for a meeting with your team on 29th June 2022 at 10.30 a.m., at KenGen offices to discuss and resolve the pending crucial items to pave way for the execution of the Novation Agreement.

Thank you for your continued support.

Yours sincerely,

**REBECCA MIANO, MBS
MANAGING DIRECTOR & CEO**

cc. Maj. Gen. (Rtd) Dr. Gordon O. Kihalangwa, CBS
Principal Secretary,
Ministry of Energy,
P.O. Box 30582
NAIROBI

MANAGING DIRECTOR'S OFFICE

CF/PROJ/KETRACO/PN/21/26

21st June 2022

Eng. (CPA) Anthony Wamukota, OGW
Ag. Managing Director
KETRACO
Kawi House, South C
P.O Box 34932-00100
NAIROBI



KenGen

**Kenya Electricity
Generating Company PLC**

Dear Sir,

**REQUEST FOR A MEETING TO CLOSE PENDING ISSUES BETWEEN, KENGEN PLC AND
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We hereby request for a meeting with your team on 29th June 2022 at 10.30 a.m., at KenGen offices to discuss and resolve the pending crucial items to pave way for the execution of the Novation Agreement.

Thank you for your continued support.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Miano".

**REBECCA MIANO, MBS
MANAGING DIRECTOR & CEO**

cc. Maj. Gen. (Rtd) Dr. Gordon O. Kihlangwa, CBS
Principal Secretary,
Ministry of Energy,
P.O. Box 30582
NAIROBI

KETRACO
KENYA ELECTRICITY TRANSMISSION CO. LTD.



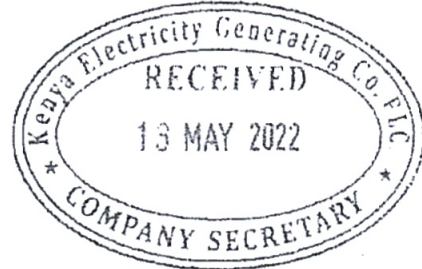
THE MANAGING DIRECTOR

RAVI COMPLEX, BLOCK B,
OFF RED CROSS ROAD, SOUTH C.
P. O. Box 34942 - 00100, NAIROBI
Phone: 011 4955000, 0719018000, 0732128000
ketraco.co.ke • email: info@ketraco.co.ke

Our Ref: KEI/6/14B/4/AW/TI

18th March 2022

Rebecca Miano, MBS
Managing Director & CEO
KENGEN
Kengen Pension Plaza,
P.O Box 47936-00100
NAIROBI



Dear *Rebecca,*

Re: NOVATION AGREEMENT BETWEEN KPLC, KENGEN AND KETRACO
FOR OLKARIA 1 AND IV - PAYMENT PLAN

Reference is made to the subject matter above matter.
KENGEN implemented Olkaria I and IV transmission lines on behalf of KETRACO and the company was to take up the transmission assets and liabilities upon completion of the projects. Teams from both companies have been in consultation to finalise on the Novation agreement.

Based on submission from KENGEN the liabilities are as follows:

Loan	Loan Principal plus interest (Ksh)	Amount Paid by KENGEN (Ksh)	Loan Balance (Ksh)
EIB Loan principal plus interest	3,967,075,758.70	1,484,627,237.91	2,482,448,520.80
KfW Loan already repaid by Kengen	370,106,478.06	238,644,025.65	131,462,452.40
Total	4,337,182,236.76	1,723,271,263.56	2,613,910,973.20
Other costs incurred		545,583,634.60	
Amount settled by KENGEN		2,268,854,898.16	

KENGEN has already settled Ksh 2.29 billion being repayment of EIB, KfW loan and other cost incurred under the contract.

Whereas it is the interest of the company to provide a repayment plan for the amounts paid by KENGEN and to take up repayment of the outstanding loan portfolio. The company is limited by the amount assigned for loan repayments under the tariff.

Under the current tariff KETRACO was assigned KSh 186.3 million toward repayment of the Asset, this is neither sufficient to finance loan repayment nor finance repayment of amounts settled by KENGEN for the next six years as shown below:

Financial Year	Loan Amount	Rate	KES Equivalent	Revenue	Difference
2022/23	1,611,858.76	131.00	211,153,497.56	186,312,125.00	24,841,372.56
2023/24	1,575,911.92	131.00	206,444,461.52	186,312,125.00	20,132,336.52
2024/25	1,537,309.90	131.00	201,387,596.90	186,312,125.00	15,075,471.90
2025/26	1,500,035.47	131.00	196,504,646.57	186,312,125.00	10,192,521.57
2026/27	1,462,761.05	131.00	191,621,697.55	186,312,125.00	5,309,572.55
2027/28	1,426,405.71	131.00	186,859,148.01	186,312,125.00	547,023.01
2028/29	1,388,212.18	131.00	181,855,795.58	186,312,125.00	4,456,329.42
2029/30	1,350,937.76	131.00	176,972,846.56	186,312,125.00	9,339,278.44
2030/31	1,313,663.33	131.00	172,089,896.23	186,312,125.00	14,222,228.77
2031/32	1,276,899.51	131.00	167,273,835.81	186,312,125.00	19,038,289.19
2032/33	1,239,114.48	131.00	162,323,996.88	186,312,125.00	23,988,128.12
2033/34	1,201,840.04	131.00	157,441,045.24	186,312,125.00	28,871,079.76
2034/35	1,164,565.61	131.00	152,558,094.91	186,312,125.00	33,754,030.09
2035/36	1,127,393.30	131.00	147,688,522.30	186,312,125.00	38,623,602.70
2036/37	549,705.98	131.00	72,011,483.38	186,312,125.00	114,300,641.62

The company therefore proposes as follows.

- 1) That it takes up loan repayment of the asset as from 2022-2023 Financial year to reduce the burden of loan repayment by KENGEN.
- 2) That KENGEN considers a moratorium period to allow KETRACO to engage EPRA to allocate sufficient funds in the tariff for Loan repayment.

Yours Sincerely,



ENG. (CPA) ANTHONY WAMUKOTA, OGW
Ag. MANAGING DIRECTOR

cc. Maj. Gen. (Rtd.) Dr. Gordon O. Kihlangwa, CBS
Principal Secretary
Ministry of Energy
KAWI House
NAIROBI

Mr. Daniel Kiptoo Bargoria
Director General
Energy and Petroleum Regulatory Authority
Eagle Africa Centre
NAIROBI

ANNEXTURE 5

Submission by the Kenya Wildlife Services on the implementation status of the Public Investments Committee, Twenty Fourth Report of on consideration of the Auditor General's reports on the financial statements of State Corporations: Kenya Wildlife Services (FY 2017/18 and 2018/2019).

KWS/CONF/315

4th May 2023

Clerk of the National Assembly
Parliament Building
P. O. Box 41842, 00100

NAIROBI

Dear Sir,

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

Reference is made to the National Assembly letter Ref: NA/AA&OSC-COI/CORR/2023/037 dated 20th April 2023 on the above stated subject.

Management presents the implementation status of recommendations by Public Investment Committee as follows:

**1. Status of Acquisition of titles to 131 parcels of land which were
at risk of being grabbed.**

Management Response

KWS manages **258** parcels of land as categorized in **Table 1** below:

Table 1: Summary of Categorized Land Parcels

S/No.	CATEGORY	TOTAL NUMBER
1	Terrestrial National Parks	24
2	Terrestrial National Reserves	29*
3	Marine National Parks	4
4	Marine National Reserves	6
5	National Sanctuaries	8
6	Station Plots, Outposts and Other Land Parcels	187
	Total Number	258

NB: * **24** Terrestrial National Reserves are under County Government management and **5** under National Government (Shimba Hills NR, Kakamega NR, Mt Kenya Forest NR, Marsabit NR and Tsavo Road and Railway NR).

The Service is consistently pursuing acquisition of titles and a total of **51** titles have been acquired, **131** surveyed awaiting titles and **76** other land parcels are at various stages towards acquisition of title documents as summarized in **Table 2** below and a detailed schedule attached (**Annex 1**):

Table 2: Status of Land Acquisition Documents

Category	No. of Properties	Status Land Acquisition Documents				
		Boundary Plan Prepared but not surveyed	PDP Prepared (Planned)	Surveyed	Title registered	Cannot be registered*
National Parks	24	2	N/A	22	12	0
National Reserves	29	1	N/A	4	1	28
Marine National Parks/Reserves	10	2	N/A	10	1	0
Sanctuaries	8	0	N/A	5	1	0
Station Plots Outposts and Other Land Parcels	187	N/A	57	90	36	13
TOTAL	258	5	57	131	51	41

2. The status of valuation of assets owned by KWS to ascertain the fair value of KWS assets;

Management Response

The Service commenced valuation of assets in 2021 and managed to undertake valuation of motor vehicles, motor cycles, boats, plant and machinery. This exercise was carried out by the State Department of infrastructure for these categories of assets across all the conservation regions and a report submitted on 4th October 2021 - **Annex 2**.

However, the rest of the asset categories including land parcels are yet to be valued due to;

- i. Budgetary constraints,

- ii. Lack of an internal capacity in assets and property valuation ✓
- iii. Complexity on valuation of biological assets ✖

3. Status of payment of Ksh. 6 million towards the Endowment Fund accruing from the land hived off for Standard Gauge Railway and a further Ksh. 2.4 billion accruing from hiving off a parcel for the Southern bypass by the Kenya National Highways Authority;'

Management Response

The Service entered into an easement agreement with Kenya Railways and Kenya National Highways Authority and no land was hived off.

Kenya Railways settled in full the total amount of **Ksh.1,469 million** in accordance with Clause 5.1 and 5.2 under Obligations of the Grantee that stipulated how instalments were to be settled.

The amount of Ksh.6 million indicated as outstanding arose from a typo error in the contract. According to clause 2(b) & (c) of the contract, the amount payable by the Grantee totals **Ksh.1,475 million** while the breakdown as per Clause 2(b)(i&ii) and 2(c)(i&ii) the amount indicated totals **Ksh.1,469 million** hence the difference of **Ksh.6,000,000**. Contract extract attached. **Annex 3**

It is true Kenya National Highways Authority (KeNHA) owes KWS **Kshs.2,474,710,000** which has been outstanding since year 2016. Management has been following up but the payment is yet to be remitted. A total of six (6) reminder letters have been sent at various dates with the latest sent on 27th February 2023 and none of them has ever been responded to.

Annex 4. ✖

4. The status of procurement of a system that is integrated and accountable to avoid pilferage to replace the safari card; and

Management Response

The Service procured a Revenue Management System (RMS) that was to be rolled out in all parks. **Annex 5**. The piloting phase was started in ten (10) single entry parks.

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However, the system is yet to be rolled due to a number of challenges relating to System integration, Connectivity, Workflow management capability, Double entry capability, Revenue Reconciliations and Customer Relationship Management (CRM).

