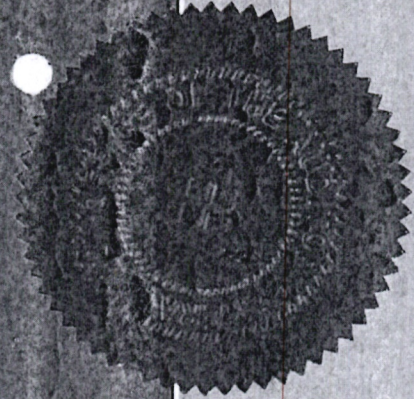
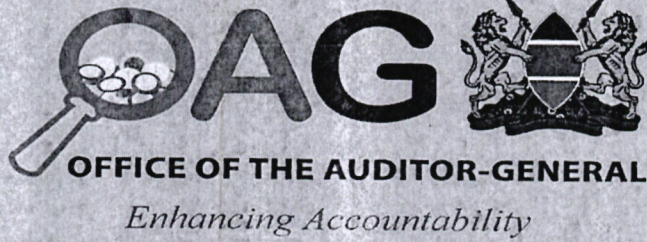


REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY PARLIAMENTARY	
DATE:	<b>REPORT</b> TUESDAY
TABLED BY:	Leader of the Majority
CLERK:	<b>MORHOTO</b>

PARLIAMENT  
OF KENYA  
LIBRARY

**THE AUDITOR-GENERAL**

**ON**

**REVENUE STATEMENTS**

**FOR THE YEAR ENDED  
30 JUNE, 2019**

**STATE DEPARTMENT FOR MINING**





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**RECEIVER OF REVENUE  
STATE DEPARTMENT FOR MINING**

**REVENUE STATEMENTS**

**FOR THE FINANCIAL YEAR ENDED  
JUNE 30<sup>TH</sup> 2019**

---

**Prepared in accordance with the Cash Basis of Accounting Method under the International Public Sector  
Accounting Standards (IPSAS)**

**RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
REVENUE STATEMENTS  
FOR THE YEAR ENDED JUNE 30<sup>TH</sup> 2019**

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**RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
REVENUE STATEMENTS  
FOR THE YEAR ENDED JUNE 30<sup>TH</sup> 2019**

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**I. KEY ENTITY INFORMATION AND MANAGEMENT**

**(a) Background information**

The receiver of revenue is under the State department for Mining, Ministry for Petroleum and Mining. At cabinet level, the receiver of revenue is represented by the Cabinet Secretary for Petroleum and Mining, who is responsible for the general policy and strategic direction of the receiver of revenue. The receiver of revenue was appointed as a receiver on 1<sup>st</sup> July 2016

**(b) Principal activities**

The receiver of revenue collects revenue from Mining, Royalties, Fees and Licences. Revenue collected is remitted to the National Treasury and used for development

**(c) Key Management**

The State department's key personnel management holding office during the financial year ending 30<sup>th</sup> June 2019 are:

NO.	NAME	DESIGNATION
1)	Hon. John Munyes	Cabinet Secretary
2)	Amb. Kirimi P Kaberia, CBS	Principal secretary
3)	Mr Fredrick Ndambuki	Secretary Administration
4)	Mr Thomas Ndola	Director of Mines and Geology
5)	Mrs Pauline Lujanje	Senior Chief Finance Officer
6)	Mr Keneth Mwangi	Head of Supplies Chain and management
7)	Mrs Bernard Orina	Head of Human Resource Management
8)	Mrs Jackline Muinamia	Head of Internal Audit
9)	Mr Appolo Muchilwa	head ICT
10)	Mr Charles Nyaga	Head Accounting Unit

**RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
REVENUE STATEMENTS  
FOR THE YEAR ENDED JUNE 30<sup>TH</sup> 2019**

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**(d) Entity Headquarters**

P.O. Box 30009-00100  
Works Building  
Ngong Road  
Nairobi, KENYA

**(e) Entity Contacts**

Telephone: (254) 020-2723101  
E-mail: [ps@mining.go.ke](mailto:ps@mining.go.ke)  
Website: [www.mining.go.ke](http://www.mining.go.ke)

**(f) Entity Bankers**

Central Bank of Kenya  
Haile Selassie Avenue  
P.O Box 60000  
City Square 00200  
Nairobi, Kenya

**(g) Independent Auditors**

Auditor General  
Kenya National Audit Office  
Anniversary Towers, University Way  
P. O. Box 30084  
GPO 00100  
Nairobi, Kenya

**(h) Principal Legal Adviser**

The Attorney General  
State Law Office  
Harambee Avenue  
P.O Box 40112  
City Square 00200  
Nairobi, Kenya

**RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
REVENUE STATEMENTS  
FOR THE YEAR ENDED JUNE 30<sup>th</sup>, 2019**

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**II. STATEMENT OF RECEIVER OF REVENUE'S RESPONSIBILITIES**

Section 83 (1) of the Public Finance Management Act, 2012 requires that, at the end of each quarter, a receiver of revenue shall prepare an account of the revenue received and collected by that received during that financial period. Section 83 (2)(b) requires the financial statements so prepared to be in a form that complies with relevant accounting standards as prescribed the Public Sector Accounting Standards Board of Kenya from time to time.

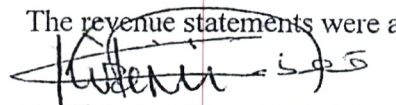
The Principal Secretary in charge of the State department for Mining is responsible for the preparation and presentation of the receiver of revenue account, which gives a true and fair view of the state of affairs of the receiver of revenue for and as at the end of the period ended on June 30<sup>th</sup>, 2018. This responsibility includes: (i) maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period; (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the entity; (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) safeguarding the assets of the Ministry of Petroleum and Mining; (v) selecting and applying appropriate accounting policies; and (vi) making accounting estimates that are reasonable in the circumstances.

The Principal Secretary in charge of the state department of Mining accepts responsibility for the State department for Mining's receiver of revenue accounts, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with International Public Sector Accounting Standards (IPSAS) and relevant legal framework of the Government of Kenya. The Principal Secretary is of the opinion that the State department for Mining's receiver of revenue account gives a true and fair view of the state department of Mining's receiver of revenue transactions during the period ended June 30<sup>th</sup> 2018, and of the State department for Mining's financial position as at that date. The Principal Secretary in charge of the State department for Mining further confirms the completeness of the accounting records maintained for the receiver of revenue, which have been relied upon in the preparation of the receiver of revenue account as well as the adequacy of the systems of internal financial control.

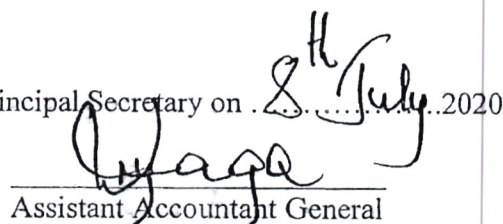
The Principal Secretary in charge of the state department of Mining confirms that the entity has complied fully with applicable Government Regulations and the terms of external financing covenants (where applicable), and that the entity's funds received during the year under audit were used for the eligible purposes for which they were intended and were properly accounted for. Further the Principal Secretary confirms that the receiver of revenue's accounts have been prepared in a form that complies with relevant accounting standards prescribed by the Public Sector Accounting Standards Board of Kenya.

**Approval of the Revenue Statements**

The revenue statements were approved and signed by the Principal Secretary on 8<sup>th</sup> July 2020

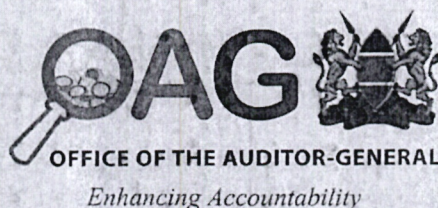


Principal Secretary  
Name: Amb. Kirimi P. Kaberia, CBS

  
Assistant Accountant General  
Name: CPA Charles W. Nyaga  
ICPAK Member Number: 11093

# REPUBLIC OF KENYA

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**HEADQUARTERS**  
Anniversary Towers  
Monrovia Street  
P.O. Box 30084-00100  
NAIROBI

## **REPORT OF THE AUDITOR-GENERAL ON REVENUE STATEMENTS FOR THE YEAR ENDED 30 JUNE, 2019 - STATE DEPARTMENT FOR MINING**

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### **REPORT ON THE REVENUE STATEMENTS**

#### **Qualified Opinion**

I have audited the accompanying revenue statements of the State Department for Mining set out on pages 6 to 20, which comprise the statement of arrears of revenue as at 30 June, 2019, the statement of receipts and transfers and the statement of comparison of budget and actual amounts for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, except for the effects of the matters described in the Basis for Qualified Opinion section of my report, the revenue statements present fairly, in all material respects, the revenue performance of the State Department for Mining as at 30 June, 2019, in accordance with International Public Sector Accounting Standards (IPSAS) and comply with the Mining Act, 2016 and Public Finance Management Act, 2012.

#### **Basis for Qualified Opinion**

##### **1. Unsupported Transfers to the Exchequer Account**

The statement of receipts and transfers reflects non-tax receipts totalling Kshs.1,579,065,345 and an amount of Kshs.159,235,100 brought forward from the prior year. The statement, further, shows that a sum of Kshs.1,716,622,717 was transferred to the Exchequer Account during the year. However, Kshs.458,258,892 of the transferred amount was not captured in the Integrated Financial Management Information System (IFMIS) ledger managed by the National Treasury. In their response, Management indicated that they did not have control over entries in the ledger and therefore could not explain the system's failure to capture the transfers.

In the circumstances, the accuracy and validity of the reported transfers to the Exchequer Account balance of Kshs.1,716,622,717 could not be confirmed.

## **2. Revenue Arrears**

### **2.1 Long Outstanding and Unreported 2018/19 Cement Levy from East Africa Portland Cement (EAPCC)**

The statement of arrears of revenue as at 30 June, 2019 reflects cement levy arrears totalling Kshs.1,016,146,970 owed by various companies. Included in the balance, is Kshs.280,329,449 owed by EAPCC accrued in the period 2014/2015 to 2017/2018. Further, the Company did not file a self-declaration assessment and was, therefore, not assessed for cement levy due in the year under review. As a result, no arrears have been reported against the Company in the financial year under review.

No plausible explanation was provided by Management as to why levies chargeable to the Company in the year under review were not assessed and included in the financial statements, and why the long outstanding arrears totalling Kshs.280,329,449 were not collected.

### **2.2 Long Outstanding Cement Levy from Savanna Cement Company**

Similarly, out of the aggregate outstanding cement levy sum of Kshs.1,016,146,970, Kshs.285,625,707 was owed by Savanna Cement Company from the financial year 2016/2017. Although an agreement signed in August, 2017 between the State Department and the Company provided for a payment plan that required the Company to clear the arrears in twenty-four (24) monthly installments starting September, 2017, the Company has since contended that it has no mineral rights granted by the Ministry and is therefore, not liable to pay. Evidence of the State Department's effort to enforce the payment plan or seek the opinion of the Attorney-General on the matter was not provided.

### **2.3 Long Outstanding Dues from Magadi Soda Company and Carbacid (CO2) Limited**

Out of the total reported arrears of revenue of Kshs.1,548,139,469 is Kshs.438,671,977 due from Magadi Soda Company which has accrued since the financial year 2015/2016. Although the State Department held meetings with the Company with a view to recovering the arrears, no significant progress was made.

The reported arrears also include a sum of Kshs.30,464,301 due from Carbacid (CO2) Limited. The arrears relate to the financial years 2017/2018 and 2018/2019. However, review of correspondences revealed that the Company Management had expressed their reservations to pay the royalties before a consensus on payment rates was reached.

### **2.4 Unrecovered Mining Royalties**

The Statement of arrears of revenue reflects outstanding mining royalties totalling Kshs.56,423,141. Included in this balance, is the sum of Kshs.11,518,589 accruing from Africa Diatomite Industries Limited. Although the Company had earlier committed to offset the arrears, payments for the royalties had not been received and evidence of measures taken by the State Department to recover the amount owed were not provided for audit.

In the circumstance, the accuracy, completeness and recoverability of the aggregate arrears of revenue balance of Kshs.1,548,139,469 reflected in the statement of arrears of revenue could not be confirmed.

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of the State Department for Mining Management in accordance with ISSAI 130 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of revenue statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my qualified opinion.

### **Key Audit Matters**

Key audit matters are those matters that, in my professional judgment, are of most significance in the audit of the revenue statements. I have determined that there are no key audit matters to communicate in my report.

## **REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES**

### **Conclusion**

As required by Article 229(6) of the Constitution, based on the audit procedures performed, except for the matters described in the Basis for Conclusion on Lawfulness and Effectiveness in Use of Public Resources section of my report, I confirm that, nothing else has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

### **Basis for Conclusion**

#### **1. Mineral Exporters Without Permits**

The statement of receipts and transfers reflects Kshs.7,203,125 and Kshs.74,422,975 being receipts from mineral export levy and mining royalties respectively. The receipts are comprised of levies on sales of minerals and permits for mineral exports. Regulation 18 of the Mining Act (Dealings in Minerals) Regulations, 2017 provides that a person shall not export a mineral unless the person holds a permit granted by the Cabinet Secretary for that purpose while Regulation 19 provides that a person shall not be qualified to apply for a permit to export minerals unless such a person is a holder of a mining license, mining permit or a dealer's permit.

However, mineral export records at the Kenya Revenue Authority (KRA) for the year under review, revealed exports of minerals by persons and companies who, according to the State Department's data, were not holders of valid export, mining or dealers' permits as listed below:

<b>Mineral Export</b>	<b>No. of Unlicensed Exporters</b>
Gold	3
Gemstones	5
Salt	7
Soapstone	29

In the circumstances, it was not possible to confirm how the exporters were allowed to trade in the minerals without permits or how the permits, if any, may have been issued without payment of mineral export levies.