In view of the highlighted challenges the Service engaged Attorney General for guidance regarding the contractual agreement. We await their response.

5. v) Status of adoption of e-procurement and implementation of IFMIS system in all your financial transactions among other recommendations contained in the report.

Management Response

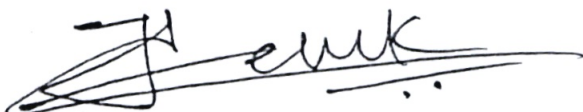
The Service is yet to adopt the e-procurement system, however it had engaged IFMIS Directorate at the National Treasury requesting for installation of e-procurement system module via a letter dated 17th June 2015 (**Annex 6**).

The National Treasury in their letter dated 2nd July 2015 (**Annex 7**) responded to our request and informed us that they were in the process of implementing E-procurement in phases and that will be informed of the connectivity and issuance of user rights.

A follow up letter 18th February 2020 (**Annex 8**) was sent to the Director of IFMIS seeking support to implement the system. However not response to date.

KWS abides by the presidential directive by posting the details of all awarded tenders and contracts on KWS website kws.go.ke on a monthly basis openly for public scrutiny. The same information is uploaded to the Public Procurement information Portal (PPIP) portal (tenders.go.ke) which is accessible to the public.

Yours sincerely,



Dr. Erustus Kanga, HSC
AG. DIRECTOR GENERAL

Copy:

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Hon. Peninah Malonza, OGW
The Cabinet Secretary
Ministry of Tourism, Wildlife and Heritage
P.O Box 30430-00100
NAIROBI

Hon. Silvia Museiya
Principal Secretary
State Department for Wildlife
Ministry of Tourism, Wildlife and Heritage
NAIROBI

Lt. Gen. (Rtd.) Walter Raria Koipaton, MGH, CBS, OGW, 'ndc'(K), 'psc'(TZ)
Chairman
KWS Board of Trustees
NAIROBI

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Annex 1

KENYA
WILDLIFE
SERVICE



TITLES DOCUMENTS ACQUIRED FOR KWS LAND PARCELS

AS AT 4th MAY, 2023

Below is a list of 51 title documents obtained for the land parcels under Kenya Wildlife service.

1.0 NATIONAL PARKS AND MARINE NATIONAL PARKS

1. L.R No. 24360 (Tsavo West N.Park)	Taita Taveta/ Makueni	906500 Ha
2. L.R No. 11082(Aberdare N. Park)	Nyeri/Muranga	76570 Ha
3. L.R No. 10068 (Laikipia National Park)	Laikipia	6923 Ha
4. L.R No. 11081 (Mt Kenya National park)	Nyeri/Meru	71500 Ha
5. L.R No. 24309 (Diani Marine National Park)	Kwale	781780 Ha
6. L.R No. 24308 (Kora N.Park)	Tana River	178700 Ha
7. L.R No. 12881/5 (Hells gate N. Park)	Nakuru	8066 Ha
8. L.R No. 27743 (Tsavo East N.Park)	Taita Taveta	1174700 Ha
9. L.R No. 20246 (Meru N. Park)	Meru	87000 Ha
10.L.R No. 10758 (Nairobi N. park)	Nairobi	11700 Ha
11.L.R No. 12873/4 (Mt Longonot National Park)	Nakuru	5200 Ha
12.L.R.No. 28036 (Ndere Island N.Park)	Kisumu	408.17 Ha

2.0 NATIONAL RESERVES

13.L.R No. 24361 (Tsavo Road and Railway)	Taita Taveta	52700 Ha
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3.0 STATION PLOTS

14.Kisumu/Othany/1039	Kisumu	0.14 Ha
15.Kisumu/Othany/1040	Kisumu	0.14 Ha
16.Kisumu/Othany/1041	Kisumu	0.15 Ha
17.Kisumu /Othany/3993	Kisumu	0.14 Ha



18. Embu/Municipality/325	Embu	2.64 Ha
19. Kabarnet/Municipality/325	Baringo	0.1899 Ha
20. Kabarnet/Municipality/326	Baringo	1.92 Ha
21. Kwale/Golini/1311	Kwale	0.61 Ha
22. Nakuru/Municipality/Block X III/374	Nakuru	316 Ha
23. Nyeri/Municipality/Block 1 /130	Nyeri	0.75 Ha
24. Mandera Town Block/1/284	Mandera	1.653 Ha
25. Mandera Township/Block/1/235	Mandera	0.29 Ha
26. Iten Township/220	ElgeyoMarakwet	0.2024 Ha
27. Naivasha /Town Block 5/286	Nakuru	28.571 Ha
28. L.R No. 209/13311 (Bellevue South C)	Nairobi	2.37 Ha
29. L.R No. 24362 (Chyulu N.Park)	Machakos	73600 Ha
30. L.R No. 5054/1457 (Kilifi Town)	Kilifi	7200 Ha
31. L.R No. 11695 (Mweiga)	Nyeri	15.78 Ha
32. L.R No. 209/8389 (Wilson Hanger)	Nairobi	0.15 Ha
33. L.R No. 498/722 (Eldama Ravine)	Baringo	2.068 Ha
34. L.R No. 119/268 (Marsabit Town Plot)	Marsabit	0.48 Ha
35. L.R No. 1203 (Malindi)	Kilifi	1.254 ha
36. L.R No. 1202 (Malindi)	Kilifi	1.092 Ha
37. L.R No. 1204 (Malindi)	Kilifi	1.42 Ha
38. L.R No. 24206 (Arabuko Sokoke)	Kilifi	600 Ha
39. Kisumu MunicipalityBlock13/110 (Kisumu Impala)	Kisumu	39.4 Ha
40. Plot No. 725(Malindi)	Kilifi	0.04 Ha

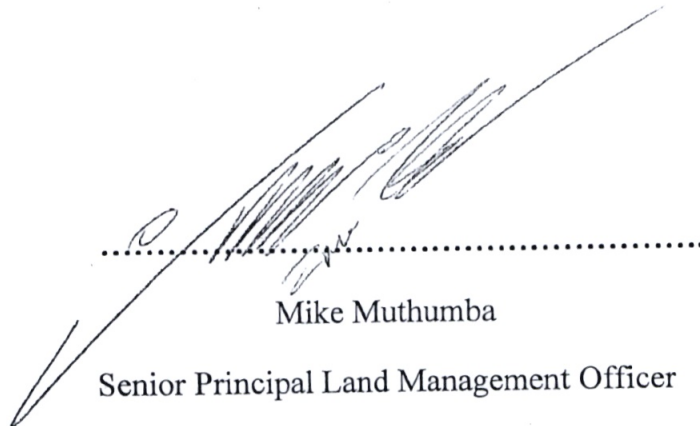
Annex 1



41. Taita/Taveta/Chale/Njukini 8206	Taita Taveta 0.17 Ha
42. Taita/Taveta/Chale/Njukini 8205	Taita Taveta 1.1 Ha
43. Tranzoia/Sinyerere/2151 (Saiwa Swamp)	Transzoia 192 Ha
44. Kwale/Mackinon Road Phase 1 S.S/605	Kwale 1.20 Ha
45. Nakuru/Rare/Naishi/445	Nakuru 4.00 Ha
46. Plot No 8620 (Malindi)	Kilifi 2.99 Ha
47. L.R.No. 32629/1 (Sheep & Goat)	Nairobi 809.389 Ha
48. Kisumu Mun/Block 10/724 (Kisumu station	Kisumu 2.11 Ha
49. L.R.No. 14691/94 (Lodwar Station)	Turkana 5.681 Ha
50. L.R.No. 14691/95 (Kalokol Station)	Turkana 1.28 Ha
51. L.R No. 11139 Isiolo Township	Isiolo 2.18Ha

Dated this.....^{4TH}.....day of ..^{MAY}.....2023

Signed


.....
Mike Muthumba
Senior Principal Land Management Officer

Annex 1

Description of land	Category	County	Size (ha)	Remarks	Gazetted	Titled	PDP	Surveyed
1 Kiboko Sub-Station	National Sanctuaries	Makueni	201.94	Gazetted and Boundary Plan	Gazetted	Not Titled	N/A	Surveyed
2 Kisumu Impala	National Sanctuaries	Kisumu	39.4	Gazetted with title and Boundary Plan	Gazetted	Not Titled	N/A	Surveyed
3 Lake Simbi	National Sanctuaries	Homa Bay	41.7	Gazetted with title and Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
4 Ondago Swamp	National Sanctuaries	Homa Bay	23.8	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
5 Maralal	National Sanctuaries	Samburu	500	Not Gazetted	Gazetted	Not Titled	Not Approved	Not Surveyed
6 Lake Olbolosat	National Sanctuaries	Nyandarua	42	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
7 Naivasha	National Sanctuaries	Nakuru	647	Gazetted with Boundary Plan. Grabbing.	Gazetted	Not Titled	N/A	Surveyed
8 Lake Elementaita	National Sanctuaries	Nakuru	2533	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Surveyed
9 Bellevue	Bellevue KWS Ltd	Nairobi	2.37	Titled	N/A	Titled	Not Prepaid	Surveyed
10 Wilson Hanger	Wilson Hanger Pl	Nairobi	0.15	Titled	N/A	Titled	Not Prepaid	Surveyed
11 Sheep & Goat	Land Parcel	Machakos	809.389	Titled	N/A	Titled	Not Prepaid	Surveyed
12 Kajjado Station	Station Plot	Kajjado	N/A	In the County commissioners compound.	N/A	Not Titled	Not Prepaid	Not Surveyed
13 Kajjado Staff Quarters	Station Plot	Kajjado	4.7	Surveyed pursuing Indent and letter of allotment	N/A	Not Titled	Approved	Surveyed
14 Ngong Senior Staff Quarters	Station Plot	Kajjado	TBC	PDP was objected, awaiting planning liaison meeting to resort pdp dispute.	N/A	Not Titled	Not Approved	Not Surveyed
15 Ngong Junior Staff Quarters	Station Plot	Kajjado	2.313	Planned and surveyed. Survey submitted and waiting approval	N/A	Not Titled	Approved	Surveyed
16 Ngong Offices	Station Plot	Kajjado	0.604	Planned and surveyed. Survey submitted and waiting approval	N/A	Not Titled	Approved	Surveyed
17 Namanga Station	Station Plot	Kajjado	0.1	Survey Approved awaiting indent	N/A	Not Titled	Approved	Surveyed
18 Loitokitok offices (Occupied by NGO)	Station Plot	Kajjado	1.354	Survey Approved awaiting indent	N/A	Not Titled	Approved	Surveyed
19 Loitokitok Office & Staff Houses	Station Plot	Kajjado	0.142	Surveyed. Awaiting indent	N/A	Not Titled	Approved	Surveyed
20 Loitokitok Wardens House	Station Plot	Kajjado	0.26	Surveyed. Awaiting submission	N/A	Not Titled	Approved	Surveyed
21 Embilin (near Emali)	Station Plot	Kajjado	TBC	Community land pending adjudication	N/A	Not Titled	Not Prepaid	Not Surveyed
22 Selenkei	Station Plot	Kajjado	TBC	In community land pending adjudication	N/A	Not Titled	Not Prepaid	Not Surveyed
23 Nguruman	Station Plot	Kajjado	TBC	In community land pending adjudication	N/A	Not Titled	Not Prepaid	Not Surveyed
24 Rombo	Station Plot	Kajjado	0.5	PDP approved pending survey	N/A	Not Titled	Approved	Not Surveyed
25 Kimana Outpost	Station Plot	Kajjado	0.81	Within the compound with other public agencies, pursuing approval to prepare PDP	N/A	Not Titled	Not Prepaid	Not Surveyed
26 Selenkei	station Plot	Kajjado	TBC	In community land pending adjudication	N/A	Not Titled	Not Prepaid	Not Surveyed
27 Kiserian	Station Plot	Kajjado	2	Replanned by county council and encroached. In discussion for alternative land.	N/A	Not Titled	Not Prepaid	Not Surveyed
28 Machakos Warden's House	Station Plot	Machakos	0.109	Surveyed awaiting indent	N/A	Not Titled	Approved	Surveyed
29 Konza Outpost	Station Plot	Machakos	0.1	Surveyed, Awaiting deed plan	N/A	Not Titled	Approved	Surveyed
30 Limuru	Station Plot	Kiambu	2.4	Illegal allocation within the plots.	N/A	Not Titled	Prepared	Not Surveyed
31 Muranga	Station Plot	Muranga	TBC	Plot area gazetted under NMK as a monument	N/A	Not Titled	Prepared	Not Surveyed
32 Wote	Station Plot	Makueni	TBC	In county commissioners compound	N/A	Not Titled	Not Prepaid	Not Surveyed
33 Aberdare National Park HQs Mweiga Station	Station Plot	Nyeri	15.78	Titled	N/A	Titled	Not Prepaid	Surveyed
34 Nyeri provincial headquarters	Station Plot	Nyeri	4.87	Surveyed awaiting submission	N/A	Not Titled	Not Prepaid	Surveyed
35 Nyeri Town Plot	Station Plot	Nyeri	0.75	Titled	N/A	Titled	Not Prepaid	Surveyed
36 Provincial HQ Embu	Station Plot	Embu	2.64	Titled	N/A	Titled	Not Prepaid	Surveyed
37 Embu Assistant warden's house	Station Plot	Embu	TBC	Within Mount Kenya National reserve	N/A	Not Titled	Not Prepaid	Not Surveyed
38 Embu provincial Warden's House	Station Plot	Embu	0.3	Awaiting PDP approval	N/A	Not Titled	Not Approved	Not Surveyed
39 Embu districts warden house	Station Plot	Embu	0.25	The plot disputed by state department of housing	N/A	Not Titled	Not Approved	Not Surveyed
40 Kerogoya	Station Plot	Kirinyaga	0.488	Awaiting planning liaison meeting to resolve dispute between KWS and NIS. Within county commissioners compound	N/A	Not Titled	Not Approved	Not Surveyed
41 Nanyuki Station	Station Plot	Laikipia	16.89	Awaiting survey approval.	N/A	Not Titled	Approved	Surveyed
42 Rumuruti	Station Plot	Laikipia	1.45	Awaiting indent	N/A	Not Titled	Approved	Surveyed
43 Doldol	Station Plot	Laikipia	2.1	Pending cadastral survey for titling	N/A	Not Titled	Approved	Not Surveyed

	Description of land	Category	County	Size (ha)	Remarks	Gazetted	Titled	PDP	Surveyed
44	Rumuruti Outpost(Siron)	Station Plot	Laikipia	0.42	Awaiting finalization of documentation for subdivision and transfer from the donor	N/A	Not Titled	Not Prepa	Not Surveyed
45	Laikipia /Marmanet/153	Station Plot	Laikipia	0.202343	Awaiting finalization of documentation for subdivision and transfer from the donor	N/A	Not Titled	Not Prepa	Not Surveyed
46	Nyahururu	Station Plot	Laikipia	3.87	Awaiting deed plan approval	N/A	Not Titled	Approved	Surveyed
47	Ndunyu Njeru Camp	Station Plot	Nyandarua	0.1	The survey confirmed ground overlap. KWS addressing the overlap with the County gvt of Nyandarua and director of survey	N/A	Not Titled	Approved	Surveyed
48	Maralal	Station Plot	Samburu	35.63	Long standing dispute between county government of Samburu and KWS	N/A	Not Titled	Not Appro	Not Surveyed
49	Wamba	Station Plot	Samburu	2.02	Awaiting PDP preparation	N/A	Not Titled	Not Prepa	Not Surveyed
50	Suguta Marmar	Station Plot	Samburu	0.81	Awaiting PDP preparation	N/A	Not Titled	Not Prepa	Not Surveyed
51	Baragoi	Station Plot	Samburu	0.4	Awaiting PDP preparation	N/A	Not Titled	Not Prepa	Not Surveyed
52	South Horr	Station Plot	Samburu	0.81	Awaiting PDP preparation	N/A	Not Titled	Not Prepa	Not Surveyed
53	Serolipi	Station Plot	Samburu	1.61	Awaiting PDP preparation	N/A	Not Titled	Not Prepa	Not Surveyed
54	Baawa	Station Plot	Samburu	0.81	Awaiting PDP preparation	N/A	Not Titled	Not Prepa	Not Surveyed
55	Latakweny	Station Plot	Samburu	0.81	Awaiting PDP preparation	N/A	Not Titled	Not Prepa	Not Surveyed
56	Meru Station	Station Plot	Meru	TBC	Located in mount kenya national reserve	N/A	Not Titled	Not Prepa	Not Surveyed
57	Maua Station	Station Plot	Meru	TBC	Inside county commissioners compound	N/A	Not Titled	Not Prepa	Not Surveyed
58	Lewa downs	Station Plot	Meru		Inside Lewa conservancy	N/A	Not Titled	Not Prepa	Not Surveyed
59	Chuka	Station Plot	Tharaka nithi	0.0709	Awaiting current ground status verification and PDP preparation	N/A	Not Titled	Not Prepa	Surveyed
60	Isiolo district warden's House (Maili Saba St	Station Plot	isiolo	TBC	Awaiting submission by CoG of Isiolo to director of physical planning for approval	N/A	Not Titled	Not Appro	Not Surveyed
61	Isiolo RRU (Airstrip operation base and Staf	Station Plot	isiolo	14	Surveyed awaiting indent	N/A	Not Titled	Approved	Surveyed
62	Isiolo Capture Unit	Station Plot	isiolo	15	PDP awaitng approval from county land control board	N/A	Not Titled	Not Appro	Not Surveyed
63	Garbatulla	Station Plot	isiolo	2.5	Awaiting survey	N/A	Not Titled	Approved	Not Surveyed
64	Isiolo Samburu Complex	Station Plot	isiolo	15	Ground occupation by various government departments. Awaiting allocation of each department by county gvt of Isiolo	N/A	Not Titled	Not Prepa	Not Surveyed
65	Oldonyiro Plot	Station Plot	isiolo	1.1	PDP approved awaitng survey	N/A	Not Titled	Not Appro	Not Surveyed
66	Garissa APU Complex	Station Plot	Garissa	20.25	Verification required to conform with FR 207/94 and 140/185	N/A	Not Titled	Not Prepa	Surveyed
67	Garissa Station-staff houses, telecommunica	Station Plot	Garissa	7.41	Surveyed but registration pending land dispute	N/A	Not Titled	Not Prepa	Surveyed
68	Garissa provincial Warden's house	Station Plot	Garissa	0.356	Pending resurvey	N/A	Not Titled	Not Prepa	Not Surveyed
69	Garissa Warden's House	Station Plot	Garissa	1.93	Has a letter of allotment awaiting survey	N/A	Not Titled	Not Prepa	Not Surveyed
70	Mbalambla	Station Plot	Garissa	2.8	PDP Approved awaiting survey	N/A	Not Titled	Approved	Not Surveyed
71	Masalani(hijara)	Station Plot	Garissa	1.86	PDP Approved awaiting survey	N/A	Not Titled	Approved	Not Surveyed
72	Hulugho	Station Plot	Garissa	1	PDP Approved awaiting survey	N/A	Not Titled	Approved	Not Surveyed
73	Burafafi	Station Plot	Garissa	0.4	PDP Approved awaiting survey	N/A	Not Titled	Approved	Not Surveyed
74	Wajir staff houses/office plot	Station Plot	Wajir	38.4	Waiting for PDP Approval	N/A	Not Titled	Not Appro	Not Surveyed
75	Grift	Station Plot	Wajir	TBC	Waiting PDP approval	N/A	Not Titled	Not Appro	Not Surveyed
76	Habasweni	Station Plot	Wajir	TBC	To initiate PDP	N/A	Not Titled	Not Prepa	Not Surveyed
77	Bute	Station Plot	Wajir	TBC	To initiate PDP	N/A	Not Titled	Not Prepa	Not Surveyed
78	Buna	Station Plot	Wajir	TBC	To initiate PDP	N/A	Not Titled	Not Prepa	Not Surveyed
79	Mwingi Staff quarters	Station Plot	Kitui	1.49	Awaiting survey	N/A	Not Titled	Approved	Not Surveyed
80	Mwingi sub station	Station Plot	Kitui	0.593	Within subcounty commissioner's compound	N/A	Not Titled	Not Prepa	Not Surveyed
81	Mutomo Offices	Station Plot	Kitui		Awaiting survey	N/A	Not Titled	Approved	Not Surveyed
82	Mutomo staff quarters	Station Plot	Kitui	TBC	Awaiting survey	N/A	Not Titled	Approved	Not Surveyed
83	Mwingi Wardens House	Station Plot	Kitui	0.66	In dispute with State department of Housing	N/A	Not Titled	Not Prepa	Not Surveyed
84	Taita taveta sub station	Station Plot	Tatita Taveta	TBC	Survey carried awaiting PDP revision	N/A	Not Titled	Approved	Survey not Approved
85	Voi station (telecoms SAD-TCA office)	Station Plot	Tatita Taveta	2.5	Survey carried awaiting PDP revision	N/A	Not Titled	Approved	Survey not Approved
86	Bura Game control outpost	Station Plot	Tatita Taveta	0.4	Surveyed awaiting issuance of title through adjudication	N/A	Not Titled	Approved	Surveyed