## **2. Un-Procedural Export of Mineral Samples**

During the year under review, the State Department for Mining granted licenses to several companies to export soils and crushed rocks as mineral samples with no commercial value and which, therefore, would not attract royalty payments. However, one company that exported ore residue samples of unknown quantity to Tanzania failed to submit results of tests and analyses of the exported samples to the State Department as required under Regulation 26 (5) of the Mining Act (Dealings in Minerals) Regulations, 2017. Further, export permits for the samples were not made available.

In view of the foregoing, it was not possible to confirm the chemical composition of the exported samples and the quantities and values thereof.

## **3. Uncollected Revenue**

### **3.1 Un-Assessed Royalties Due from Salt Mining Companies**

The First Schedule of the Mining Act, 2016 specifies salt as a mineral under the administration of the Act. However, during the year under review, there were at least seven (7) salt mining companies operating in Kenya without mining licenses and for which assessment for royalties due was not done. The companies extracted the salt in the coastal region and sold their products locally and abroad without export permits for the salt exports. Although Management indicated that the State Department had engaged the salt mining operators with a view to formalizing their operations as provided for in the Mining Act, 2016, delay in formalizing the operations hindered the State Department from collecting revenue from the companies.

### **3.2 Inconclusive Negotiations on Review of Titanium Royalties Regime**

In February 2014, the Government entered into a deed agreement with Base Titanium Company Limited to negotiate and review upwards royalty rates prescribed in the Special Mining Lease. Negotiations commenced soon thereafter and a number of proposals were advanced by both parties with Base Titanium eventually making its final proposal ("Bridge Proposal") that agreed to the royalty rate increase from 2.5% to 5%, effective 2014.

According to documents available at the State Department, including minutes of meetings between the two parties, an agreement was reached in November, 2018 to increase the royalty rate from 2.5% to 5% effective 1 July, 2018 for the remainder of the special mining lease which was to be formalized by a deed variation. However, at the time of concluding the audit in January 2020, the deed of variation had not been finalized. Management have indicated that they are still seeking input on the deed from relevant government offices. Had the deed variation been finalized on time, the State Department would have collected additional revenue totalling Kshs.519,564,262.

In view of the foregoing, it could not be confirmed that the Management complied with the provisions on responsibility for revenue management as provided under Regulation 64 of Public Finance Management (National Government) Regulations, 2015, which include application of adequate safeguards for prompt revenue collection and adequate measures including legal action where appropriate, to obtain payment.

The audit was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, transactions and information reflected in the revenue statements comply, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

## REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

### **Conclusion**

As required by Section 7(1)(a) of the Public Audit Act, 2015, based on the procedures performed, I confirm that, nothing has come to my attention to cause me to believe that internal controls, risk management and governance were not effective during the year under review.

### **Basis for Conclusion**

The audit was conducted in accordance with ISSAI 2315 and ISSAI 2330. The standards require that I plan and perform the audit to obtain assurance about whether effective processes and systems of internal control, risk management and governance were operating effectively, in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

### **Responsibilities of Management and those Charged with Governance**

Management is responsible for the preparation and fair presentation of these revenue statements in accordance with International Public Sector Accounting Standards and for maintaining effective internal control as Management determines is necessary to enable the preparation of statements that are free from material misstatement, whether due to fraud or error; and for assessment of the effectiveness of internal control, risk management and overall governance.

In preparing the revenue statements, Management is responsible for assessing the State Department's ability to sustain its services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of accounting unless Management is aware of the intention to terminate the State Department or to cease operations.

Management is also responsible for the submission of the revenue statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for preparing and presenting the revenue statements described above, Management is also responsible for ensuring that the activities, transactions and information reflected in the revenue statements comply with the authorities which govern them, and that public resources are applied in an effective way.

Those charged with governance are responsible for overseeing the revenue reporting process, reviewing the effectiveness of how the entity monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

#### **Auditor-General's Responsibilities for the Audit**

The audit objectives are to obtain reasonable assurance about whether the revenue statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion in accordance with the provisions of Section 48 of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these revenue statements.

In addition to the audit of the revenue statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the activities, transactions and information reflected in the revenue statements comply with the authorities that govern them and that public resources are applied in an effective way, in accordance with the provisions of Article 229(6) of the Constitution.

Further, in planning and performing the audit of the revenue statements and audit of compliance, I consider internal control in order to give an assurance on the effectiveness of internal controls, risk management and governance processes and systems in accordance with the provisions of Section 7(1)(a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal control would not necessarily disclose all matters in the internal control that might be material weaknesses under the ISSAIs. A material weakness is a condition in which the design or operation of one or more of the internal control components does not

reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the revenue statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.


Because of its inherent limitations, internal control may not prevent or detect misstatements and instances of non-compliance. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

As part of an audit conducted in accordance with ISSAIs, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the revenue statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Management.
- Conclude on the appropriateness of the Management's use of the applicable basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the ability of the State Department to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the revenue statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the State Department to cease to offer its services.
- Evaluate the overall presentation, structure and content of the revenue statements, including the disclosures, and whether the revenue statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding information and business activities of the State Department to express an opinion on the revenue statements.
- Perform such other procedures as I consider necessary in the circumstances.

I communicate with the Management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that are identified during the audit.

I also provide Management with a statement that I have complied with relevant ethical requirements regarding independence, and communicate with them all relationships and other matters that may reasonably be thought to bear on my independence, and where applicable, related safeguards.

  
Nancy Gathungu  
**AUDITOR-GENERAL**

**Nairobi**

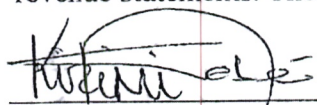
**10 November, 2020**

**RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
REVENUE STATEMENTS  
FOR THE YEAR ENDED JUNE 30<sup>th</sup>, 2019**

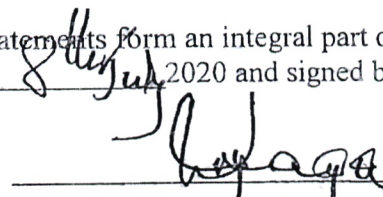
**III. STATEMENT OF RECEIPTS AND TRANFERS**

	Note	2018/19 K.sh	2017/18 K.sh
Cement levy	1	776,306,907	597,066,815
Mineral Export Levy	2	7,203,125	5,852,050
Mining Royalties	3	74,422,975	94,953,566
Magadi Soda	4	195,135,000	135,377,550
Base Titanium	5	519,564,262	490,949,539
Carbacid	6	6,433,076	46,411,674
Other Receipts	7	-	40,736,950
<b>TOTAL NON TAX RECEIPTS</b>		<b>1,579,065,345</b>	<b>1,411,348,144</b>
<b>TOTAL RECEIPTS COLLECTED</b>		<b>1,579,065,345</b>	<b>1,411,348/144</b>
<b>TRANSFERS TO THE EXCHEQUER ACCOUNT</b>		1,716,622,717	1,252,113,043
<b>BALANCE BROUGHT FORWARD</b>		159,235,100	-
<b>BALANCE CARRIED FORWARD</b>		<b>21,677,729</b>	<b>159,235,100</b>

The accounting policies and explanatory notes to these revenue statements form an integral part of the revenue statements. These revenue statements were approved on 8<sup>th</sup> July 2020 and signed by:



Principal Secretary  
Name: Amb. Kirimi P. Kaberia, CBS

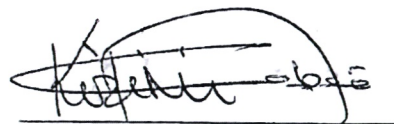


Assistant Accountant General  
Name: Charles W. Nyaga  
ICPAK Member Number: 11093

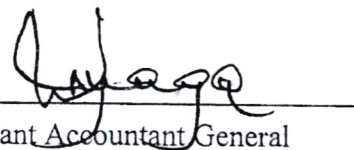
RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
 REVENUE STATEMENTS  
 FOR THE YEAR ENDED JUNE 30<sup>th</sup>, 2019

IV. STATEMENT OF ARREARS IN REVENUE AS AT 30 JUNE 2019

Classification of Revenue	Accumulated amount in arrears from prior periods to June 2017	Amount in arrears for the immediate previous year to 30 June 2018 (a)	Amount in arrears for the current year to June 30 2019 (b)	Total arrears as at 30 June 2019 (a+b)	Measures taken to recover the arrears	Assessment to the recoverability of arrears
<b>Non Tax Revenues</b>						
Cement levy		950,019,590	66,127,380	1,016,146,970	Defaulter notice & reminders	-Athi River Mining under receiverships. -EAPORTLAND is in financial difficulties, -Savannah cement under payment plan agreement
Mineral export levy		nil	nil	nil		
Mining royalties		nil	56,423,141	56,423,141	Defaulters & reminders	A waiting response
Magadi soda		274,038,197	164,633,780	438,671,977	Defaulter notice and reminders	Under payment plan agreement
Base titanium	nil	nil	nil	nil		
Carbacid	nil	6,433,079	30,464,301	36,897,380	Defaulter notice	6,433,079 received
<b>Total</b>	<b>nil</b>	<b>1,230,490,866</b>	<b>317,648,602</b>	<b>1,548,139,469</b>		



Principal Secretary  
 Name: Amb. Kirimi P. Kaberia, CBS



Assistant Accountant General  
 Name: CPA Charles W. Nyaga  
 ICPAK Member Number: 11093

RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
 REVENUE STATEMENTS  
 FOR THE YEAR ENDED JUNE 30<sup>th</sup>, 2019

V. STATEMENT OF COMPARISON OF BUDGET AND ACTUAL AMOUNTS  
 FOR THE PERIOD ENDED 30th JUNE 2019

	Original budget	Adjustments	Final budget	Actual on comparable basis	Performance difference	%variance	Note
	2018-2019	2018-2019	2018-2019	2018-2019	2018-2019		
Revenue	Kshs	Kshs	Kshs	Kshs	Kshs		
Cement levy	761,820,357	-	779,213,601	776,306,907	(2,906,694)	1%	i
Mineral export levy	8,858,960	-	8,858,960	7,203,125	(1,655,834)	19%	ii
Mining royalties	150,347,975	-	150,347,975	74,422,975	(75,925,000)	-49.5%	iii
Magadi soda	57,734,616	-	110,234,616	195,135,000	84,900,384	+77%	iv
Base titanium	426,909,591	-	374,409,591	519,564,262	145,154,671	+38%	v
Carbacid	-	-	-	6,433,076	6,433,076	0%	vi
Other Receipts	-	-	-	-	-	0%	vii
<b>Total Non tax receipts</b>	<b>1,405,671,499</b>	<b>-</b>	<b>1,423,064,743</b>	<b>1,579,065,345</b>	<b>156,000,302</b>	<b>+11%</b>	
<b>Total receipts</b>	<b>1,405,671,499</b>	<b>-</b>	<b>1,423,064,743</b>	<b>1,579,065,345</b>	<b>156,000,302</b>	<b>+11%</b>	

(a) Provide below a commentary on significant underutilization (below 10% of utilization) and any overutilization]

1. **Cement levy:** There was an under collection by Ksh 2,906,694 (1%) revenue in the year under review below the budget.
2. **Mineral export levy:** This activity was under collection of Ksh. 1,655,854(19%) below the budgeted amount.
3. **Mining royalties:** Revenue realised fell by k sh. 75,925,000 (49.5%) below the budgeted amount due to low market demands.
4. **Magadi Soda:** Revenue from Magadi soda was over collected by ksh. **84, 900, 384. (77%)** above the budgeted amount. This is as a result of long outstanding levy of k.sh 274,038,197.of which Ksh 84,900,384 was realized.
5. **Base Titanium :** There was an over collection by k.sh **145,154,671 (38%)**above the budget. This is because mineral deposits underground cannot be forecasted with certainty

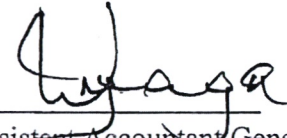
REVENUE STATEMENTS  
FOR THE YEAR ENDED JUNE 30<sup>TH</sup> 2019

6. Carbacid: This activity was not in the budget. The realized levy of k.sh 6,433,076.is arrears in respect of years 2013 to 2016

The above revenue statement was approved on 27th July 2020 and signed by:



Principal Secretary  
Name: Amb. Kirimi P. Kaberia, CBS



Assistant Accountant General  
Name: CPA Charles W. Nyaga  
ICPAK Member Number:11093



**RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
REVENUE STATEMENTS  
FOR THE YEAR ENDED JUNE 30<sup>th</sup>, 2019**

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**VI. SIGNIFICANT ACCOUNTING POLICIES**

The principle accounting policies adopted in the preparation of these revenue statements are set out below:

**1. Statement of Compliance and Basis of Preparation**

The revenue statements have been prepared in accordance with and comply with International Public Sector Accounting Standards (IPSAS) with particular emphasis on Cash Basis Financial Reporting under the Cash Basis of Accounting and relevant legal framework of the Government of Kenya. The financial statements comply with and conform to the form of presentation prescribed by the Public Sector Accounting Standards Board of Kenya.

The financial statements are presented in Kenya Shillings, which is the functional and reporting currency of the state department of mining. The accounting policies adopted have been consistently applied to all the years presented.

The revenue statements have been prepared on the cash basis following the Government's standard chart of accounts. The cash basis of accounting recognises transactions and events only when cash is received or paid by the state department of mining

**2. Recognition of Revenue**

The State department for Mining recognises all revenues from the various sources when the event occurs and the related cash has actually been received by the state department of mining

**3. Budget**

The budget is developed on the same accounting basis (cash basis), the same accounts classification basis, and for the same period as the revenue statements. The revenue budget was approved as required by Law and as detailed in the Government of Kenya Budget Printed Estimates. A high-level assessment of the revenue's actual performance against the comparable budget for the financial year under review has been included as part of notes to these financial statements.

**4. Cash and cash equivalents**

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. Bank account balances include amounts held at the Central Bank of Kenya.

**5. Revenue in Arrears**

This relates to revenue due and is yet to be received or collected by the receiver of revenue. The revenue in arrears is as disclosed in the Statement of Revenue in Arrears under section IV of these financial statements.

**RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
REVENUE STATEMENTS  
FOR THE YEAR ENDED JUNE 30<sup>TH</sup> 2019**

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**SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**6. Comparative Figures**

Where necessary comparative figures for the previous financial year have been amended or reconfigured to conform to the required changes in presentation.

**7. Subsequent Events**

There have been no events subsequent to the financial year end with a significant impact on the revenue statements for the year ended June 30, 2019.

**8. Statement of Arrears of Revenue**

The statement of arrears of revenue is not a requirement as per the IPSAS Cash Standard. The IPSAS Cash Standard encourages disclosure of accrual based balances since it's a transitional standard to accrual basis of accounting.

The PFM Act, 2012 section 82,2b and section 69(c) of the PFM Regulations 2015 requires a Receiver of Revenue to prepare a statement on revenue of arrears due but not yet collected at the end of the period. This statement has been disclosed under section IV of these financial statements

**RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
REVENUE STATEMENTS  
FOR THE YEAR ENDED JUNE 30<sup>th</sup>, 2019**

**NOTES TO THE FINANCIAL STATEMENTS (Continued)**

**1. CEMENT LEVY**

	<b>Original Estimates</b>	<b>Revised Estimates</b>	<b>Actual</b>	<b>% Realized</b>
Cement Levy	761,820,357	779,213,601	776,306,907	99%
<b>Total Cement Levy</b>	<b>761,820,357</b>	<b>779,213,601</b>	<b>776,306,907</b>	<b>99%</b>

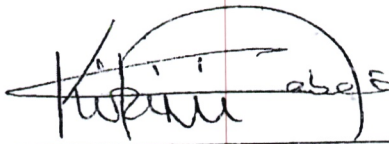
**Commentary on Actual Revenue against the Revised Estimates**

Cement levy: This levy was received from various cement manufacturing companies as shown below

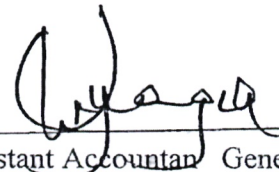
Mombasa cement Company	ksh.	254,557,215
Savannah Cement Company	Ksh.	60,000,000
National Cement Company	Ksh.	141,167,297
Athi River Mining Cement Co	Ksh	16,068,372
Rai Cement Company	Ksh	10,709,380
Bamburi Cement Company	Ksh.	283,603,632
Karsan Ramji & Sons	Ksh.	10,201,010

With an overall under collection of 1% against the revised budget estimates. This resulted from the revised estimates

The above revenue statement was approved on 8<sup>th</sup> July 2020 and signed by:



Principal Secretary  
Name: Amb. Kirimi P. Kaberia,



Assistant Accountant General  
Name: CPA Charles W. Nyaga  
ICPAK Member Number:11093


**RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
REVENUE STATEMENTS  
FOR THE YEAR ENDED JUNE 30<sup>TH</sup> 2019**

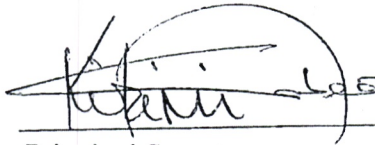
**2. MINERAL EXPORT LEVY**

	Original Estimates	Revised Estimates	Actual	% Realized
Mineral Export Levy	8,858,960	8,858,960	7,203,125	81%
<b>Total Mineral Export Levy</b>	<b>8,858,960</b>	<b>8,858,960</b>	<b>7,203,125</b>	<b>81%</b>

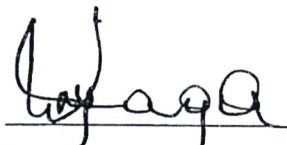
Commentary on Actual Revenue against the Revised Estimates

**Mineral Export Levy:** There was an under collection of 19% against the revised budget estimates, resulting to under collection of ksh 1,655,835 revenue in the year under review.

The above revenue statement was approved on...  ... 2020 and signed by:



Principal Secretary  
Name: Amb. Kirimi P. Kaberia, CBS



Assistant Accountant General  
Name: CPA Charles W. Nyaga  
ICPAK Member Number: 11093

RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
 REVENUE STATEMENTS  
 FOR THE YEAR ENDED JUNE 30<sup>TH</sup> 2019

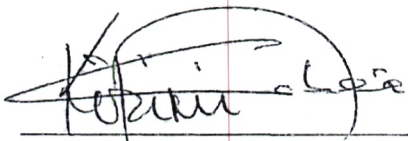
3. MINING ROYALTIES

	Original Estimates	Revised Estimates	Actual	% Realized
Mining Royalties	150,347,975	150,347,975	74,422,975	49.5%
<b>Total Mining Royalties</b>	<b>150,347,975</b>	<b>150,347,975</b>	<b>74,422,975</b>	<b>49.5%</b>

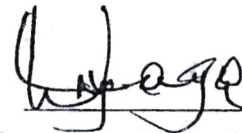
Commentary on Actual Revenue against the Revised Estimates

**Mining Royalties:** There was an under collection of 49.5% against the revised budget estimates, resulting to under collection of ksh 33,304,986 revenue in the year under review This was due to few clients venturing into the mining industry and market difficulties.

The above revenue statement was approved on 8 July 2020 and signed by:



Principal Secretary  
 Name: Amb. Kirimi P. Kaberia, CBS



Assistant Accountant General  
 Name: CPA Charles W. Nyaga  
 ICPAK Member Number: 11093

**RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
REVENUE STATEMENTS  
FOR THE YEAR ENDED JUNE 30<sup>TH</sup> 2019**

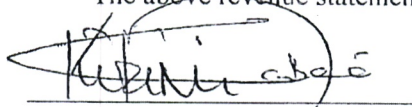
**4. MAGADI SODA**

	Original Estimates	Revised Estimates	Actual	% Realized
Magadi Soda	57,734,616	110,234,616	195,135,000	177%
<b>Total Magadi Soda</b>	<b>57,734,616</b>	<b>110,234,616</b>	<b>195,135,000</b>	<b>177%</b>

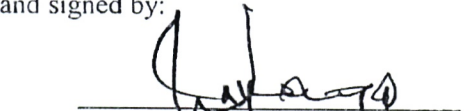
Commentary on Actual Revenue against the Revised Estimates

**Magadi Soda:** There was an over collection of 77% against the revised budget estimates, resulting to over collection of ksh 84,900,384.00 revenue in the year under review.

The above revenue statement was approved on 2 July 2020 and signed by:



Principal Secretary  
Name: Amb. Kiriimi P. Kaberia, CBS

Assistant Accountant General  
Name: CPA Charles W. Nyaga  
ICPAK Member Number: 11093

RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
 REVENUE STATEMENTS  
 FOR THE YEAR ENDED JUNE 30<sup>TH</sup> 2019

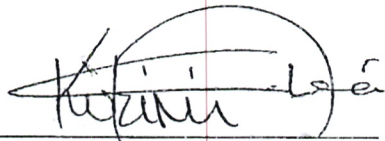
5. BASE TITANIUM ROYALTY

	Original Estimates	Revised Estimates	Actual	% Realized
Base Titanium Royalty	426,909,591	374,409,591	519,564,262	139%
<b>Total Base Titanium Royalty</b>	<b>426,909,591</b>	<b>374,409,591</b>	<b>519,564,262</b>	<b>139%</b>

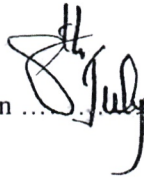
Commentary on Actual Revenue against the Revised Estimates

**Base Titanium Royalty:** There was an over collection of 39% against the revised budget estimates, resulting to over collection of ksh 145,154,671 revenue in the year under review. This was due to mineral deposits underground cannot be forecasted with certainty, At times in one location there might be small quantities, while at another significant quantities.

The above revenue statement was approved on ..... July 2020 and signed by:



Principal Secretary  
 Name: Amb. Kirimi P. Kaberia, CBS




Assistant Accountant General  
 Name: CPA Charles W. Nyaga  
 ICPAK Member Number: 11093

**RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
REVENUE STATEMENTS  
FOR THE YEAR ENDED JUNE 30<sup>TH</sup> 2019**

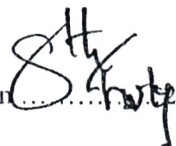
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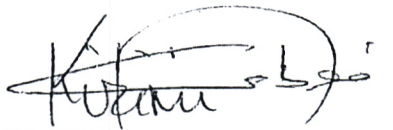
**6. CARBACID**

	<b>Original Estimates</b>	<b>Revised Estimates</b>	<b>Actual</b>	<b>% Realized</b>
Carbacid	-	-	6,433,076	100%
<b>Total Carbacid</b>	-	-	<b>6,433,076</b>	<b>100%</b>

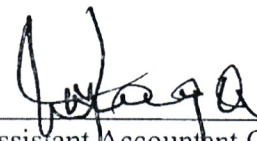
Commentary on Actual Revenue against the Revised Estimates

**Carbacid:** There was a collection of kshs.6,433,076 against no original nor revised budget estimates revenue in the year under review.

The above revenue statement was approved on  2020 and signed by:



Principal Secretary  
Name: Amb. Kirimi P. Kaberia, CBS



Assistant Accountant General  
Name: CPA Charles W. Nyaga  
ICPAK Member Number: 11093

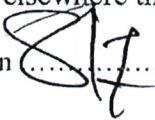
RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
REVENUE STATEMENTS  
FOR THE YEAR ENDED JUNE 30<sup>TH</sup> 2019

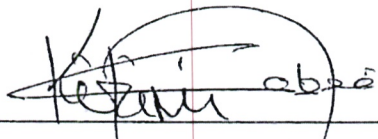
7. OTHER RECEIPTS NOT CLASSIFIED ELSEWHERE

	Original Estimates	Revised Estimates	Actual	% Realized
AIA-Licences	-	-	-	-
<b>Total A.IA</b>	-	-	-	-

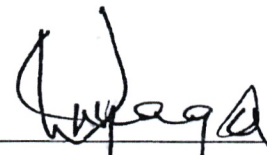
Commentary on Actual Revenue against the Revised Estimates.

There were no other receipt not classified elsewhere this year.

The above revenue statement was approved on  2020 and signed by:



Principal Secretary  
Name: Amb. Kirimi P. Kaberia, CBS



Assistant Accountant General  
Name: CPA Charles W. Nyaga  
ICPAK Member Number: 11093

RECEIVER OF REVENUE – STATE DEPARTMENT FOR MINING  
REVENUE STATEMENTS  
FOR THE YEAR ENDED JUNE 30<sup>TH</sup> 2019

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1. BALANCES CARRIED FORWARD

<u>a) Balance carried forward subsequently transferred</u>	Date transferred
Amount	
1. Ksh 20,916,416	15 <sup>th</sup> July 2018
<u>b) Balance carried forward yet to be transferred</u>	
1. Ksh761,313	

REVENUE STATEMENTS  
FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 2019

**VII. APPENDIX 1: A REPORT OF WAIVERS AND VARIATIONS OF TAXES, FEES OR CHARGES GRANTED BY THE RECEIVER OF REVENUE DURING THE YEAR.**

There was no waiver given in the financial year under review 2018/2019

**VIII. PROGRESS ON FOLLOW UP OF AUDITOR RECOMMENDATIONS**

The following is the summary of issues raised by the external auditor, and management comments that were provided to the auditor. We have nominated focal persons to resolve the various issues as shown below with the associated time frame within which we expect the issues to be resolved.

F/Y- 2017/2018

Reference No. on the external audit Report	Issue / Observations from Auditor	Management comments	Focal Point person to resolve the issue (Name and designation)	Status: (Resolved / Not Resolved)	Timeframe: (Put a date when you expect the issue to be resolved)
1232	Shortfall in Revenue Collection	Report has been made to the Auditor General	Director of Mines	Resolved	Appeared before P.A.C on 16 <sup>th</sup> April 2020
1233	Unconfirmed Royalties Income	Report has been made to the Auditor General	Director of Mines	Resolved	Appeared before P.A.C on 16 <sup>th</sup> April 2020
1234	Inconclusive negotiations on Review of Titanium Royalty Regime	Report has been made to the Auditor General	Director of Mines	Resolved	Appeared before P.A.C on 16 <sup>th</sup> April 2020

**Guidance Notes:**

- (i) Use the same reference numbers as contained in the external audit report;
- (ii) Obtain the "Issue/Observation" and "management comments", required above, from final external audit report that is signed by Management;
- (iii) Before approving the report, discuss the timeframe with the appointed Focal Point persons within your entity responsible for implementation of each issue;
- (iv) Indicate the status of "Resolved" or "Not Resolved" by the date of submitting this report to National Treasury.



Approved for tabling

Bent  
SNA  
5/8/2021

PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT-FIFTH SESSION

PUBLIC ACCOUNTS COMMITTEE

REPORT ON PROCUREMENT OF EXTERNAL AUDIT SERVICES FOR THE OFFICE  
OF THE AUDITOR-GENERAL FOR THE FINANCIAL YEARS 2018/2019 AND 2019/2020

Directorate of Audit, Appropriations and other Select Committees  
The National Assembly,  
Parliament Buildings, Main Parliament Building  
**NAIROBI**

August 2021

THE NATIONAL ASSEMBLY  
DATE: 05 AUG 2021  
THUR  
Hon. Opiyo Wandegiri  
Chair, PAC  
Mainah Wanjiku

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## **CHAIR'S FOREWORD**

The Public Accounts Committee derives its mandate from Standing Order 205 (2) of the National Assembly, which provides that “the Public Accounts Committee (PAC) shall be responsible for the examination of the accounts showing the appropriations of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think fit”. The primary mandate of PAC is therefore to oversight the expenditure of public funds by ministries/departments/agencies, to ensure value for money and adherence to government financial regulations and procedures. The Committee executes its mandate on the basis of annual and special audit reports prepared by the Office of the Auditor-General (OAG).

Pursuant to the provisions of Article 226(4) of the Constitution, the National Assembly is required to appoint a professionally qualified accountant to audit the Office of the Auditor-General.