Annex 1

Description of land	Category	County	Size (ha)	Remarks	Gazetted	Titled	PDP	Surveyed
87 Chale/Njukini	Station Plot	Taita Taveta	0.17	Titled	N/A	Titled	Not Prepat	Surveyed
88 Chale/Njukini	Station Plot	Taita Taveta	1.1	Titled	N/A	Titled	Not Prepat	Surveyed
89 Mombasa Provincial-CCA Headquarters	Station Plot	Mombasa	0.19	A waiting cancellation of illegal FRs	N/A	Not Titled	Not Apprd	Surveyed
90 Mombasa Marine Park HQ	Station Plot	Mombasa	0.675	Illegally allocated and awaiting no objection from treasury	N/A	Not Titled	Not Prepat	Surveyed
91 Ivory Room	Station Plot	Mombasa	0.042	Awaiting preparation of lease document	N/A	Not Titled	Not Prepat	Surveyed
92 Watamu Park HQ	Station Plot	Kilifi	2.99	Titled	N/A	Titled	Not Prepat	Surveyed
93 Bamba outpost	Station Plot	Kilifi	TBC	Ground truthing	N/A	Not Titled	Not Prepat	Not Surveyed
94 Kilifi district wildlife office	Station Plot	Kilifi	0.72	Titled	N/A	Titled	Not Prepat	Surveyed
95 Malindi show ground	Station Plot	Kilifi	2.89	TITLED-Title registration pending cancellation of illegal allotments	N/A	Not Titled	Not Prepat	Surveyed
96 Malindi guest house	Station Plot	Kilifi	0.15	Titled	N/A	Titled	Not Prepat	Surveyed
97 Malindi Warden's House	Station Plot	Kilifi	0.04	Titled	N/A	Titled	Not Prepat	Surveyed
98 Malindi Marine N.P and HQ plot No. 1202	Station Plot	Kilifi	1.092	Titled	N/A	Titled	Not Prepat	Surveyed
99 Malindi Marine NP HQ plot no. 1203	Station Plot	Kilifi	1.254	Titled	N/A	Titled	Not Prepat	Surveyed
100 Malindi Marine NP HQ plot no. 1204	Station Plot	Kilifi	1.42	Titled	N/A	Titled	Not Prepat	Surveyed
101 Malindi Junior staff quarters	Station Plot	Kilifi	1.14	In dispute	N/A	Not Titled	Not Prepat	Surveyed
102 Mwangea repeater station	Station Plot	Kilifi	TBC	Pending adjudication process	N/A	Not Titled	Not Prepat	Surveyed
103 Kwale Station	Station Plot	Kwale	5.13	Surveyed Awaiting Indent	N/A	Not Titled	Not Prepat	Surveyed
104 Kwale Wardens house	Station Plot	Kwale	N/A	Within national reserve	N/A	Not Titled	Not Prepat	Not Surveyed
105 Kwale wardens house 2	Station Plot	Kwale	N/A	Within national reserve	N/A	Not Titled	Not Prepat	Not Surveyed
106 Kwale water tank site	Station Plot	Kwale	0.61	Titled	N/A	Titled	Not Prepat	Surveyed
107 Mackinnon Road outpost	Station Plot	Kwale	1.2	Titled	N/A	Titled	Not Prepat	Surveyed
108 Shimba hills town	Station Plot	Kwale	0.84	Awaiting survey	N/A	Not Titled	Approved	Not Surveyed
109 Kinango	Station Plot	Kwale	1.5	Awaiting survey	N/A	Not Titled	Approved	Not Surveyed
110 Lungu lunga	Station Plot	Kwale	0.25	Awaiting survey	N/A	Not Titled	Approved	Not Surveyed
111 Shimoni (kisite park HQ)	Station Plot	Kwale	14.26	Surveyed awaiting title preparation	N/A	Not Titled	Approved	Surveyed
112 Hola-Tana river district HQ wardens office	Station Plot	Tana river	N/A	Surveyed awaiting indent	N/A	Not Titled	Approved	Surveyed
113 Hola junior staff quarters/WPU	Station Plot	Tana river	10.2	Surveyed awaiting indent	N/A	Not Titled	Approved	Surveyed
114 Hola wardens house	Station Plot	Tana river	0.03	Surveyed awaiting indent	N/A	Not Titled	Approved	Surveyed
115 Garsen substation office	Station Plot	Tana river	0.432	Surveyed awaiting indent	N/A	Not Titled	Approved	Surveyed
116 Garsen junior staff camp	Station Plot	Tana river	1.106	Surveyed awaiting indent	N/A	Not Titled	Approved	Surveyed
117 garsen wardens house	Station Plot	Tana river	0.316	Surveyed awaiting indent	N/A	Not Titled	Approved	Surveyed
118 Wenje	Station Plot	Tana river	0.1	Surveyed awaiting indent	N/A	Not Titled	Approved	Surveyed
119 Talasa outpost	Station Plot	Tana river	2.516	Surveyed awaiting indent	N/A	Not Titled	Approved	Surveyed
120 Minjila Plot and airstrip	Station Plot	Tana river	TBC	Awaiting preparation of PDP as per ground	N/A	Not Titled	Not Apprd	Not Surveyed
121 Kipini	Station Plot	Tana river	TBC	Awaiting title through adjudication	N/A	Not Titled	Not Prepat	Surveyed
122 Bangalle	Station Plot	Tana river	TBC	Pending ground verification	N/A	Not Titled	Not Prepat	Not Surveyed
123 Kurawa	Station Plot	Tana river	TBC	Pending ground verification	N/A	Not Titled	Not Prepat	Not Surveyed
124 Hindi outpost	Station Plot	Lamu	0.35	Awaiting survey approval.	N/A	Not Titled	Approved	Surveyed
125 Mokowe WPU Site	Station Plot	Lamu	33.6	Surveyed awaiting deed plan	N/A	Not Titled	Approved	Surveyed
126 Old APU camp Mokowe(old station)	Station Plot	Lamu	2.02	Awaiting PDP preparation	N/A	Not Titled	Not Prepat	Not Surveyed
127 Kiunga outpost (Marine research Station)	Station Plot	Lamu	52	Awaiting PDP preparation	N/A	Not Titled	Not Prepat	Not Surveyed
128 Kiunga APU Offices	Station Plot	Lamu	0.65	Awaiting title through adjudication	N/A	Not Titled	Not Prepat	Surveyed
129 Mukokone outpost	Station Plot	Lamu	8.61	Awaiting title through adjudication	N/A	Not Titled	Not Prepat	Surveyed
130 Mpeketoni station	Station Plot	Lamu	TBC	Awaiting title through adjudication	N/A	Not Titled	Not Prepat	Surveyed

	Description of land	Category	County	Size (ha)	Remarks	Gazetted	Titled	PDP	Surveyed
131	Namukuse central Island Park HQ	Station Plot	Turkana	4.05	Survey pending	N/A	Not Titled	Not Prepa	Not Surveyed
132	Kalokol sub station	Station Plot	Turkana	5.681	Titled	N/A	Titled	Not Prepa	Surveyed
133	Lodwar	Station Plot	Turkana	1.28	Titled	N/A	Titled	Not Prepa	Surveyed
134	Sigor station	Station Plot	West Pokot	3.57	Awiaitng survey	N/A	Not Titled	Approved	Not Surveyed
135	Kapenguria station	Station Plot	West Pokot	TBC	Awiaitng survey	N/A	Not Titled	Approved	Not Surveyed
136	Alale	Station Plot	West Pokot	4	Awiaitng survey	N/A	Not Titled	Approved	Not Surveyed
137	Bungoma station/ Warden's house	Station Plot	Bungoma	TBC	Grabbed pursuing revocation before planning	N/A	Not Titled	Not Prepa	Not Surveyed
138	Kimilili Station	Station Plot	Bungoma	0.2	To initiate PDP	N/A	Not Titled	Not Prepa	Not Surveyed
139	Funyula outpost	Station Plot	Busia	0.2	To initiate PDP	N/A	Not Titled	Not Prepa	Not Surveyed
140	Kisumu provincial HQ	Station Plot	Kisumu	2.11	Titled	N/A	Titled	Not Prepa	Surveyed
141	Ndere Island Park HQ	Station Plot	Kisumu	0.13	Titled	N/A	Titled	Not Prepa	Surveyed
142	Ndere Island Park HQ	Station Plot	Kisumu	0.14	Titled	N/A	Titled	Not Prepa	Surveyed
143	Ndere Island Park HQ	Station Plot	Kisumu	0.15	Titled	N/A	Titled	Not Prepa	Surveyed
144	Ndere Island Park HQ	Station Plot	Kisumu	0.14	Titled	N/A	Titled	Not Prepa	Surveyed
145	Siaya district warden's office	Station Plot	Siaya	1.94	Surveyed awaiting indent	N/A	Not Titled	Approved	Surveyed
146	Homa Bay staff quarters	Station Plot	Homa Bay	0.3	Surveyed awaiting indent	N/A	Not Titled	Approved	Surveyed
147	Homa Bay staff quarters	Station Plot	Homa Bay	0.04	Awaiting planning liason meeting to resolve land dispute	N/A	Not Titled	Approved	Surveyed
148	Kakamega junior staff quarters	Station Plot	Kakamega	1.7	Surveyed awaiting survey plan approval	N/A	Not Titled	Approved	Surveyed
149	District town plot offices	Station Plot	Kakamega	2.35	Within county comissioners compound	N/A	Not Titled	Not Prepa	Not Surveyed
150	Kakamega senior staff quarters	Station Plot	Kakamega	0.27	Unsurveyed pursuing revocation of illegal titles before planning	N/A	Not Titled	Not Prepa	Not Surveyed
151	Kitale station	Station Plot	Trans Nzoia	7.48	Awaiting deed plan approval	N/A	Not Titled	Not Prepa	Surveyed
152	Kaberua	Station Plot	Trans Nzoia	TBC	Within forest reserve	N/A	Not Titled	Not Prepa	Not Surveyed
153	Nakuru provincial	Station Plot	Nakuru	3.16	Titled	N/A	Titled	Not Prepa	Surveyed
154	Zacharia outpost (Naishi)	Station Plot	Nakuru	4	Titled	N/A	Titled	Not Prepa	Surveyed
155	Olengurone	Station Plot	Nakuru	0.455	PDP Revision as per ground status	N/A	Not Titled	Approved	Surveyed
156	Naivasha station	Station Plot	Nakuru	2.571	Awaiting deed plan approval	N/A	Not Titled	Not Prepa	Surveyed
157	Naivasha fisheries annex	Station Plot	Nakuru	28.58	Titled -part titled, part in dispute	N/A	Titled	Not Prepa	Surveyed
158	KWS Oserian staff house plot	Station Plot	Nakuru	3.995	Pursuing formalization of documentation to KWS from Oserian development company limited	N/A	Not Titled	Not Prepa	Not Surveyed
159	Kericho staff quarters	Station Plot	Kericho	1.15	Ground status report required	N/A	Not Titled	Not Prepa	Not Surveyed
160	Kabranet (Baringo substation and Staff camp)	Station Plot	Baringo	1.92	Titled	N/A	Titled	Not Prepa	Surveyed
161	Kabranet Wardens house	Station Plot	Baringo	0.1899	Titled	N/A	Titled	Not Prepa	Surveyed
162	Eldama Ravine	Station Plot	Baringo	2.06	Titled	N/A	Titled	Not Prepa	Surveyed
163	Soy	Station Plot	Uasin Gishu	0.17	Awaiting resolution with public works on ground verification	N/A	Not Titled	Not Prepa	Not Surveyed
164	Tot station	Station Plot	Elgeyo Marakwet	0.81	To intiate PDP	N/A	Not Titled	Not Prepa	Not Surveyed
165	Iten Station	Station Plot	Elgeyo Marakwet	0.2024	Titled	N/A	Titled	Not Prepa	Surveyed
166	Rimoi national reserve outpost	Station Plot	Elgeyo Marakwet	TBC	Within Romoi national reserve	N/A	Not Titled	Not Prepa	Surveyed
167	Iten Staff quarters	Station Plot	Elgeyo Marakwet	0.2273	Pending ammendment of RIM	N/A	Not Titled	Not Prepa	Surveyed
168	New Kapsabet Station	Station Plot	Nandi	0.2315	Survey approved awaiting letter of allotment	N/A	Not Titled	Approved	Surveyed
169	Kaboson	Station Plot	Bomet	0.1	To initiate PDP	N/A	Not Titled	Not Prepa	Not Surveyed
170	Kaporwa	Station Plot	Bomet	TBC	To initiate subdivision and PDP	N/A	Not Titled	Not Prepa	Not Surveyed
171	Narok station(Ewasonyiro)	Station Plot	Narok	32	Pursuing transfer from CoG of Narok to KWS	N/A	Not Titled	Not Prepa	Surveyed
172	Kilgoris Substation	Station Plot	Narok	0.6747	To be surveyed	N/A	Not Titled	Approved	Not Surveyed
173	Lolgorien substation	Station Plot	Narok	7.83	Title preparation	N/A	Not Titled	Approved	Surveyed