In fulfillment of the requirement of the above provision, the Committee received a recommendation of award of Tender of the said services from the Office of the Clerk of the National Assembly. The Committee observed the progress made on the procurement of External Audit Services. The Committee further observed that an offer had been made to M/s Ronalds Limited Liability Partnership (LLP) subject to approval by the National Assembly pursuant to Article 226 (4) of the Constitution.

It is against this backdrop that the Committee having satisfied itself that due process was followed, resolved to recommend to the National Assembly the approval of the award of hire of External Audit Services for the Office of the Auditor-General for the Financial Years 2018/2019 and 2019/2020 to M/s Ronalds Limited Liability Partnership (LLP) pursuant to the provisions of Article 226(4) of the Constitution.

On behalf of the Public Accounts Committee (PAC), and pursuant to provisions of Standing Order 181(3), it is my pleasant privilege and honour to commit this Report of the Committee to this August House for adoption.

**Hon. James Opiyo Wandayi, CBS, MP**

## **PREFACE**

### **Mandate of the Public Accounts Committee**

The Public accounts Committee (PAC) established under Standing Order 205 is responsible for examination of the accounts showing the appropriates of the sum voted by the House to meet the public expenditure and of such other accounts laid before the House as the Committee may think it.

### **Objective of the Report**

The Objective of this Report is to inform the House on the process followed in identifying a professionally qualified accountant who will provide external audit services to the office of the Auditor-General for the four (4) years period 2014/2015, 2015/2016, 2016/2017 and 2017-2018.

### **Committee Membership**

#### **Chairperson**

Hon. James Opiyo Wandayi, CBS, MP  
Ugunja Constituency

**Orange Democratic Movement Party**  
**SIAYA COUNTY**

#### **Vice- Chairperson**

Hon. Jessica Nduku Kiko Mbalu, CBS, MP  
Kibwezi East Constituency

**Wiper Democratic Movement Kenya Party**  
**MAKUENI COUNTY**

#### **Members**

Hon. Junet Mohammed Nuh, CBS,MP  
Suna East Constituency  
**Orange Democratic Movement Party**  
**MIGORI COUNTY**

Hon. Maj. (Rtd.) (Dr.) Eseli Simiyu, CBS, MP  
Tongaren Constituency  
**Ford- Kenya Party**  
**BUNGOMA COUNTY**

Hon. Aden Bare Duale, MP  
Garissa Town Constituency  
**Jubilee Party**  
**GARISSA COUNTY**

Hon. Christopher Nakuleu Doye  
Turkana North Constituency  
**Jubilee Party**  
**TURKANA COUNTY**

Hon. Justus Gesito Mugali M'mbaya, MP  
Shinyalu Constituency  
**Orange Democratic Movement Party**  
**KAKAMEGA COUNTY**

Hon. (Dr.) Otiende Amollo, MP  
Rarieda Constituency  
**Orange Democratic Movement Party**  
**SIAYA COUNTY**

Hon. Dr. Wilberforce Ojiambo Oundo, MP  
Funyula Constituency

**Orange Democratic Movement Party**  
**BUSIA COUNTY**

Hon. Dr. Eve Akinyi Obara, MP  
Kabondo Kasipul Constituency

**Orange Democratic Movement Party**  
**HOMA BAY COUNTY**

Hon. Koyi John Waluke, MP,  
Chepalungu Constituency

**Jubilee Party**  
**BUNGOMA COUNTY**

Hon. Michael Mwangi Muchira, MP  
Ol Jororok Constituency

**Jubilee Party**  
**NYANDARUA COUNTY**

Hon. Samuel Kinuthia Gachobe, MP  
Subukia Constituency

**Jubilee Party**  
**NAKURU COUNTY**

Hon. Maj. (Rtd) Bashir Sheikh Abdullahi,  
MP

Mandera North Constituency

**Jubilee Party**  
**MANDERA COUNTY**

Hon. Amina Gedow Hassan, MP  
Mandera County

**Economic Forum Party**  
**MANDERA COUNTY**

Hon. Joseph Ngugi Nduuati, MP  
Gatanga Constituency

**Jubilee Party**  
**MURANG'A COUNTY**

Hon. Peter Francis Masara, MP  
Suna West Constituency

**Independent Member**  
**MIGORI COUNTY**

Hon. Michael Thoyah Kingi, MP  
Magarini Constituency

**Orange Democratic Movement Party**  
**KILIFI COUNTY**

Hon. James Gichuhi Mwangi, MP  
Tetu Constituency

**Jubilee Party**  
**NYERI COUNTY**

1.5 Committee Secretariat

Oscar Namulanda

**Principal Clerk Assistant II**

Josh Kosiba

**Senior Fiscal Analyst**

Brigitta Mati

**Senior Legal Counsel II**

Nebert Ikai

**Second Clerk Assistant**

Salat Abdi Ali

**Senior Serjeant At Arms**

Dennis Mawira

**Audio Officer**

Badi Kalama

**Parliamentary Intern**

## 1. Introduction

- 1) Article 226(4) of the Constitution provides that, the accounts of the Office of the Auditor-General shall be audited and reported on by a professionally qualified accountant appointed by the National Assembly.
- 2) In fulfillment of the requirement of the above provision, the National Assembly tendered through Request for Proposal for Provision of External Audit Services for the Office of the Auditor General. The open tender was advertised on 19<sup>th</sup> February 2021 in the Daily Nation, the Standard, The Star and People Newspapers and also in the relevant websites i.e [www.parliament.go.ke](http://www.parliament.go.ke) and National Treasury IFMIS Portal.
- 3) A pre-bid meeting with interested bidders was held on 17<sup>th</sup> April, 2021 to elaborate on the requirements of the tender. A total of eleven (11) representatives of interested bidders attended the pre-bid meeting.
- 4) Following the pre-bid meeting, the National Assembly issued an addendum as a result of prospective tenderers requesting some clarifications relating to the tender document (*see Appendix V*). The addendum also, among other guidelines, extended the tender closing date from 24<sup>th</sup> April 2021 to 3<sup>rd</sup> May 2021. The Tender required bidders to submit separate technical and financial bids.
- 5) A tender opening committee was appointed by the Accounting Officer on 22<sup>nd</sup> March 2021 pursuant to section 78 of the Public Procurement and Asset Disposal Act, 2015 to oversee the tender opening process. The Tender submission and opening date was on the same date 4<sup>th</sup> May 2021 at 11.00am.

## 2. The Tendering Process

### 2.1 Advertising

- 6) The Tender was advertised on 19<sup>th</sup> February 2021 through an Open Tender in the Daily Nation, the Standard, The Star and People Newspapers and also in the relevant websites i.e [www.parliament.go.ke](http://www.parliament.go.ke) and National Treasury IFMIS Portal.
- 7) The advert provided the responsibilities of the would be successful firm's as follows:-
  - (a) Conducting independent audit of the Organization's activities/operations in line with International Standards on Auditing and International Financial Reporting Standards and guidelines by Public Sector Accounting Standards Board.
  - (b) Expressing an opinion on whether the financial statements are prepared, in all material respects, in accordance with the applicable financial reporting standards and frameworks, whether the Organization has maintained proper books of accounts, and whether the accompanying financial statements give a true and fair view of the financial position of the office of the Auditor General.
  - (c) Reviewing and evaluating the Organization's internal control and risk management system and advising Management and the Board on adequacy/effectiveness of the system, and proposals for its improvement.
  - (d) Reviewing adequacy of the Organization's Information Systems and related infrastructure.
  - (e) Providing any other value-addition services consistent with the audit of the Organization.

### 2.2 Pre-Bid Meeting

- 8) A pre-bid meeting with interested bidders was held on 17<sup>th</sup> April, 2021 to elaborate on the requirements of the tender. A total of eleven (11) representatives of interested bidders attended the pre-bid meeting.
- 9) Following the pre-bid meeting, the National Assembly issued an addendum ((see *Appendix V*). which among other guidelines, extended the tender closing date from 24<sup>th</sup> April 2021 to 3<sup>rd</sup> May 2021. The Tender required bidders to submit separate technical and financial bids.

### 2.3 Bid Response

- 10) The following eight (8) firms responded by submitting their bids:-

No.	Bidder No.	Bidder's Name
1.	B1	Nelson & Francis Associates
2.	B3	Mazars
3.	B4	PKF Kenya
4.	B5	Ronalds and Associates
5.	B6	Ernest and Martin Associates
6.	B8	Ambale & Company Limited
7.	B9	Kiarie Kangethe & Associates
8.	B10	FH & Company

### 2.3.1 Evaluation

- 11) A Technical Evaluation Committee was appointed by the Accounting Officer on 15<sup>th</sup> April, 2021 pursuant to Section 46 of the Public Procurement and Asset Disposal Act, 2015 to evaluate the bids submitted by the eight (8) bidders.
- 12) The Evaluation Committee concluded the evaluation exercise on 24<sup>th</sup> May, 2021 and submitted the Evaluation Report to the Head of the Procurement Function as per the provisions of the Public Procurement and Asset Disposal Act, 2015.
- 13) The above eight (8) bids were subjected to an evaluation process as per the criteria outlined in the Request for Proposal (RFP) Document issued to the bidders. The evaluation process entailed the following four (4) stages:-
- (a) Preliminary/Mandatory Evaluation
  - (b) Technical Evaluation
  - (c) Financial Evaluation
  - (d) Determination of the highest combined score.
- 14) Arising from the evaluation process, the following five (5) firms were disqualified at the preliminary /mandatory evaluation stage for the following specified reasons:-

<b>Bidder No.</b>	<b>Bidder's Name</b>	<b>Reasons for disqualification</b>
B4	Nelson & Francis LLP	<ul style="list-style-type: none"> <li>❖ The attached Confidential Business Questionnaire for the joint venture partner Growth Path Associates not fully filled.</li> <li>❖ The document was not properly paginated. After page 95, the company profile attachment for the Joint partner growth Path Associates not paginated.</li> </ul>
B5	Said Abeid	<ul style="list-style-type: none"> <li>❖ Did not separate the technical and financial proposals as required.</li> <li>❖ The Tax Compliance Certificate provided had expired</li> </ul>
B6	Ambale & Company Limited	❖ Did not submit an original and copy of the proposal document as required. Provided only one document- the original without the copy as required.
B7	Mazars	❖ Did not provide certificate of good standing for the personnel as required
B8	FHC	❖ Did not separate technical and financial proposals as required.

### 2.3.2 Technical Evaluation

15) The following four (4) firms proceeded to the 2<sup>nd</sup> stage of the evaluation which involved allocating of technical scores.

No	Bidder no	bidders name
1	B6	Ernest & martin Associates
2	B8	Ambale & company
3	B4	PKF Kenya
4	B5	Ronald & Associates

16) Upon being subjected to the 2<sup>nd</sup> stage of the evaluation, the bids for the following two (2) firms were disqualified for having scored below the set pass mark of 75% and above as set out in the Tender Documents due to the indicated reasons:-

**Reasons for disqualifications for Bidder No. 3**

	<b>Bidder No.</b>	<b>Bidder's Name</b>	<b>Technical Score</b>	<b>Weaknesses in the submitted bids</b>
1.	B6	Ernest and Martin Associates	67	<ul style="list-style-type: none"> <li>▪ The firm lacked adequate experience in similar assignments (the highest amount being a contract of Kshs.1,200,000 per year)-page 106).</li> <li>▪ The CV of the lead partner was not comprehensive as it did not provide detailed background information on level experience</li> <li>▪ The CVs of the proposed personnel were not comprehensive as they lacked information on level of experience of the personnel.</li> <li>▪ No policy on rotation of staff as required</li> </ul>
2.	B8	Ambale & Company Limited	55	<ul style="list-style-type: none"> <li>▪ The firm lacked adequate experience in similar assignments (the highest amount being a contract of Kshs.850,000 per year)</li> <li>▪ The CV of the lead partner was not elaborate as it lacked details of the experience of the partner</li> <li>▪ The chapter on understanding of the ToRs was not elaborate.</li> <li>▪ The CVs of the proposed personnel were not detailed as they lacked the background information on experience of the personnel</li> <li>▪ No policy on rotation of staff as required</li> <li>▪ They did not provide a comprehensive suggestion on ToRs</li> <li>▪ Did not provide adequate methodology and work plan for the assignment</li> <li>▪ The general understanding of the assignment was not adequate</li> </ul>

17) The following two (2) firms were responsive to the technical requirements of the RFP Document having scored above the set pass mark of 75%:-

Bidder No.	Bidder's Name	Total score	Total score/4 evaluators = Average score
B1	PKF Kenya	353.5	88.375
B2	Ronalds LLP	355	88.75

### 2.3.3 Financial Evaluation

18) The RFP Document provided that only bids that score above the set pass mark of 75% would have their financial bids opened hence the bids for the two (2) responsive firms were opened on 21<sup>st</sup> April 2021 in the presence of their representatives as follows:-

Bidder No.	Bidder's Name	Technical Score	Breakdown costs (Kshs.)			Financial Proposal Amount Inclusive taxes (Kshs.)
			Audit services for the Financial Year 2018/2019 and 2019/2020	Mortgage and car loan scheme for the F/Y 2015/2016	Taxes (Kshs.)	
B1	PKF Kenya	88.375	15,985,400	2,315,850	2,928,200	21,229,450
B2	Ronalds LLP	88.75	14,960,000	962,000	2,547,520	18,469,520

19) The RFP Document under Clause 2.8.5 provided that the formulae for computing the weighted combined technical and financial score with a view to determining the highest ranked score.

20) Upon application of the specified formulae as per the criteria, the results of the weighted combined score for the two (2) firms were as follows:-

Bidder No.	Bidder's Name	Technical Score (a)	Weighted Technical Score (b)= (a weighted to 80%)	Financial Proposal Amount (Kshs.) (c)	Weighted financial score (d)=c weighted to 20%)	Total Weighted Score e = b + c	Ranking
B1	<b>PKF Kenya</b>	88.375	$88.375/100 \times 80 = 70.7$	21,229,450	$18,469,520/21,229,450 \times 20 = 17.398$	$70.7 + 17.39 = 88.098$	2 <sup>nd</sup> highest ranked
B2	<b>Ronalds</b>	88.75	$88.75 / 100 \times$	18,469,520		$71 + 20 =$	Highest

Bidder No.	Bidder's Name	Technical Score (a)	Weighted Technical Score (b)= (a weighted to 80%)	Financial Proposal Amount (Kshs.) (c)	Weighted financial score (d)=c weighted to 20%	Total Weighted Score e =b +c	Ranking
	LLP		80 =71		20	= 91	ranked

21) The highest ranked firm was M/s Ronalds LLP with a combined score of 91 points and a total consultancy fee of Kshs. 18,469,520.00.

### 2.3.4 Recommendation for Award

22) The Evaluation Committee recommended the highest ranked firm, M/s Ronalds LLP for consideration of the award in line with section 86-1(b) of the Public Procurement and Assets Disposal Act, 2015.

23) Through Professional Opinion No. NA/2020-2021/054 dated 11<sup>th</sup> May 2021 the Accounting Officer considered and approved award to **M/s Ronalds Limited Liability Partnership (LLP)** at a Total Consultancy fee of **Kshs. 18,469,520.00** for the provision of external auditing services for purposes of auditing the office of the Auditor General (Kenya National Audit Office) with respect to the Financial Statements for the period 2018/2019 and 2019/2020 and the mortgage and car loan scheme fund from the Financial Year 2015/2016 as per the Terms of Reference.

24) A notification of intention to enter into a contract was issued to M/s Ronalds Limited Liability Partnership (LLP) and accepted on 24<sup>th</sup> May 2021. There was no appeal from any of the other bidders within the prescribed period.

25) A negotiation committee has been appointed in accordance to section 46-4(a) of the Public Procurement and Assets Disposal Act, 2015 to negotiate on other contractual terms.

26) The award has been made to **M/s Ronalds Limited Liability Partnership (LLP)** at a Total Consultancy fee of **Kshs. 18,469,520.00** for the provision of external auditing services for purposes of auditing the office of the Auditor General (Kenya National Audit Office) with respect to the Financial Statements for the period 2018/2019 and 2019/2020 and the mortgage and car loan scheme fund from the Financial Year 2015/2016 as per the

Terms of Reference subject to approval by the National Assembly pursuant to Article 226 (4) of the Constitution.

27) The Public Accounts Committee is requested to note and resolve to move the Motion for consideration of approval of **M/s Ronalds Limited Liability Partnership (LLP)** as per the foregoing provisions of the Constitution.

### **3. Comparative Analysis with Previous Awards**

28) It is worth noting that the Parliamentary Service Commission previously engaged M/s PKF Kenya to audit the Auditor-General for the Financial Years 2014/2015, 2015/2016, 2016/2017 and 2017/2018. M/s PKF Kenya has completed the audit of the four financial years and submitted audit reports to Parliament.

### **4. Observation of the Public Accounts Committee**

29) At its meeting held on Wednesday, 14<sup>th</sup> July, 2021, The Committee observed the progress made on the procurement of External Audit Services. The Committee further observed that an offer had been made to M/s Ronalds Limited Liability Partnership (LLP) subject to approval by the National Assembly pursuant to Article 226 (4) of the Constitution.

30) Subsequently, the Committee resolved that there was need to move a Motion in the House for approval of the award.

### **5. Recommendations of the Committee**

31) The Committee recommends to the National Assembly-

**1. To note the contents of this Report.**

**2. To approve the award of hire of External Audit Services for the Office of the Auditor-General for the Financial Years 2018/2019 and, 2019/2020 to M/s Ronalds Limited Liability Partnership (LLP) pursuant to the provisions of Article 226(4) of the Constitution.**

Sign..........Date: 4<sup>th</sup> August, 2021

**Hon. James Opiyo Wandayi, CBS, MP**  
**Chairperson**  
**Public Accounts Committee**

## APPENDIX

- Appendix I -Extracts of the Newspaper Advertisements/Tender Notice No. NA/RFP/03/2020-2021.
- Appendix II -Addendum to the Tender and Evaluation Requirements on Tender Notice No. NA/RFP/02/2018-2019
- Appendix III - Professional Opinion from the Head of Procurement
- Appendix IV -Evaluation Report
- Appendix V- Notification of Award of Tender
- Appendix VI- Acknowledgement and Acceptance of the Offer

**TENDER DESCRIPTION: PROVISION OF EXTERNAL AUDIT SERVICES FOR THE PURPOSE OF AUDITING OF THE OFFICE OF THE AUDITOR GENERAL FOR YEARS 2018/2019 AND 2019/2020 AND MORTGAGE AND CAR LOAN SCHEME FOR THE FINANCIAL YEAR 2015/2016.**

**TENDER NO:** **NA/RFP/3/2020-2021**

**ANNEXES**

<b>S/No.</b>	<b>DOCUMENT DESCRIPTION</b>
1	Tender advert notice
2	Tender Addendum Notice
3	Evaluation report
4	Professional Opinion
5	Notification letters to successful and unsuccessful bidders
6	Letter of Acceptance by the successful bidder

Politics **Murkomen says they have embarked on popularising UDA to ensure it wins majority seats**

## Ruto's nominations headache

The Deputy President faces a tough balancing act as allies in Rift Valley and Mt Kenya line up for key seats

BY ONYANGO K'ONYANGO

Deputy President William Ruto is facing a political headache ahead of the 2022 elections after a number of his allies showed interest in the gubernatorial and parliamentary seats in Rift Valley and Mt Kenya region, each banking on the DP to endorse them.

Already a political battle is taking shape as Ruto troops position themselves to dethrone sitting county chiefs as well as succeed those in their final terms in Uasin Gishu, Baringo, Nandi, and Bomet — presenting the DP a hard choice on who to back.

In Uasin Gishu, a number of the Jubilee lawmakers are among those who have declared interest to succeed Governor Jacob Mandago.

The ambassador to Pakistan Julius Njiru, Nairobi County environment executive Veska Karago, Eldoret businessman Jonathan Bii, former TSC commissioner Cleophas Tirop and Uasin Gishu assembly chief whip David Sinji are angling for Mr Man-



Deputy President William Ruto and other leaders greet worshippers when they arrived at Kivaywa Primary School, Matato, Lugari yesterday for a service organised by Kivaywa Friends Church. PHOTO: DPPS

dago's seat. Soy MP Caleb Kositany and county assembly speaker David Kiplagat are also reported to be eyeing the seat.

Mr Kositany told the *Nation* that he is being pushed by the electorate to vie.

"It's the people who want me to succeed Governor Mandago and we will cross that bridge when

the right time comes," he said.

In Nandi, Senator Samson Cherargei is determined to square it out with Governor Stephen Sang after the two fell out over alleged mismanagement of public funds. This is despite attempts by the DP Ruto to reconcile the duo.

Governor Sang has previously accused Senator Cherargei of

attacking him in public forums instead of serving the people. "You've been going around attacking me. Why don't you use that energy to improve the lives of our people," he said in a past interview. In turn, Mr Cherargei has accused the governor of misappropriating public resources.

Yesterday Mr Cherargei was non-committal on whether he will face Mr Sang in the polls.

A similar scenario is likely to play out in Bonnet County between Governor Hillary Barchok and Senator Christopher Langat, both Ruto allies. The two have said they will vie for the seat on a UDA ticket, come 2022.

Mr Barchok took over the leadership of Bonnet after Joyce Laboso's death in July 2019.

In Baringo, former Governor Benjamin Cheboi will be battling it out with current county chief Stanley Kiptis for the UDA ticket — both support the DP.

During the Ruto rally in Kabarnet on Saturday, the political rivalry between Mr Kiptis and Mr Cheboi played out as residents heckled the current governor

while cheering Mr Kiptis.

The DP faces a similar tough balancing act in Nyeri, Murang'a, Kirinyaga and Kiambu, where aspirants are aligning themselves with the DP to curry favour with him.

In Murang'a, Kandara MP Alice Wahome and Senator Irungu Kang'ata, who recently rejoined the DP's camp, are both said to be angling to replace Governor Mwangi wa Iria. It will even be a bigger dilemma for the DP if Kiharu MP Ndindi Nyoro throws his hat in the ring.

UDA has 'its owners'

In Tharaka-Nithi, businessman Muthomi Micheni wants to unseat Chuka Igambang'ombe MP Patrick Munene. Mr Micheni recently accused the MP of insinuating that UDA has its 'owners'.

"You can't claim that you're assured of UDA ticket in 2022 because you're close to DP Ruto. All the aspirants will battle it out for the ticket through transparent nominations," Mr Micheni said.

Marimanti MCA Susan Ngugi, who is eyeing the Tharaka-Nithi

**We've been abused by the party we so much believed in. We will not make that mistake in coming times with UDA**

Senator Kipchumba Murkomen

Woman Rep seat, recently accused the incumbent, Ms Beatrice Nkatha, of trying to block her from accessing the DP.

In Meru, Bishop Kiogora Magambo has expressed interest in the Imendi Central seat, currently held by Kirima Ngucine, an ally of the DP.

Leaders allied to the DP have said UDA will field candidates in all regions across the country in the 2022 General Election.

Elgeyo Marakwet Senator Kipchumba Murkomen said they had embarked on popularising the party to ensure it wins the majority seats in the county assemblies and Parliament.

"We've been abused by the party we so much believed in. We will not make that mistake in coming times with UDA," Mr Murkomen said.

Additional reporting by Alex Njiru and Gitonga Maroto

Quality

Kindergarten Education

Kindergartens lay solid foundations for learning, so many kindergartens have emerged in recent years, what attributes should parents look out to make the right selection? What ideal learning environment should they consider? Is the curriculum mix right?

The Nation Media Group, through the Monday Daily Nation Junior Spot segment and nation.africa provides your school with an opportunity to profile your kindergarten with a focus on quality, professionalism and a conducive learning environment.

This will be published every Monday of every week.

To feature your Kindergarten in this segment,

Kindly contact: Catherine: 0721 852 942 | catherine@the.nationmedia.com  
Joan: 0724 651 440 | joan@the.nationmedia.com



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REPUBLIC OF KENYA



PARLIAMENT OF KENYA  
THE NATIONAL ASSEMBLY

### TENDER NOTICE

The National Assembly invites interested, eligible and competent firms to submit sealed bids for supply of the following items as specified in the tender documents:

TENDER NUMBER	ITEM DESCRIPTION	ELIGIBILITY	CLOSING DATE
1) Tender No. NA/03/2020-2021	Supply, delivery and testing of laptops and tablets as per the specifications.	Reserved for the AGPO registered firms	Monday, 1 <sup>st</sup> March 2021 at 11:00am
2) Tender No. NA/04/2020-2021	Supply, delivery, installation, testing, commissioning and maintenance of the Hansard Management System	Open to all eligible local firms	Friday, 5 <sup>th</sup> March 2021 at 11:00am
3) Tender No. NA/05/2020-2021	Supply, delivery, installation, testing, commissioning and maintenance of a heavy duty scanner for the Parliamentary Library	Open to all eligible local firms	Monday, 6 <sup>th</sup> March 2021 at 11:00am
4) Tender No. NA/06/2020-2021	Registration of suppliers for the Financial Years 2021/2022 and 2022/2023	Open to all eligible suppliers including the Special Groups and as specified in the registration document	Friday, 12 <sup>th</sup> March 2021 at 11:00am
5) Tender No. NA/ RFP/03/2020-2021	Provision of auditing services for the office of the Auditor General (Kenya National Audit Office - KNADO).	Open to all eligible local auditing firms	Monday, 15 <sup>th</sup> March 2021 at 11:00am

Interested and eligible tenderers may download the tender document FREE OF CHARGE from the Parliament website [www.parliament.go.ke](http://www.parliament.go.ke) or the National Treasury's IFMIS Portal on: <http://supplier.treasury.go.ke/site/tenders.go/index.php/public/tenders>

Interested tenderers may obtain further information from the Procurement Office on 13<sup>th</sup> Floor, Protection House, at the Junction of Parliament Road and Hailu Selassie Avenue, Nairobi within normal working hours.

Duly completed bid document (original and copy) are to be enclosed in plain sealed envelopes, marked with the tender number and as prescribed in the respective Tender document and be deposited in the tender box located at Reception of 2<sup>nd</sup> floor Protection House, at the Junction of Parliament Road and Hailu Selassie Avenue, Nairobi or be addressed to:

The Clerk of the National Assembly,  
Parliament of Kenya,  
P.O. Box 41042-0100  
NAIROBI

so as to be received on or before the specified dates and time as indicated in the above table and in the respective Tender Document.

Tenders will be opened immediately thereafter in the presence of the tenderers who choose to attend or their representatives and in compliance to Covid-19 protocols and guidelines, at Protection House, 2<sup>nd</sup> floor, Nairobi at the Junction of Parliament Road and Hailu Selassie Avenue, Nairobi.

The National Assembly reserves the right to accept or reject any tender and does not bind itself to accept the lowest or any tender.

MICHAEL R. SIALAL CBS  
CLERK OF THE NATIONAL ASSEMBLY



# Mystery of Sh2bn NGAAF cash that never reached counties

Gathungu says the amount has not been confirmed as received by county committees

**LUKE AMACHI** Mystery surrounds the alleged disbursement of Sh2.3 billion National Government Affirmative Action Fund, which auditors say is yet to hit counties' accounts.

In her 2018-19 report, Auditor General Nancy Gathungu said the amount has not been confirmed as received by various county committees despite NGAAF financial statements showing it had been sent.

"The financial statements reflect disbursements to counties totalling Sh2,253,547,922. However, the amount has not been confirmed by various county committees as having been received," the report stated.

"Consequently, the accuracy of the disbursements balance could not be confirmed."

The report further raised issues with Sh5.5 million the fund incurred to pay for maintenance and repairs of motor vehicles. The spending was not supported by any documents.