	Description of land	Category	County	Size (ha)	Remarks	Gazetted	Titled	PDP	Surveyed
174	Nairageenkare	Station Plot	Narok	1.59	Awaiting survey	N/A	Not Titled	Approved	Not Surveyed
175	Masurura	Station Plot	Narok	0.32	Awaiting survey	N/A	Not Titled	Approved	Not Surveyed
176	Ntulele	Station Plot	Narok	2.28	Awaiting survey	N/A	Not Titled	Approved	Not Surveyed
177	Lemek	Station Plot	Narok	0.32	Awaiting survey	N/A	Not Titled	Approved	Not Surveyed
178	Siana	Station Plot	Narok	1.23	Donation by community pending subdivision	N/A	Not Titled	Not Prepared	Not Surveyed
179	Narok Siyabei outpost	Station Plot	Narok	0.05	Disputed	N/A	Not Titled	Not Prepared	Surveyed
180	Angata Baragoi	Station Plot	Narok	0.07	TITLED-pursuing transfer of title from county government of Narok to KWS	N/A	Titled	Not Prepared	Surveyed
181	Esoit	Station Plot	Narok	1.43	TITLED-pursuing transfer of title from county government of Narok to KWS	N/A	Titled	Not Prepared	Surveyed
182	Narok town plot	Station Plot	Narok	N/A	Replanned by county government	N/A	Not Titled	Not Approved	Not Surveyed
183	Bura east (Mansabubu)	Station Plot	Garissa	0.22	Awaiting survey	N/A	Not Titled	Approved	Not Surveyed
184	Marsabit HQS	Station Plot	Marsabit	0.48	Titled	N/A	Titled	Not Prepared	Surveyed
185	Karare outpost	Station Plot	Marsabit	TBC	Awaiting title from adjudication process	N/A	Not Titled	Not Prepared	Surveyed
186	Songa (Platoon Base)	Station Plot	Marsabit	TBC	Awaiting title from adjudication process	N/A	Not Titled	Not Prepared	Not Surveyed
187	laisamis outpost	Station Plot	Marsabit	TBC	In the National reserve	N/A	Not Titled	Not Prepared	Not Surveyed
188	Moyale substation	Station Plot	Marsabit	11.054	Revision of PDP	N/A	Not Titled	Not Prepared	Not Surveyed
189	Mandera Warden House	Station Plot	Mandera	0.297	Titled	N/A	Titled	Not Prepared	Surveyed
190	Mandera Assistant warden's house	Station Plot	Mandera	TBC	Disputed occupied by forest department	N/A	Not Titled	Not Prepared	Not Surveyed
191	Takaba outpost	Station Plot	Mandera	TBC	To initiate PDP	N/A	Not Titled	Not Prepared	Not Surveyed
192	Arabia	Station Plot	Mandera	TBC	To initiate PDP	N/A	Not Titled	Not Prepared	Not Surveyed
193	Elwak	Station Plot	Mandera	TBC	To initiate PDP	N/A	Not Titled	Not Prepared	Not Surveyed
194	Rhamu	Station Plot	Mandera	TBC	To initiate PDP	N/A	Not Titled	Not Prepared	Not Surveyed
195	Mandera staff houses and offices (Exchanged)	Station Plot	Mandera	1.653	Exchanged for another parcel by the county government of Mandera to initiate PDP	N/A	Not Titled	Not Prepared	Not Surveyed
196	Amboseli N.P	National Park	Kajiado	39,200	Gazetted with boundary plan and deed plan - pursuing title	Gazetted	Not Titled	N/A	Surveyed
197	Nairobi N.P	National Park	Nairobi	11,700	Gazetted with title and Boundary Plan	Gazetted	Titled	N/A	Surveyed
198	Oldonyo Sabuk N.P	National Park	Machakos	1,800	Gazetted and Boundary Plan. Encroachment by Telecomm kenya	Gazetted	Not Titled	N/A	Surveyed
199	Aberdare	National Park	Nyeri/ Muranga/ N	76,570	Gazetted with title and Boundary Plan	Gazetted	Titled	N/A	Surveyed
200	Mount Kenya	National Park	Nyeri/Meru	71,500	Gazetted with title and Boundary Plan	Gazetted	Titled	N/A	Surveyed
201	Laikipia	Proposed National Park	Laikipia	6,923	Has title. Not Gazetted.	Not Gazetted	Titled	N/A	Surveyed
202	Meru	National Park	Meru	20,246	Gazetted with title and Boundary Plan, areas around Kiengo, Kajo, Ndoleli and Athriu, Ruujini and Ndolei have community land surveyed inside the park	Gazetted	Titled	N/A	Surveyed
203	Kora	National Park	Tana River	178,700	Gazetted with title and Boundary Plan, encroachment with human settlement illegal grazing, illegal mining	Gazetted	Titled	N/A	Surveyed
204	Central Island	National Park	Turkana	500.00	Gazetted and Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
205	Malkamari	National Park	Mandera	87,600.00	Gazetted and Boundary Plan, human settlement, new safarcom mast, illegal grazing in fenced protions.	Gazetted	Not Titled	N/A	Surveyed
206	Marsabit	National Park	Marsabit	14,407.12	Has Boundary Plan awaiting Legal Notice	Not Gazetted	Not Titled	N/A	Surveyed
207	Sibilo	National Park	Marsabit	#####	Gazetted and Boundary Plan	Gazetted	Not Titled	N/A	Surveyed
208	South Island	National Park	Marsabit	3,900	Gazetted and Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
209	Chyulu	National Park	Makueni	73,600	Gazetted with title and Boundary Plan, court case by Mukururo , & existence of a public school in the park	Gazetted	Titled	N/A	Surveyed
210	Tsavo East	National Park	Taita Taveta / Kitu	1,344,193	Gazetted with title and Boundary Plan, human settlement at Mukomwe	Gazetted	Titled	N/A	Surveyed
211	Tsavo West	National Park	Taita taveta / Mak	701,083	Gazetted with title and Boundary Plan, Human settlement at Mangenete	Gazetted	Titled	N/A	Surveyed
212	Mount Elgon	National Park	Transzoia	16,900	Gazetted and Boundary Plan	Gazetted	Not Titled	N/A	Surveyed
213	Ndere Island	National Park	Kisumu	408	Gazetted with title and Boundary Plan	Gazetted	Titled	N/A	Surveyed
214	Ruma	National Park	South Nyanza	12,000	Gazetted and Boundary Plan, overlap of central scheme boundary	Gazetted	Not Titled	N/A	Surveyed