A report tabled by Majority leader Amos Kimunya last week shows NGAAF had already made Sh2 million advance payment in what the auditor said breached the Public Procurement and Asset Disposal Act, 2015. "Further, no signed contract documents for the provision of the services were submitted for audit review to show how the obligation for the advance payment was created."

"In addition, the amounts have been expensed at the point of payment rather than at utilisation and holding the amount as a prepayment. No statement of account has been provided to support how much of the Sh2 million was used."

The audit team also revealed that NGAAF paid rent for unoccupied premises amounting to Sh4.9 million, thereby no value for money.

According to the records, the management rented office space on December 20, 2018, but the



Auditor General Nancy Gathungu FILE

house was occupied almost a year later on November 4, 2019, during which NGAAF paid rent totalling Sh4,938,700.

Gathungu also raised the issue of Sh35 million the Fund allegedly dis-



Governor Charity Ngilu FILE

bursed to counties as emergency and which could not be accounted for.

She said the disbursement was not supported by relevant board approvals as required by the NGAAF emergency guidelines.

## Don't listen to my critics' empty rhetoric, says Ngilu

**MUSEMBI ZENGEU** Governor Charity Ngilu has urged Kitui residents not to be persuaded by her political enemies and detractors not to re-elect her next year.

She said those seeking to unsettle her in 2022 are people with no tangible development track record and are only obsessed with empty political rhetoric.

So far, five individuals have declared interest in dethroning Ngilu. They include former Kitui Governor Julius Malombe, former Kitui Senator David Musila, former Nairobi Deputy Governor Jonathan Muelke and little-known Francis Kautu.

Ngilu said her administration has initiated numerous development projects across the county to improve the lives of residents.

She said her reelection would offer her another opportunity to continue initiating life-changing projects.

"Those who want to dupe you do not have any intentions to see our county prosper. I want you to confront them and ask them to their face what they have done to improve your lives so far," Ngilu said at Endau market in Kitui East on Wednesday.

### REPUBLIC OF KENYA



### PARLIAMENT OF KENYA THE NATIONAL ASSEMBLY

The National Assembly invites interested, eligible and competent firms to submit sealed bids for supply of the following items as specified in the tender documents:

S/N	Item Description	Remarks	Submission Date
1)	Tender No. HA/03/2020-2021 Supply, delivery and testing of laptops and tablets as per the specifications	Reserved for the AGPD registered firms	Monday, 1st March 2021 at 11:00am
2)	Tender No. HA/04/2020-2021 Supply, delivery, installation, testing, commissioning and maintenance of the Internal Management System	Open to all eligible local firms	Friday, 5th March 2021 at 11:00am
3)	Tender No. HA/05/2020-2021 Supply, delivery, installation, testing, commissioning and maintenance of a heavy duty scanner for the Parliamentary Library	Open to all eligible local firms	Monday, 8th March 2021 at 11:00am
4)	Tender No. HA/06/2020-2021 Registration of suppliers for the Financial Years 2021/2022 and 2022/2023	Open to all eligible suppliers including the Special Groups and as specified in the registration documents	Friday, 12th March 2021 at 11:00am
5)	Tender No. HA/07/2020-2021 Provision of auditing services for the office of the Auditor General (Royal National Audit Office - RAO)	Open to all eligible local auditing firms	Monday, 15th March 2021 at 11:00am

Interested and eligible tenders may download the tender document FREE OF CHARGE from the Parliament website [www.parliament.go.ke](http://www.parliament.go.ke) or the National Treasury's TENDERS Portal on: <http://supp2.kenyaeservices.go.ke/tenders> or [tenders.gov/index.php/public/tenders](mailto:tenders.gov/index.php/public/tenders).

Interested tenders may obtain further information from the Procurement Office on 13th Floor, Protection House, at the Junction of Parliament Road and Haile Selassie Avenue, Nairobi within normal working hours.

Duly completed bid document (original and copy) are to be enclosed in plain sealed envelopes, marked with the tender number, name and as prescribed in the respective Tender document and be deposited in the tender box located at Reception of 2nd floor, Protection House, at the Junction of Parliament Road and Haile Selassie Avenue, Nairobi or be addressed to:

The Clerk of the National Assembly,  
Parliament of Kenya,  
P.O. Box #1042-00100  
Nairobi

so as to be received on or before the specified dates and time as indicated in the above table and in the respective Tender Documents.

Tenders will be opened immediately thereafter in the presence of the tenders who choose to attend or their representatives, and in compliance to Covid-19 protocols and guidelines, at Protection House, 2nd floor, Nairobi at the Junction of Parliament Road and Haile Selassie Avenue, Nairobi.

The National Assembly reserves the right to accept or reject any tender and does not bind itself to accept the lowest or any tender.

MICHAEL ILIAGAL, CDS  
CLERK OF THE NATIONAL ASSEMBLY

## KRA after 77 companies in Kemsas scandal over tax

**MOSES ODHIAMBO** The Kenya Revenue Authority is going after 77 companies implicated in the Sh9.7 billion Kemsas saga for failing to declare their supplies, hence candidates of tax evasion.

KRA Commissioner General Githii Mburu said the taxman is conducting compliance reviews on the companies to validate if they supplied or not.

"In light of the information obtained from the report and the amounts involved, KRA will also undertake an in-depth audit of the firms," the KRA boss said.

He said only 15 of the 102 companies under probe by the National Assembly's Public Investment Committee declared supplies to Kemsas and paid VAT. Eight companies had supplies exempted from tax.

Three companies are international

companies that are operating in the Kenyan jurisdiction without a Personal Identification Number (PIN).

Mburu said non-resident companies are allowed to operate in a jurisdiction without a PIN, but their tax contributions are withheld at non-resident rates. "We are verifying if they have paid or if the taxes were retained. We do a background check to see if they are international or local," the KRA boss said.

Mburu said KRA will look at Kemsas obligations declared this year to ascertain if the medical supplier withheld and remitted the tax. It is then that the amounts owed in unpaid tax will be known.

He said such companies are required to do self-declaration. He said they are awaiting returns expected in June to ascertain the level of compliance on the part of Kemsas suppliers.



Kenya Revenue Authority Commissioner General Githii Mburu before the Public Investment Committee on Wednesday FILE

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10:00am - 1:00pm

REPUBLIC OF KENYA



PARLIAMENT OF KENYA  
THE NATIONAL ASSEMBLY

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The National Assembly invites interested, eligible and competent firms to submit sealed bids for supply of the following items specified in the tender documents:

TENDER NUMBER	ITEM DESCRIPTION	ELIGIBILITY	CLOSING DATE
1) Tender No. NA/03/2020-2021	Supply, delivery and testing of laptops and tablets as per the specifications	Reserved for the AGPO registered firms	Monday, 1 <sup>st</sup> March 2021 at 11.00am
2) Tender No. NA/04/2020-2021	Supply, delivery, installation, testing, commissioning and maintenance of the Hansard Management System	Open to all eligible local firms	Friday, 5 <sup>th</sup> March 2021 at 11.00am
3) Tender No. NA/05/2020-2021	Supply, delivery, installation, testing, commissioning and maintenance of a heavy duty scanner for the Parliamentary Library	Open to all eligible local firms	Monday, 8 <sup>th</sup> March 2021 at 11.00am
4) Tender No. NA/06/2020-2021	Registration of suppliers for the Financial Years 2021/2022 and 2022/2023	Open to all eligible suppliers including the Special Groups and as specified in the invitation document	Friday, 12 <sup>th</sup> March 2021 at 11.00am
5) Tender No. NA/RFP/03/2020-2021	Provision of auditing services for the office of the Auditor General (Kenya National Audit Office - KNAO)	Open to all eligible local auditing firms	Monday, 15 <sup>th</sup> March 2021 at 11.00am

Interested and eligible tenders may download the tender document FREE OF CHARGE from the Parliament website (www.parliament.go.ke) or the National Treasury's IFMIS Portal on: <http://supplier.treasury.go.ke/ite/tenders.go/index.php/public/tenders>.

Interested tenders may obtain further information from the Procurement Office on 1<sup>st</sup> Floor, Protection House, at the Junction of Parliament Road and Halls Sefasife Avenue, Nairobi within normal working hours.

Duly completed bid document (original and copy) are to be enclosed in plain sealed envelopes, marked with the tender number, name and as prescribed in the respective Tender document and be deposited in the tender box located at Reception of 2<sup>nd</sup> Floor, Protection House, at the Junction of Parliament Road and Halls Sefasife Avenue, Nairobi or be addressed to:

The Clerk of the National Assembly,  
Parliament of Kenya,  
P.O. Box 41842-00100  
NAIROBI

so as to be received on or before the specified dates and time as indicated in the above table and in the respective Tender Document.

Tenders will be opened immediately thereafter in the presence of the tenders who choose to attend or their representatives, and in compliance to Covid-19 protocols and guidelines, at Protection House, 2<sup>nd</sup> Floor, Nairobi at the Junction of Parliament Road and Halls Sefasife Avenue, Nairobi.

The National Assembly reserves the right to accept or reject any tender and does not bind itself to accept the lowest or any tender.

MICHAEL R. SIALAL, CBS  
CLERK OF THE NATIONAL ASSEMBLY

Watch

**Jezebel**



Watch us on Bamba 1, GOTV 92, Signet 23, Pang 104, StarTimes 104, DSTV 272, Zuku 12, Continent AL146, Azam 134

# Appendix II

COVID-19

Capacity

## Africa seeks to produce own Covid vaccines

As Africa lags in its efforts to vaccinate 60 per cent of its 1.3 billion people as quickly as possible, he continent must develop its capacity to produce Covid-19 vaccines, the director of the Africa Centers for Disease Control and Prevention said yesterday.

At least five African countries appear to have the capacity to produce vaccines, said Dr John Nkengasong in a press briefing, citing South Africa, Senegal, Tunisia, Morocco and Egypt.

Nkengasong had previously set the goal of vaccinating 60 per cent of Africa's population by the end of this year, but the target is now a year later, by the end of 2022.

A meeting is planned for April 12 between the African Union and outside partners to create a "roadmap" for boosting African capacity to eventually produce Covid-19 vaccines, Nkengasong said.

"It's so important for us to have that," he said, referring to vaccine security.

Birgitte Markussen, head of the European Union delegation to the African Union, told the briefing that "efforts will be made to support local production" of vaccines. She said solidarity is important "to make sure no one is left behind" in efforts to stop the pandemic.

"As the doses continue to be delivered, the real task will be to ensure rapid deployment of vaccines and associated supplies of equipment in the right condition, the right quantities, and also in the right places," she said. "We cannot say that we are safe until everybody is safe." At least 22 of Africa's 54 countries have received Covid-19 vaccines through the COVAX initiative. [AP]

Pandemic. Manufacturer says safety of its Covid-19 vaccine guaranteed after extensive study

## Denmark halts vaccine use

Cases of blood clots forming and one death leads country to suspend AstraZeneca shots.

By Reuters  
newsdesk@standardmedia.co.ke

Denmark has put using AstraZeneca's Covid-19 vaccine shots on hold for two weeks after reports of cases of blood clots forming, and one death, Danish authorities said yesterday.

They did not say how many reports of blood clots there had been, but Austria has stopped using a batch of AstraZeneca shots while investigating a death from coagulation disorders and an illness from a pulmonary embolism.

"Both we and the Danish Medicines Agency have to respond to reports of possible serious side-effects, both from Denmark and other European countries," the director of the Danish Health Authority, Soren Brostrom, said in a statement.

"It is currently not possible to conclude whether there is a link. We are acting early, it needs to be thoroughly investigated," Health Minister Magnus Honnecke said on Twitter.

The vaccine would be suspended for 14 days. The health agency did not give details of the Danish blood clot victim.

AstraZeneca yesterday told Reuters in a written statement the safety of its vaccine had been extensively studied in human trials and peer reviewed data had confirmed the vaccine was generally well tolerated.

The drugmaker said earlier this week its shots were subject to strict and rigorous quality controls and that there had been "no confirmed serious adverse effects associated with the vaccine". It also said it was in contact with Austrian authorities and would fully support their investigation.

The European Union's drug regulator, the European Medicines Agency (EMA), said on Wednesday there



A healthcare worker receives an AstraZeneca's Covishield vaccine in Mumbai, India, on January 16. [Reuters]

14

Number of days Denmark has suspended new vaccine shots.

was no evidence so far linking AstraZeneca to the two cases in Austria.

It said the number of thromboembolic events - marked by the formation of blood clots - in people who have received the AstraZeneca vaccine is no higher than that seen in the general population, with 22 cases of such events being reported among the three million peo-

ple who have received it as of March 9.

EMA was not immediately available for comment yesterday.

Four other countries - Estonia, Lithuania, Luxembourg and Latvia - have stopped inoculations from the batch while an investigation continues, the EMA said.

The batch of one million doses went to 17 EU countries.

The Danish Medicines Agency said it had launched an investigation into the vaccine together with corresponding agencies in other EU countries as well as the EMA.

"It is important to emphasise that we have not opted out of using the AstraZeneca vaccine, but that we are putting it on hold," Brostrom said.

So far, 136,090 Danes have received a shot with AstraZeneca's vaccine in a country of 5.8 million. The Nordic country also uses vaccines from Pfizer BioNTech and Moderna.

REPUBLIC OF KENYA



PARLIAMENT OF KENYA  
THE NATIONAL ASSEMBLY

### INVITATION TO TENDER ADDENDUM

TENDER NO. NA/RFP/03/2020-2021 FOR PROVISION OF EXTERNAL SERVICES FOR PURPOSES OF AUDITING THE OFFICE OF THE AUDITOR GENERAL (KENYA NATIONAL AUDIT OFFICE-KNAO) FOR (1)THE FINANCIAL STATEMENTS-2018/2019 AND 2019/2020 AND (2)MORTGAGE AND CAR LOAN SCHEME FUND FOR THE FINANCIAL YEAR 2015/2016

Following the invitation to tender for provision of external auditing services to the Office of the Auditor General (KNAO) on 19<sup>th</sup> February 2021 to the print media, the National Assembly subsequently received requests for clarification from interested auditing firms as per the provisions of the Bill Document.

In this regard, the National Assembly hereby notifies all interested firms as follows:-

- The response to the clarifications sought has been prepared and is available for viewing and download from the relevant website.
- The tender closing date has been extended to Monday, 22<sup>nd</sup> March 2021 at 11.00am.

Interested Bidders may obtain the addendum and response to the clarification from the Procurement office on 13<sup>th</sup> Floor, Protection House, Nairobi for free or download the same from Parliament's website; www.parliament.go.ke or IFMIS Portal website, www.tenders.go.ke

SECRETARY OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



TWELFTH PARLIAMENT/FIFTH SESSION  
THE SENATE

The National Flag, Emblems and Names (Amendment) Bill (Senate Bills No.36 of 2020)

### INVITATION OF PUBLIC PARTICIPATION AND SUBMISSION OF MEMORANDA

The National Flag, Emblems and Names (Amendment) Bill (Senate Bills No.36 of 2020) was read a First Time in the Senate on 4<sup>th</sup> March, 2021 and thereafter stood committed to the Standing Committee on National Security, Defence and Foreign Relations.

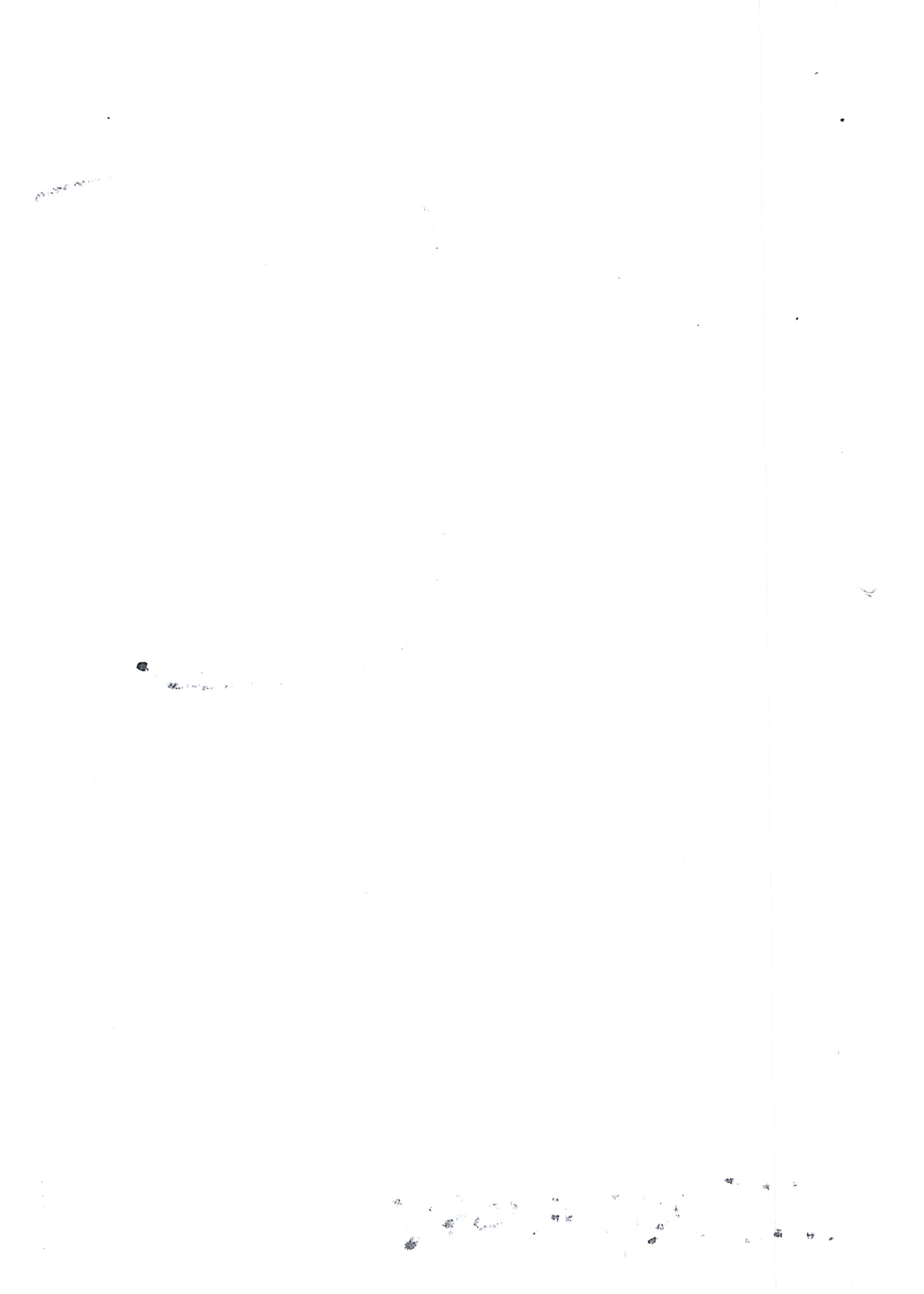
Pursuant to the provisions of Article 118 and Standing Order 140(5) of the Standing Orders of the Senate, the Standing Committee on National Security, Defence and Foreign Relations now invites interested members of the public to submit any representations that they may have on the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No.36 of 2020), by way of written memoranda.

The Memoranda may be-

- hand-delivered to the Office of the Clerk of the Senate, First Floor, Main Parliament Buildings, Nairobi; or
- emailed to the Clerk of the Senate on the address - senate@parliament.go.ke to be received on or before Thursday, 18<sup>th</sup> March, 2021 at 5.00 p.m.

The National Flag, Emblems and Names (Amendment) Bill (Senate Bills No.36 of 2020) may be found on the Parliament website at <http://www.parliament.go.ke/senate>.

J.M. NYEGENYE, CBS,  
CLERK OF THE SENATE.



# Appendix III

## MEMO

*Issue raised 12/11/21  
and resolved 12/11/21  
12/11/21*

To : Clerk of the National Assembly  
From : Chief Procurement Officer, NA  
Date : 11<sup>th</sup> May 2021  
REF. NO. : Professional Opinion No. NA/2020-2021/054  
Subject : **PROFESSIONAL OPINION ON PROCUREMENT OF EXTERNAL AUDIT SERVICES FOR THE OFFICE OF THE AUDITOR GENERAL (TENDER NO. NA/RFP/03/2020-2021)**

### 1) BACKGROUND INFORMATION

- a. The National Assembly intends to engage a firm for provision of external Audit services for the purpose of auditing the office of the Auditor General for the purpose of auditing the financial statements for the years 2018/2019 and 2020/21 and the organization's mortgage and car loan scheme from year 2015/2016.
- b. The Tender was advertised on 19<sup>th</sup> February 2021 through an Open Tender in the Daily Nation, the Standard, The Star and People Newspapers and also in the relevant websites.
- c. The Tender submission and opening date was on 22<sup>nd</sup> March 2021 at 11.00am. The Tender required bidders to submit separate technical and financial bids.
- d. The following eight (8) firms responded by submitting their bids:-

Bidder No.	Bidder's Name
1	PKF Kenya LLP
2	Ronalds LLP
3	Kiarie Kangethe & Company Certified Public Accountants
4	Nelson & Francis LLP in joint venture with Growth Path Consultants
5	Said Abeid Said & Company Certified Public Accountants
6	Ambale Ogot and Company Certified Public Accountants
7	Mazars Certified Public Accountants (K)
8	FH & Company

- e. A Technical Evaluation Committee was appointed by the Accounting Officer on 23<sup>rd</sup> March 2021 pursuant to Section 46 of the Public Procurement and Asset Disposal Act, 2015 to evaluate the bids submitted by the eight (8) firms.
- f. The Evaluation Committee concluded the evaluation exercise on 21<sup>st</sup> April 2021 and submitted the Evaluation Report to the Head of the Procurement Function as per the provisions of the Public Procurement and Asset Disposal Act, 2015.

### 2) EVALUATION PROCESS

- g. The eight (8) proposals were subjected to an evaluation process as per the criteria outlined in the RFP Document issued to the bidders.



- The following two (2) firms were responsive to the technical requirements of the RFP Document having scored above the set pass mark of 75%:-

Bidder No.	Bidder's Name	Total score	Total score/4 evaluators = Average score
1	PKF Kenya	353.5	88.375
2	Ronalds LLP	355	88.75

- The RFP Document provided that only bids that score above the set pass mark of 75% would have their financial bids opened hence the bids for the two (2) responsive firms were opened on 21<sup>st</sup> April 2021 in the presence of their representatives as follows:-

Bidder No.	Bidder's Name	Technical Score	Breakdown costs (Kshs.)			Financial Proposal Amount Inclusive taxes (Kshs.)
			Audit services for the Financial Year 2018/2019 and 2019/2020	Mortgage and car loan scheme for the F/Y 2015/2016	Taxes (Kshs.)	
1	PKF Kenya	88.375	15,985,400	2,315,850	2,928,200	21,229,450
2	Ronalds LLP	88.75	14,960,000	962,000	2,547,520	18,469,520

- The RFP Document under Clause 2.8.5 provided that the formulae for computing the weighted combined technical and financial score with a view to determining the highest ranked score.
- Upon application of the specified formulae as per the criteria, the results of the weighted combined score for the two (2) firms were as follows:-


Bidder No.	Bidder's Name	Technical Score (a)	Weighted Technical Score (b) = (a weighted to 80%)	Financial Proposal Amount (Kshs.) (c)	Weighted financial score (d) = c weighted to 20%	Total Weighted Score e = b + c	Ranking
1	PKF Kenya	88.375	$88.375/100 \times 80 = 70.7$	21,229,450	$18,469,520/21,229,450 \times 20 = 17.398$	$70.7 + 17.398 = 88.098$	2 <sup>nd</sup> highest ranked
2	Ronalds LLP	88.75	$88.75/100 \times 80 = 71$	18,469,520	20	$71 + 20 = 91$	Highest ranked

- The highest ranked firm is M/s Ronalds LLP with a combined score of 91 points and a total consultancy fee of Kshs. 18,469,520.00.
- The Evaluation Committee recommends the highest ranked firm, M/s Ronalds LLP for consideration of the award.

11. The cost of the consultancy is dependent on the nature of the assignment, qualifications and position of the individual personnel in the team, remuneration of staff, the number of persons to be deployed, duration for the assignment, the firm's policy, taxes and duties etc.
12. Funds for resultant expenditure are available under contracted Professional Services budget.

**4) RECOMMENDATION TO THE ACCOUNTING OFFICER**

The Accounting Officer is requested to consider and approve award to **M/s Ronalds Limited Liability Partnership (LLP)** at a Total Consultancy fee of **Kshs. 18,469,520.00** for the provision of external auditing services for purposes of auditing the office of the Auditor General (Kenya National Audit Office) with respect to the Financial Statements for the period 2018/2019 and 2019/2020 and the mortgage and car loan scheme fund from the Financial Year 2015/2016 as per the Terms of Reference.

  
**KENNEDY M. MALINDA**  
**CHIEF PROCUREMENT OFFICER, NA**  
 Encls.

**ACCOUNTING OFFICER'S /CLERK OF THE NATIONAL ASSEMBLY**

After considering the above request on procurement of consultancy services on provision of external audit services to the office of the Auditor General through Tender No. NA/RFP/03/2020-2021, I hereby:-

- A. Approve the application as requested; *I approve the application*
- Or
- B. Defer approval/award as submitted for more information to be provided in relation to;

▪ .....  
 ▪ .....  
 Or

- C. Reject the application for the following reasons that need to be addressed:-

▪ .....  
 ▪ .....

**SIGNATURE**



**DATE** *12/5/2021*

REPUBLIC OF KENYA



*Appendix IV*

PARLIAMENT OF KENYA  
THE NATIONAL ASSEMBLY

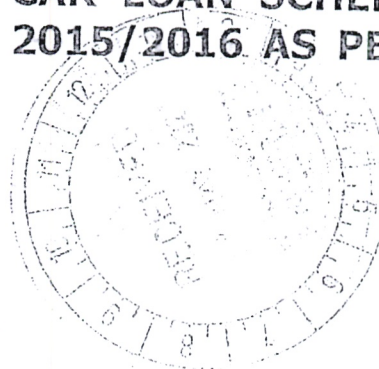
REPORT

BY  
THE EVALUATION COMMITTEE  
ON

TENDER NO. NA/RFP/03/2020-2021  
FOR

PROVISION OF EXTERNAL AUDITING SERVICES FOR THE  
OFFICE OF THE AUDITOR GENERAL (KENYA NATIONAL  
AUDIT OFFICE) OF:-

- 1) THE FINANCIAL STATEMENTS FOR THE PERIOD  
2018/2019 AND 2019/2020 AND MORTGAGE AS PER  
THE TERMS OF REFERENCE
- 2) THE MORTGAGE AND CAR LOAN SCHEME FUND FOR  
THE FINANCIAL YEAR 2015/2016 AS PER THE TERMS  
OF REFERENCE



April 2021

*[Handwritten signatures]*



- d) Reviewing adequacy of the Organization's Information Systems and related infrastructure.
- e) Providing any other value-addition services consistent with the audit of the Organization.

#### 4) TENDERING PROCESS

##### a) Advertisement

The Tender No. NA/RFP/03/2020-2021 for provision of external audit services for the Kenya National Audit Office as per the Terms of Reference was advertised in the Daily Nation, Standard and Star Newspapers on 19<sup>th</sup> February 2021. The same was posted in the Parliament's website and the National Treasury's IFMIS Supplier Portal (extracts of the newspaper cuttings are attached as Appendix I) as requirements of the Public Procurement and Asset Disposal Act, 2015.

##### b) Tender submission deadline

The Tender submission deadline was on Monday, 22nd March 2021 at 11.00am.