	Description of land	Category	County	Size (ha)	Remarks	Gazetted	Titled	PDP	Surveyed
215	Saiwa Swamp	National Park	Transnzoia	245	Gazetted with title and Boundary Plan	Gazetted	Titled	N/A	Surveyed
216	Hells Gate	National Park	Nakuru	8,066	Gazetted with title and Boundary Plan	Gazetted	Titled	N/A	Surveyed
217	Lake Nakuru	National Park	Nakuru	18,800	Gazetted and Boundary Plan, human settlement on the nothern side of the park	Gazetted	Not Titled	N/A	Surveyed
218	Longonot	National Park	Nakuru	5,200	Gazetted with title and Boundary Plan, human settlement with allotment letters.	Gazetted	Titled	N/A	Surveyed
219	Arabuko Sokoke	National Park	Kilifi	600	Gazetted with title and Boundary Plan, illegal settlment and overlap on the boundry	Gazetted	Titled	N/A	Surveyed
220	Mombasa Marine N.P	National Park	Mombasa	1,000	Gazetted with title and Boundary Plan	Gazetted	Titled	N/A	Surveyed
221	Malindi Marine N.P	National Park	Kilifi	588	Gazetted and Boundary Plan	Gazetted	Not Titled	N/A	Surveyed
222	Watamu Marine N.P	National Park	Kilifi	10,006	Gazetted and Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
223	Kisite Marine N.P	National Park	Kwale	1,128	Gazetted and Boundary Plan	Gazetted	Not Titled	N/A	Surveyed
224	Laikipia (Kirimon)	National Reserve	Laikipia	1,700	Gazetted and Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
225	Mount Kenya	National Reserve	Meru/ Kirinyaga/ N	212,400	Gazetted and Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
226	Mwea	National Reserve	Embu	6,800	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
227	Samburu	National Reserve	Samburu	16,500	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
228	Arawale	National Reserve	Garissa	53,300	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
229	Bisanadi	National Reserve	Isiolo	60,600	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
230	Mwingi (North Kitui)	National Reserve	Kitui	74,500	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
231	Nyambene	National Reserve	Meru	64,060	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
232	Rahole	National Reserve	Garissa	127,000	Gazetted with Boundary Plan. Exists human settlements and irrigation farming	Gazetted	Not Titled	N/A	Not Surveyed
233	Boni	National Reserve	Garissa	133,900	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
234	Shaba	National Reserve	Isiolo	23,900	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
235	Buffalo Springs	National Reserve	Isiolo	13,100	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
236	Losai	National Reserve	Marsabit	180,600	Gazetted with Boundary Plan, human settlement and illegal grazing	Gazetted	Not Titled	N/A	Not Surveyed
237	Marsabit	National Reserve	Marsabit	36,000	Gazetted and Boundary Plan, illegal grazing	Gazetted	Not Titled	N/A	Not Surveyed
238	Ngai Ndehya	National Reserve	Makueni	21,200	Gazetted with Boundary Plan. Existence of human settlements and farming	Gazetted	Not Titled	N/A	Not Surveyed
239	South Kitui	National Reserve	Kitui	74,500	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Surveyed
240	Tsavo Road and Rail Reserve	National Reserve	Taita Taveta	52,700	Gazetted with title and Boundary Plan	Gazetted	Titled	N/A	Surveyed
241	Dodori	National Reserve	Lamu	87,700	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
242	Shimba Hills	National Reserve	Kwale	19,251	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Surveyed
243	Tana River Primate	National Reserve	Tana River	17,062	Gazetted with Boundary Plan, human settlement, illegal farming and grazing	Gazetted	Not Titled	N/A	Surveyed
244	Chepkitale	National Reserve	Trans nzoia	17,820	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
245	Kakamega	National Reserve	Kakamega	4,470	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Surveyed
246	Nasalot	National Reserve	West Pokot	19,400	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
247	South Turkana	National Reserve	Turkana	109,100	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
248	Kamnarok	National Reserve	Baringo	8,770	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
249	Lake Bogoria	National Reserve	Baringo	10,700	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
250	Maasai Mara	National Reserve	Narok	151,000	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
251	Rimoi (Kerio Valley)	National Reserve	Elgeyo Marakwet	6,800	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Surveyed
252	Loitikipi	National Reserve	Turkana	250	BP and Legal notice on process	Not Gazet	Not Titled	N/A	Not Surveyed
253	Kiunga	Marine National	Lamu	25,000	Gazetted with Boundary Plan, Human settlements Exist	Gazetted	Not Titled	N/A	Not Surveyed
254	Malindi/Watamu	Marine National	Kilifi	21,300	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Surveyed
255	Mombasa	Marine National	Mombasa	20,000	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Surveyed
256	Mpunguti	Marine National	Kwale	1,100	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Surveyed
257	Watamu	Marine National	Kilifi	3,200	Gazetted with Boundary Plan	Gazetted	Not Titled	N/A	Not Surveyed
258	Diani Chale	Marine National	Kwale	7,818	Gazetted with title and Boundary Plan, private developers encroachment	Gazetted	Not Titled	N/A	Surveyed

ANNEXTURE 6

Submission by the Athi-Water Works on the implementation status of the Public Investments Committee, Twenty Fourth Report of on consideration of the Auditor General's reports on the financial statements of State Corporations: Athi-Water Works Financial Years 2014/2015 To 2018/2019.

fence. The designs shall be construed and read together with this Agreement

- 4.2 Grantor shall continuously carry out surveillance of the activities of the contractor and any other person or entity involved in the construction of the standard gauge railway and recommend appropriate interventions.

5 OBLIGATIONS OF THE GRANTEE

- 5.1 The Grantee shall credit the Grantor's account with the balance of the Environmental Restoration Grant being Kenya Shillings Nine Hundred and Forty One Million (Kshs 941, 000, 000) in the following manner:
- (a) 90% of the of the balance of the Environmental Restoration Grant being Kenya Shillings Eight Hundred and Forty Six Million Nine Hundred Thousand (Kshs. 846, 900, 000) on before the 31 December 2014
 - (b) 10% of the of the balance of the Environmental Restoration Grant being Kenya Shillings Ninety Four Million One Hundred (Kshs. 94, 100, 000) on or before the 31 March 2015.
- 5.2 The Grantee, shall on or before the 31 December 2014 credit the Grantor's account with the balance of Kenya Shillings One Hundred and Seventy Eight Million (Kshs.178,000,000) being the funds for relocation of the Grantors amenities within the sites as indicated in clause 2.1(c) ii above.
- 5.3 The grantee shall submit a periodic declaration of all personnel within the property during the construction of the railway line.

KWS/300.1

27th February 2023

Eng. Kung'u Ndung'u

Director General,
Kenya National Highways Authority,
P O Box 49712 00100

NAIROBI

Dear DG,

**REMINDER FOR PAYMENT OF OUTSTANDING AMOUNT OF
KSH.2,474,710,000 FOR EASEMENT AGREEMENT: GRANT NUMBER I.R.
19834 - NAIROBI NATIONAL PARK (L.R. NO. 10758)**

Reference is made to the grant easement agreement dated 23rd September 2015 and the National Treasury letter Ref. R/ES 1091/15/01'A'(16) dated 26th October 2015 on Nairobi Southern by pass road project contract no. KeNHA/WORKS/01/2010-2012 funding for recompense value Nairobi National Park land.

Further reference is made to our reminder letters Ref: KWS/CONF/309 dated 2nd November 2016, Ref: KWS/NP/2 dated 14th September 2017, Ref: KWS/NP/2 dated 11th January 2018, Ref: KWS/NNP/2 dated 2nd March 2020, Ref: KWS/FIN/04/(1)/2021 dated 6th April 2021, Ref: KWS/FIN/02(2)/2022 dated 25th February 2022, copies attached, on request to settle the subject amount.

As you are aware, KWS signed the easement agreement with KeNHA for the Nairobi National Park land affected by construction of the Southern Bypass Road on a compensation amount of **Ksh.3,740,713,840** made up of;

- i) Wildlife Endowment Fund – Ksh.3,564,000,000
- ii) Security, erection of fences, relocation of Grantor's amenities and environmental restoration - Ksh.176,713,840

The total amount was to be paid to KWS in 4 installments as follows;

1. Ksh.2,000,000,000 before execution of the Grant of Easement
2. Ksh.1,564,000,000 before 30th December 2015
3. Ksh.66,003,840 before execution for relocation of amenities or facilities
4. Ksh.110,710,000 before execution for erection of fences

REPUBLIC OF KENYA



MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN
DEVELOPMENT AND PUBLIC WORKS
STATE DEPARTMENT OF INFRASTRUCTURE

Telephone (0) 20 551960/1-5
Fax: (0) 20 537914
Email: emte@mechanical.go.ke
Website: www.transport.go.ke
When replying please quote:
Ref. No. MOTIHUD&PW/MTD/WSP/12B/R&I/RL/VOL.2 (08)

MECHANICAL AND TRANSPORT
DIVISION
MACHAKOS ROAD
P. O. BOX 30043-00100
NAIROBI
Date: 04th October, 2021

THE DIRECTOR GENERAL
KENYA WILDLIFE SERVICE (KWS)
P. O. BOX 40241 - 00100
NAIROBI.

RE: VALUATION OF MOTOR VEHICLES, MOTORCYCLES AND PLANT.

We refer to your letter ref no. **KWS/2001.3 (95)** dated **13th February, 2019** on the above subject matter.

Our esteemed office is hereby informing you in connection with the valuation exercise, that we have managed to evaluate **856 No.** of vehicles, motorcycles and plant altogether as per the attached results. Reports have been dully finalized and delivered to your office for your further action.

However, our office didn't work on **32 No.** of reports due to unavailability of logbooks of relevant items; check the attached list on **fleet not valued.**

Thank for working with us.

Eng. F. M. Kathanga
(Workshop Manager)
For: CHIEF ENGINEER (MECHANICAL)



REPUBLIC OF KENYA
IN THE MATTER OF THE LAND ACT NO. 6 OF 2012
IN THE MATTER OF THE LAND REGISTRATION ACT NO. 3 OF 2012
AND
IN THE MATTER OF THE REGISTRATION OF TITLES ACT (CAP.281) (REPEALED)

GRANT OF EASEMENT AGREEMENT

THIS AGREEMENT is made the 22 day of AUGUST 2014

BETWEEN—

- (1) KENYA WILDLIFE SERVICE a body corporate established under the provisions of the Wildlife Conservation and Management Act, 2013 of the Laws of Kenya and of Post Office Box 40241, Nairobi 00100, the (hereinafter referred to as the "Grantor") which expression shall where the context so admits include its successors in title and assigns.
- (2) KENYA RAILWAYS CORPORATION a corporation established by an Act of Parliament, Kenya Railways Corporation Act (Chapter 397 of the Laws of Kenya), and of Post Office Box 30121-00100 Nairobi, (hereinafter referred to as the 'Grantee') which expression shall where the context so admits includes its successors in title and assigns.

WHEREAS—

- (a) The Grantor is the proprietor of all those pieces of land described in Annex 1 which are burdened properties and hereinafter collectively referred to as the 'Property'.

ulu

Annex 3

facilitate the same and as further illustrated in the schedules to this Agreement.

- 1.2 The headings in this agreement are inserted for ease of reference only and shall not be taken into account in the construction or interpretation of any provision to which they refer.
- 1.3 In this agreement, words importing the singular number shall include the plural and *vice versa* and words importing the masculine shall include the feminine and neuter and *vice versa*
- 1.4 Any reference in this agreement to a party shall mean either Grantor or the Grantee, and any such reference to parties shall, as the case may be, mean all or any of them.

2. CONDITIONS FOR GRANTING ACCESS

- a) The Grantor shall allow the Grantee access to the Sites and the Property for the purpose of construction of the Standard Gauge Railway upon fulfilment of the following conditions by the Grantee: The Grantee shall execute and deliver to the Grantor on or before execution of this Agreement an irrevocable Deed of Undertaking to acquire land for conservation of wildlife as indicated in the Third Schedule.
- b) The Grantee shall deposit an Environmental Restoration Grant of KSh. 1.197 Billion in favor of the Grantor in the following manner:
 - (i) Kenya Shillings Two Hundred and Fifty Million (KShs. 250,000,000) on or before execution of this Agreement. (ii) The balance of Kenya Shillings Nine Hundred and Forty One Million (Kshs 941,000,000) shall be paid to the Grantor in accordance with clause 5.1.
- c) The Grantee shall pay to the Grantor any and all costs as shall be required for or be incidental to the relocation of the Grantor's

amenities or facilities affected by the construction of the Standard Gauge Railway, excluding fences within the sections of the Property affected by the SGR and the incremental cost of wildlife security, estimated at Kshs. 278 Million (Kenya Shillings Two Hundred and Seventy Eight Million) in the following manner:

- i) Kenya Shillings One Hundred Million (Kshs 100, 000, 000) on or before execution of this Agreement.
 - ii) The balance of Kenya Shillings One Hundred and Seventy Eight Million (Kshs 178, 000, 000) shall be paid in accordance with clause 5.2.
- d) All the funds to be paid by the Grantee to the Grantor under this Agreement shall be credited to the following account:

Bank : STANDARD CHARTERED
Branch : LANGATA
Account Name : KENYA WILDLIFE SERVICE
Account No. : 0108033037400

3 PURPOSE

3.1 The Grantor and Grantee acknowledge that the purpose of this easement is:

3.1.1 To allow the Grantee the right to enter and construct, reconstruct, erect, lay, place, alter, use, maintain, repair, add, renew, remove, and inspect and patrol at all times, supporting structures, such as poles or towers, operate; trains, equipments, vehicles and all necessary or useful facilities and equipment with respect to construction and running/operating a Standard Gauge Railway line as from time to time either overhead, underground or on the ground on the property more particularly described in the Schedule hereto.

It is confirmed that KeNHA paid **Kshs.1,266,003,840 only**, leaving an outstanding amount of **Kshs.2,474,710,000**. The National Treasury in a letter Ref; No R/ES 1091/15/01'A' (16) dated 26th October 2015 (copy attached) to the PS, State Department of Infrastructure granted an undertaking to settle the amount and KWS was requested to allow the contractor to access the park.

Over the years, the Service has been following up for payment of the outstanding amount of Ksh.2,474,710,000 to no avail. It is our concern that all the above referenced letters have never been acknowledged neither responded to despite our follow up.

The purpose of this letter therefore, is remind you to fully settle the outstanding amount of Ksh.2,474,710,000 and amicably put this matter to rest.

We look forward to continued collaborations

Yours sincerely,



Dr. Erustus Kanga, HSC
AG. DIRECTOR GENERAL

Copy to: Silvia Museiya,
Principal Secretary,
State Department for Wildlife,
Ministry of Tourism, Wildlife and Heritage,
P O Box 41394 00100
NAIROBI

Annex 5

DESIGN, SUPPLY, IMPLEMENTATION, TESTING AND COMMISSIONING OF A REVENUE COLLECTION AND MANAGEMENT SOLUTION IN ALL KWS NATIONAL PARKS AND RESERVES

AGREEMENT

Entered into by and between

PESAPASS LIMITED

("The Service Provider")

and

KENYA WILDLIFE SERVICE

("The Client")

KWS/ 7103

17th June, 2015

The Ag. Director,
IFMIS Department,
The National Treasury,
Treasury Building,
Harambee Avenue,
P.O.Box 30007,00100,
NAIROBI



Dear Sir,


REF: IMPLEMENTATION OF THE IFMIS E-PROCUREMENT SYSTEM.

Reference is made to the letter reference DENR/FIN/3(42) dated 11th June 2015 on the above subject matter- copy attached.

This is to kindly request you to make arrangements and install for us e - procurement system module as soon as it is practically possible.

Thanking you in advance for your continuous support.

Yours faithfully


WILLIAM K. KIPRONO-MBS
AG. DIRECTOR GENERAL

Cc: Principal Secretary,
Ministry of Environment and Natural Resources.
NHIF Building
NAIROBI



Athi Water Works Development Agency
Athi Water Plaza. Muthaiga North Road. Off Kiambu Road
P.O Box 45283 00100 Nairobi
Tel: (+254) 20 -2724292/3. Mobile: (254) 715-688272
E-mail info@awwda.go.ke
www.awwda.go.ke

When replying please quote: AWWDA/FIN/4/2/VOL.XVII/CMFS-cm

4th May 2023

The Clerk of the National Assembly,
The National Assembly,
Main Parliament Buildings,
P. O. Box 41842-00100,
NAIROBI.

Dear Sir,

RE: SUBMISSION OF THE IMPLEMENTATION STATUS OF THE RESOLUTIONS BY THE NATIONAL ASSEMBLY

Reference is made to the above subject matter.

Athi Water Works Development Agency is a state corporation under the ministry of water sanitation and irrigation We are in receipt of your letter ref: NA/AA & OSC-COI/CORR/2023/036 inviting us to a meeting with the committee to appraise them on the implementation status of the 24th Report of the Public Investment Committee, to submit a and requiring us to submit twenty-five (25) hard copies of the status brief and a soft copy emailed to your office.

We submit herewith the required twenty-five (25) hard copies of the brief on the implementation status of the House recommendations and the related appendixes.

Thank you for your continued support.

Yours faithfully,

ENG. MICHAEL M. THUITA, MBS
CHIEF EXECUTIVE OFFICER.

Encls.

Cc:

Hon. Alice Wahome,
Cabinet Secretary,
Ministry of Water, Sanitation and Irrigation,
P. O. Box 49720-00100,
NAIROBI.



Athi Water Works Development Agency
Athi Water Plaza. Muthaiga North Road. Off Kiambu Road
P.O Box 45283 00100 Nairobi
Tel: (+254) 20 -2724292/3. Mobile: (254) 715-688272
E-mail info@awwda.go.ke
www.awwda.go.ke

When replying please quote: AWWDA/FIN/4/2/VOL.XVII/CMFS-cm

4th May 2023

Dr. Kipronoh Ronoh P.,
Principal Secretary,
State Department for Water and Sanitation,
Ministry of Water, Sanitation and Irrigation,
P. O. Box 49720-00100,
NAIROBI.

Dear Sir,

REF: SUBMISSION OF THE IMPLEMENTATION STATUS OF THE RESOLUTIONS BY THE NATIONAL ASSEMBLY

Reference is made to the above subject matter.

We are in receipt of a letter ref: NA/AA & OSC-COI/CORR/2023/036 inviting us to a meeting with the committee to appraise them on the implementation status of the 24th Report of the Public Investment Committee, to submit a and requiring us to submit twenty-five (25) hard copies of the status brief and a soft copy emailed to the Clerk of the National Assembly.

We confirm submission of the required twenty-five (25) hard copies of the brief on the implementation status of the House recommendations and the related appendixes. A soft copy of the implementation status report has also been shared with the Clerk of the National Assembly through the provided emails.

The purpose of this letter is to share with you the brief of the implementation status of the house recommendations together with all related appendixes.

Yours faithfully,

ENG. MICHAEL M. THUITA, MBS
CHIEF EXECUTIVE OFFICER.

Encls.

TABLE OF CONTENT	
NO	APPENDIX
1	APPENDIX No. 1: ASSET VALUATION
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3	APPENDIX No. 3: LANDS REPORT & LAND SEARCHES
4	APPENDIX No. 4: INVITATION LETTERS FOR MEETING WITH NCWSC, WASREB & AWWDA
5	APPENDIX No. 5 : SIGNED REPAYMENT PLAN WITH NCWSC
6	APPENDIX No. 6 : LETTER FROM WASREB GUIDING ON COLLECTION OF LEASE FEES
7	APPENDIX No. 7: BOARD RESOLUTION TO APPOINT A DEBT COLLECTOR
8	APPENDIX No. 8: LETTER FROM AG ON ENGAGEMENT OF DEBT COLLECTOR
9	APPENDIX No. 9: LETTER TO MINISTRY OF WATER
10	APPENDIX No. 10: ASSET VALUATION REPORT
11	APPENDIX No. 11: BOARD RESOLUTION
12	APPENDIX No. 12: TRANSFER TO NATIONAL TREASURY FROM SBM BANK
13	APPENDIX No. 13: SBM BANK STATEMENT ON 1 YEAR FIXED DEPOSIT
14	APPENDIX No. 14: SBM BANK STATEMENT ON 2 YEAR FIXED DEPOSIT
15	APPENDIX No. 15: SBM BANK STATEMENT ON 3 YEAR FIXED DEPOSIT
16	APPENDIX No. 16: SBM BANK STATEMENT AS AT 31ST MARCH 2023
17	APPENDIX No. 17: PRESS STATEMENT FROM KDIC ON THE BALANCES
18	APPENDIX No. 18: COURT RULING AND NOTICE OF APPEAL
19	APPENDIX No. 19: LETTER TO EACC ON SUBMISSION OF INFORMATION
20	APPENDIX No. 20: APPROVED TARIFF



Annex 8

ISO 9001:2008 Certified

Ref: KWS/PROC.22

18th February, 2020

Principal Secretary
The National Treasury
P.O Box 30007 - 00100
NAIROBI
(Attn. Director of IFMIS)

Dear Sir,

IMPLEMENTATION OF IFMIS AT KENYA WILDLIFE SERVICE

The above subject matter refers.

Following the presidential directive on all government ministries and agencies to execute all their procurement on Integrated Financial Management Information System (IFMIS), the service engaged the services of your ministry through the IFMIS Directorate (represented by Mr. Edwin Mbugua).

There was a formal meeting held on 9th October, 2015 that confirmed that the current KWS infrastructure is capable of handling the requirements of IFMIS setup and roll-out.

The agreement thereafter was for a report to be prepared to the Director IFMIS briefing him on the meeting for direction on the way forward. There has been no communication on the same since that time.

The purpose of this letter is to make a follow up on the same so as to be able to implement this directive at the Kenya Wildlife Service.

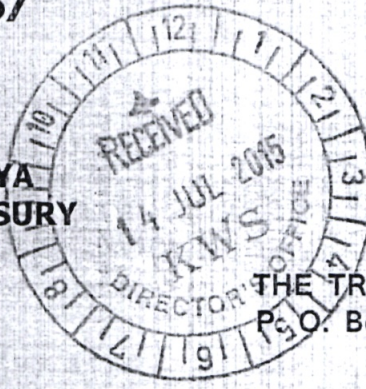
Yours Sincerely,

Rig. (Rtd) J. M. Waweru, EBS, 'ndc' (K), 'psc' (K)
DIRECTOR GENERAL

03538409714

Annex B7

**REPUBLIC OF KENYA
THE NATIONAL TREASURY**



THE TREASURY
P.O. Box 30007
Nairobi
Kenya

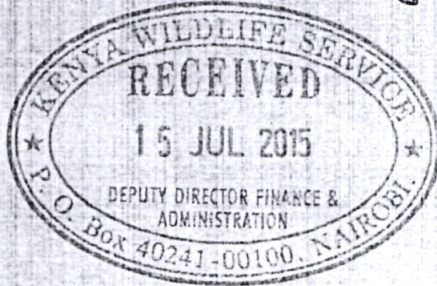
Telegraphic Address: 315779
FINANCE - NAIROBI

Telephone: 2252299

When replying please quote

Ref. No. MOF/IFMIS/1/9

Ag. Director General
Kenya Wildlife Service
P.O BOX 40241- 00100
NAIROBI



Ag. D. D. F. A.

July 2, 2015

RE: UPDATES ON THE E-PROCUREMENT IMPLEMENTATION PROGRESS

Reference is made to your letter Ref. KWS/103 dated 11th June, 2015 on the above subject.

Following the presidential directive, The National Treasury has initiated the process to implement E-Procurement to all Parastatals and Universities. We wish to inform you that we are undertaking phased implementation of IFMIS E-Procurement.

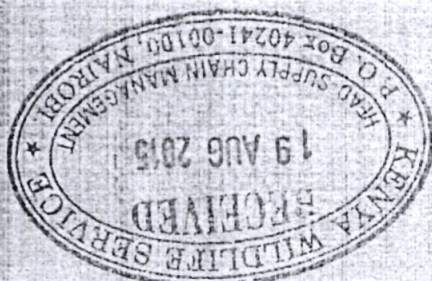
All State Corporations will be notified before implementation commences. Connectivity to IFMIS and issuance of user rights will be assigned at the implementation phase.

We look forward to working with you.

JEROME OCHIENG
FOR: PRINCIPAL SECRETARY/NATIONAL TREASURY

Copy to: PS/TN

H. Procurement
Please note.
[Signature]
18/08/15





IMPLEMENTATION STATUS FOR THE PIC/ HOUSE RESOLUTIONS

SN	Specific issues raised	Status of Committee Recommendation Implementation
1.	<p>PROPERTY, PLANT & EQUIPMENT FY 2014/15 & FY 2015/16</p> <p>Item 628-634 committee recommendations</p> <p>(i) The Management of the Athi Water Services should conduct an audit of all its property and a search with the lands office to ascertain ownership of land under the Agency</p> <p>(ii) Management should always be guided by the Public Sector Accounting Standards when preparing financial statements especially on Work in Progress Recognition</p>	<p>AWWDA has since:</p> <p>Conducted an audit of its assets during the asset valuation exercise as per the attached Extracts of the executive summary of the valuation report Appendix 1</p> <p>All new assets are updated in the asset register (see the attached asset register Appendix 2</p> <p>Registered all acquired wayleaves and is continuously undertaking registration and transfer of lands fully acquired. We attach the lands report complete with the searches from the lands office-Appendix 3.</p>
2.	<p>DEBTORS FY 2014/15 & FY 2015/16</p> <p>Item 635-638, 676-677, 722 & 724 long outstanding debtors for NCWSC and other water Service providers Committee recommendations</p> <p>(i) The CEO of AWWDA should aggressively pursue the money owed to the entity.</p> <p>(ii) The Committee on implementation should follow up on implementation of PIC recommendations.</p>	<p>We confirm that the management has made several efforts in a bid to collect the debt including:</p> <ul style="list-style-type: none"> • Holding a meeting with NCWSC, WASREB and AWWDA (Invitation letters and minutes are hereby attached-Appendix 4) • Holding a workshop in Naivasha with the Kiambu county WSPs together with the county leadership • Signing re-payment plans with NCWSC – (See copy attached-Appendix 5) • Initiating the process to engage a professional debt collector through a board approval after guidance by WASREB (see a copy of WASREB's letter guiding on collection of lease fees- Appendix 6 • Board resolution to appoint a debt collector -Appendix 7 • The Attorney General however advised that AWWDA should explore for alternative debt collection efforts in the spirit of intergovernmental relations Act; including mediation process incorporating the National Treasury and



SN	Specific issues raised	Status of Committee Recommendation Implementation
		<p>Planning, the Ministry of Water & Sanitation and Irrigation, AWWDA and any other relevant agency. AWWDA was advised that engagement of a debt collector should be option as a last resort (Attached is the AG's advice on the matter-Appendix 8)</p> <ul style="list-style-type: none"> • AWWDA wrote to the Ministry requesting for guidance on the collection of the outstanding debts-Appendix 9 <p>Further AWWDA has ensured the outstanding amounts have been incorporated in the Tariff as approved by WASREB (see Appendix 20)</p>
3.	<p>CREDITORS AND ACCRUALS FY 2014/15 Item no. 639-641 Committee recommendations</p> <p>i. Audit fees were provided in the subsequent years and the matter resolved.</p> <p>ii. Management should always be guided by the Public Sector Accounting Standards</p>	<p>The matter has since been resolved and the agency has ensured full compliance with IPSAS</p>
4.	<p>OTHER MATTER FY 2014/15 & FY 2015/16</p> <p><i>Non-Compliance with Legal Notice No. 101 of August 2005- Transfer Plan</i></p> <p>Item no 642-646, 708-710 committee recommendations</p> <p>The mother Ministry and the CEO should expeditiously secure ownership documents of the assets queried by the Auditors.</p>	<p>The Agency undertook valuation of the assets in readiness for the transfer of assets, subsequent vesting and securing of ownership documents.</p> <p>With the enactment of the Water Act 2016, The Ministry of Water Sanitation and Irrigation prepared a Water Sector Transitional Plan for the period 2019-2021 which was expected to fully resolve the matter.</p> <p>The issue of asset and liability transfers is being handled by the intergovernmental relations technical committee who together with representatives from various Agencies (AWWDA is represented) are working towards ensuring full resolution of this matter.</p> <p>After valuation we have embarked on registration and titling which is ongoing as per Appendix 3.</p>
5.	<p>Bank Charges</p>	<p>The matter was fully resolved.</p> <p>We confirm that the Agency has ensured compliance with IPSAS and adequate disclosures in the financial reports and statements</p>



SN	Specific issues raised	Status of Committee Recommendation Implementation
		<p>Currently the current savings account has a balance of Kshs.13,541,854.07 (which is immediately accessible) while the restricted interest earning savings account has a balance of Kshs.7,539,663.85 (see copies of bank statements as at 31st March 2023-Appendix 16).</p> <p>KDIC balances The balance of Kshs 7,862,978 is a protected deposit, KDIC commenced payments of the protected deposits with Kshs 500,000 being the maximum accessible deposit after verification which AWWDA successfully recovered (see the attached press statement from KDIC, the payment claim forms submitted and the bank statement confirming receipt of the said amounts-Appendix 17). From the foregoing, we are confident of recovering the whole of the amount held at KDIC</p>
10.	<p>DEBTORS FY 2016/17 Item no. 678, 723 & 725, Long Outstanding Debtors Judicial deposit - committee recommendations</p> <ul style="list-style-type: none"> i. The CEO of AWWDA should aggressively pursue the money owed to the entity. ii. The Committee on implementation should follow up on implementation of PIC recommendations. 	<p>The deposit with the high court was occasioned by a default judgment made against AWWDA for delayed filing of response in relation to a case where an individual accused the Agency of trespass in to their property. The amount was deposited as a security for the high court to lift the default judgment and its value was equivalent to the charge for the default judgment, that is Kshs.7,092,497. In the judgment of 10th December 2019, the court determined the amount payable to complainant under this case to be Kshs.44,720. AWWDA filed an application to have the money deposit account discharged and the money to be withdrawn in favour of AWWDA. The application went unopposed and it was due for hearing on 30th March 2020 at a time when the court processes were adjourned due to COVID-19 threat. The hearing happened 10th March 2021 as scheduled and the ruling on 28th April 2021. The high court ruled in AWWDA's favour that the deposit together with all the accrued interest net of Kshs.44,720 already paid to the complainant will revert to AWWDA.</p>



SN	Specific issues raised	Status of Committee Recommendation Implementation
		<p>However, the applicant went to the Court of Appeal to appeal against the decision of the High court decision hence delaying further the receipt of the said amounts. The appeal was allowed as per the attached court ruling and notice of appeal- see Appendix 18.</p> <p>AWWDA confirms having aggressively followed up for full recovery of the deposit. We are confident of recovering the deposit once the case is determined by the Court of Appeal.</p>
11.	<p>RELOCATION OF WATER AND SEWERAGE FACILITIES AT THIKA ROAD FY 2016/17 Item 684-686, 688-692, 730-732 Contract Variation committee recommendations EACC should investigate the entire procurement process and implementation of the project with a view to preferring charges against those that may have broken the law.</p> <p>Item 687, 693-695, 730-732 Voidable Legal Fees committee recommendations The Committee recommends that the EACC should investigate the entire procurement process and implementation of the project with a view to preferring charges against those that may have broken the law.</p>	<p>EACC initiated investigations on the same. They requested for the documents which AWWDA submitted as evidenced by the attached letter dated 14th October 2022 -Appendix 19</p>
12.	<p>Representative Member from the Office of the Attorney General Item no 696-699, 727-729 committee recommendation</p>	<p>There was no policy provision for the same and the matter had been fully resolved</p>



SN	Specific issues raised	Status of Committee Recommendation Implementation
	There was no policy to provide for inclusion of the Attorney General as per the water Act and therefore the matter resolved.	
13.	<p>UNAPPROVED BUDGET EXPENDITURE FY 2016/17</p> <p>Item 700-703 committee observation and recommendation</p> <p>The committee observed that the matter had been fully resolved and recommended that the accounting officer for the AWSB should ensure that the financial statements are reported based on the standard approved by the Public Sector Accounting Standards Board.</p>	<p>We confirm that the financial statements are prepared in accordance with the Approved IPSAS and as guided by reporting templates provided by the IPSAS board from time to time.</p>
14.	<p>UNSUPPORTED EXPENDITURE FY 2016/17</p> <p>Item 704-707 committee observation and recommendations.</p> <p>The committee observed that the matter had been resolved and recommended as follows:</p> <p>i. The accounting officer for the AWSB should ensure that the financial statements are reported based on the standard approved by the Public Sector Accounting Standards Board.</p>	<p>AWWDA has henceforth ensured full compliance with IPSAS in financial reporting.</p> <p>We confirm that the Agency avails all the required documents as provided in the Public Audit Act 2015</p>



SN	Specific issues raised	Status of Committee Recommendation Implementation
	ii. The accounting officer for the AWSB should always provide documents for audit within the timelines provided in the Public Audit Act 2015	
15.	<p>CASH AND BANK BALANCES FY 2017/18 Item 711-716 failure to keep a separate bank account for all projects The committee observed that AWWDA an internal expenditure tracking mechanism and recommended that the matter was adequately addressed and therefore the query resolved.</p>	<p>The issue is fully resolved</p>
16.	<p>PROPERTY, PLANT AND EQUIPMENT FY 2017/18 Item 717-721 Un-serviced Loan Committee Observations and recommendations</p> <ul style="list-style-type: none"> i. The department had since made the relevant disclosures in the financial statements and verified by the OAG. ii. The loan remained un-serviced despite AWSB's constant follow-up. The National Treasury has taken up the matter and will take over the loan repayment. iii. The National Treasury confirmed to the AWSB that there had not been a default in loan repayment as it undertakes mediation on repayment <p>The Committee recommended that to the AWSB should continue following the County Government of Nairobi to ensure the amount due is repaid.</p>	<p>AWWDA has continued to follow up for loan repayment by ensuring that the amounts are provided for in the approved tariffs for the company- See Appendix 20 Providing details to the multisectoral task force which was formed by the Cabinet Secretary Ministry of Water, Sanitation and Irrigation on indebtedness of the sector.</p>