##### c) Bid response

Eight (8) submitted their RFP documents within the bid submission deadline and were opened by the Tender Opening Committee as follows:-

**Table 1.0-List of Bidders**

Bidder No.	Bidder's Name
1	PKF Kenya LLP
2	Ronalds LLP
3	Kiarie Kangethe & Company Certified Public Accountants
4	Nelson & Francis LLP in joint venture with Growth Path Consultants
5	Said Abeid Said & Company Certified Public Accountants
6	Ambale Ogot and Company Certified Public Accountants
7	Mazars Certified Public Accountants (K)
8	FH & Company

❖ Tender Opening Register and Minutes attached are attached as Appendix IV

#### 5) EVALUATION PROCESS

##### a. Appointment of the Evaluation Committee

The Clerk of the National Assembly through a letter dated 23<sup>rd</sup> March 2021 appointed an Ad-hoc Evaluation Committee as per Section 46 of the Public Procurement and Asset Disposal Act, 2015 comprising the following members:-

- |                        |                                   |           |
|------------------------|-----------------------------------|-----------|
| 1) Mr. Peter Meikoki   | -Deputy Director/Chief Accountant | -Chairman |
| 2) Mr. Oscar Namulanda | -Principal Clerk Assistant        | -Member   |
| 3) Ms. Lucy Kimathi    | -Principal Clerk Assistant        | -Member   |
| 4) Mr. John Mutega     | -Principal Clerk Assistant        | -Member   |

	EVALUATION CRITERIA	BIDDER NUMBERS							
		B1	B2	B3	B4	B5	B6	B7	B8
	magnitude preferably in large Government Institutions and Regulatory bodies.								
7)	Provide a bid security of Kshs. 50,000.00 valid for 150 days from a reputable bank or insurance company approved by PPRA and in the prescribed format.	YES	YES	YES	YES	YES	YES	YES	YES
8)	Fully filled and stamped Confidential Business Questionnaire	YES	YES	YES	NO	YES	YES	YES	YES
9)	A list of five (5) major clients, their location, description of the assignment, date, duration of the assignment and contact details of the clients personnel	YES	YES	YES	YES	YES	YES	YES	YES
10)	Recommendation letters from at least three (3) large firms/institutions	YES	YES	YES	YES	YES	YES	YES	YES
11)	Proof of registration with ICPAK as a firm	YES	YES	YES	YES	YES	YES	YES	YES
12)	Submission of valid Partner's Practicing certificates	YES	YES	YES	YES	YES	YES	YES	YES
13)	Submission of a valid Sole Proprietor/Partners' Certificate of good standing from ICPAK.	YES	YES	YES	YES	YES	YES	NO	YES
14)	Confirmation that the firm or its staff and partners are not aware of any conflict of interest	YES	YES	YES	YES	YES	YES	YES	YES
15)	Submission of a well bound, serialized and paginated bid document	YES	YES	YES	NO	YES	NO	YES	YES
	<b>RESPONSIVE(R) /NON-RESPONSIVE (NR)</b>	R	R	R	NR	NR	NR	NR	NR

**Key:**

Bid No.	Bidder's Name	Bid No.	Bidder's Name
B1	PKF Kenya	B6	Ambale & Company Limited
B2	Ronalds LLP Mazars	B7	Mazars
B3	Kiarie Kangethe & Associates	B8	FHC
B4	Nelson & Francis Associates		
B5	Said Abeid		

NR-Non-responsive

**Observations under the Preliminary Stage of the Evaluation**

- a) The following firms were disqualified at the preliminary stage of the evaluation for the reasons indicated in the table below:-

**Table 3.0-reasons for disqualification**

Bidder No.	Bidder's Name	Reasons for disqualification
B4	Nelson & Francis LLP	<ul style="list-style-type: none"> <li>❖ The attached Confidential Business Questionnaire for the joint venture partner Growth Path Associates not fully filled.</li> <li>❖ The document was not properly paginated. After page 95, the company profile attachment for the Joint partner growth Path Associates not paginated.</li> </ul>
B5	Said Abeid	<ul style="list-style-type: none"> <li>❖ Did not separate the technical and financial proposals as required.</li> <li>❖ The Tax Compliance Certificate is provided expired</li> </ul>
B6	Ambale & Company Limited	<ul style="list-style-type: none"> <li>❖ Did not submit an original and copy of the proposal document as required. Provided only one document- the original without the copy as required.</li> </ul>

Item	Consultancy skills, competencies and key staff evaluation criteria parameters	Max. Points
IV.	<b>THREE (3) ADDITIONAL STAFF (Max. 10marks for each additional staff)</b>	
	<b>STAFF ONE</b> <ul style="list-style-type: none"> <li>Advanced degree in accounts, finance, business administration or any other related field <i>(1 mark).</i></li> <li>Have attained full professional qualifications in CPA (K), ACCA, CIMA or their equivalent <i>(2 marks).</i></li> <li>Membership to ICPAK or its equivalent and in good professional standing (attach current certificate)<i>(2marks)</i></li> <li>Adequate and strong experience in audit, risk management, management, regulatory affairs etc <i>(5 marks)</i></li> </ul>	
	<b>STAFF TWO</b> <ul style="list-style-type: none"> <li>Advanced degree in accounts, finance, business administration or any other related field <i>(1 mark).</i></li> <li>Have attained full professional qualifications in CPA (K), ACCA, CIMA or their equivalent <i>(2 marks).</i></li> <li>Membership to ICPAK or its equivalent and in good professional standing (attach current certificate)<i>(2marks)</i></li> <li>Adequate and strong experience in audit, risk management, management, regulatory affairs etc <i>(5 marks)</i></li> </ul>	
	<b>STAFF THREE</b> <ul style="list-style-type: none"> <li>Advanced degree in accounts, finance, business administration or any other related field <i>(1 mark).</i></li> <li>Have attained full professional qualifications in CPA (K), ACCA, CIMA or their equivalent <i>(2 marks).</i></li> <li>Membership to ICPAK or its equivalent and in good professional standing (attach current certificate)<i>(2marks)</i></li> <li>Adequate and strong experience in audit, risk management, management, regulatory affairs etc <i>(5 marks)</i></li> </ul>	
	<b>TOTAL MARKS SCORED</b>	<b>100</b>
	<b>RESPONSIVE(R) /NON-RESPONSIVE (NR)</b>	

c) Upon evaluation, the following is the summarized scores for the four bidders:-

Table 5.0-summarized evaluators score

	Bidder No.	Bidder's Name	Evaluators				Total Score by evaluators	Average score
			Peter	Oscar	Lucy	Sophie		
1.	1	PKF Kenya	87	90	89	87.5	353.5	88.375
2.	2	Ronalds LLP	88	89	91	87	355	88.75
3.	3	Kiarie Kangethe & Company	70.5	69	72	68.5	280	70

d) The RFP Document specified 75% and above as the pass mark under the technical evaluation stage.

e) The following firms did not qualify as they scored below the set pass mark of 75%:-

	Bidder No.	Bidder's Name	Evaluators				Total score	Average score
			Peter	Oscar	Lucy	Sophie		
1)	3	Kiarie Kangethe & Company	70.5	69	72	68.5	280	70

f) The reasons the firm scored below the set pass mark hence their disqualifications were as follows:-

*[Handwritten signatures and initials]*

c) Evaluation of the Financial Proposals

- ✓ The Evaluation Committee evaluated the financial bids as follows:-
  - Checking the arithmetic errors  
The financial bids by the two (2) firms had no arithmetic errors.
  - Calculating the weighted average as per the formula provided below:-

The formulae for determining the Financial Score (Sf) shall, unless an alternative formulae is indicated in the Appendix "ITC", be as follows:-

$Sf = 100 \times \frac{Fm}{F}$  where Sf is the financial score; Fm is the lowest priced financial proposal and F is the price of the proposal under consideration.

**PKF Kenya**  
 $100 \times \frac{18,469,520.00}{21,229,450.00} = 86.99$

**Ronalds LLP**  
 $100 \times \frac{18,469,520.00}{18,469,520.00} = 100$

Weighted to 20% as per the formula provided:-

$86.99 \times \frac{20}{100} = 17.398$

$100 \times \frac{20}{100} = 20$

d) Ranking of the financial proposals

The proposals were ranked as per the following criteria provided in the RFP document under clause:-

- Proposals will be ranked according to their combined technical (St) and financial (Sf) scores using the weights (T=the weight given to the Technical Proposal; P = the weight given to the Financial Proposal; T + P = I) indicated in the Appendix.
- The combined technical and financial score, S, is calculated as follows:-  $S = St \times T\% + Sf \times P\%$ .
- The firm achieving the highest combined technical and financial score will be invited for negotiations.

e) The results of the weighted scores and ranking are as follows:-

Table 9.0- Weighted scores for responsive firms (Bidder No. 1 and 2)

Bidder No.	Bidder's Name	Technical Score (a)	Weighted Technical Score (b)= (a weighted to 80%)	Financial Proposal Amount (Kshs.) (c)	Weighted financial score (d)=c weighted to 20%)	Total Weighted Score e = b + c	Ranking
1	PKF Kenya	88.375	$88.375/100 \times 80 = 70.7$	21,229,450	$18,469,520/21,229,450 \times 20 = 17.398$	$70.7 + 17.398 = 88.098$	2 <sup>nd</sup> highest ranked

### 8) RECOMMENDATIONS BY THE EVALUATION COMMITTEE

Based on the foregoing analysis and evaluation of all the proposals submitted, the Evaluation Committee recommends, **M/s Ronalds Limited Liability Partnership(LLP)** having attained the highest ranked score of 91 points be considered for award of the **Tender No. NA/RFP/03/2020-2021** for the provision of **external auditing services for purposes of auditing the office of the Auditor General (Kenya National Audit Office)** with respect to the **Financial Statements for the period 2018/2019 and 2019/2020** and the mortgage and car loan scheme fund for the **Financial Year 2015/2016** as per the Terms of Reference at a Total Cost of **Kshs.18,469,520.00** only.

Report compiled and signed by the following Evaluation Committee members:-

1. Mr. Peter Meikoki

..... 

Date 21/4/2021

2. Mr. Oscar Namulanda

..... 

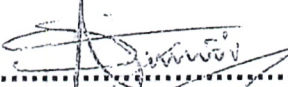
Date 21/4/2021

3. Ms. Lucy Kimanthi

..... 

Date 21/4/2021

4. Ms. Sophie Otieno

..... 

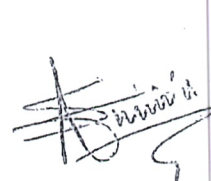
Date 21/4/2021

5. Mr. Joseph A. Njagi

..... 

Date 21/4/2021



 21/4/21



Telegraphic Address  
"Bunge", Nairobi  
Telephone 2221291/2848000  
Fax: 2243694  
E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)

When replying please quote

NATIONAL ASSEMBLY

Procurement/2020-2021/RFP/03

20<sup>th</sup> May 2021

**M/s Ronalds Limited Liability Partnership (LLP)**  
**Certified Public Accountants**  
**Rhapta Heights, Rhapta Road, Westlands**  
**P.O. Box 41331 – 00100**  
**NAIROBI**  
**Mobile: +254 717 558 212**  
**Email: [info@ronalds.co.ke](mailto:info@ronalds.co.ke)**

Dear *Erns,*

**NOTIFICATION OF AWARD FOR CONSULTANCY SERVICES ON PROVISION OF EXTERNAL AUDIT SERVICES FOR THE PURPOSE OF AUDITING THE OFFICE OF THE AUDITOR GENERAL FOR YEARS THE 2018/2019 AND 2020/2021 AND MORTGAGE AND CAR LOAN SCHEME FROM YEAR 2015/2016 - TENDER NO. NA/RFP/03/2020-2021**

Thank you for your participation in the above tender for provision of consultancy services of external audit services for the purpose of auditing the office of the Auditor General for the 2018/2019 and 2019/2020 and the organization's mortgage and car loan scheme from year 2015/2016.

Following conclusion of the evaluation process and consideration of all the proposals submitted, we are pleased to inform you that your proposal for provision of consultancy services of external audit services for the purpose of auditing the office of the Auditor General for the period 2018/2019 and 2010/2020 and the organization's mortgage and car loan scheme from year 2015/2016 at your quoted **Total Contract Amount of Kenya Shillings Eighteen Million, four hundred sixty nine thousand, five hundred and twenty (Kshs.18,469,520.00)** only was successful.

The Contract shall be signed by both parties within 30 days but not earlier fourteen than (14No.) days from the date of this letter subject to the following:-

- a) Your unconditional acceptance of the offer;
- b) Successful negotiations between the parties as per the provisions of RFP Document;
- c) There being no dispute lodged with the Public Procurement Administrative Review Board within fourteen (14) days from the date of this notification with regard to this tender;
- d) Approval by the National Assembly pursuant to Article 226(4) of the Constitution.



REPUBLIC OF KENYA

REPU

Telegraphic Address  
"Bunge", Nairobi  
Telephone 2221291/2848000  
Fax: 2243694  
E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)



National Assembly  
Clerk's Chambers  
Parliament Buildings  
P.O. Box 41842-00100  
NAIROBI, Kenya

When replying please quote

NATIONAL ASSEMBLY

Procurement/2020-2021/RFP/03

20<sup>th</sup> May 2021

M/s Ambale Ogot & Company  
P O Box 41953 – 80100 GPO  
MOMBASA, Kenya  
Tel. +254 705 601437  
Email: [info@ambaleauditors.co.ke](mailto:info@ambaleauditors.co.ke)

Dear Sirs,

**LETTER OF REGRET: CONSULTANCY SERVICES ON PROVISION OF EXTERNAL AUDIT SERVICES FOR THE PURPOSE OF AUDITING THE OFFICE OF THE AUDITOR GENERAL FOR YEARS THE 2018/2019 AND 2020/2021 AND MORTGAGE AND CAR LOAN SCHEME FROM YEAR 2015/2016 - TENDER NO. NA/RFP/03/2020-2021**

Thank you for participating in the above tender.

Following conclusion of the evaluation process and consideration of all the bids submitted, we regret to notify you that your tender was unsuccessful at the preliminary/mandatory of the evaluation stage for the following reason:-

- You did not submit an original and copy of the proposal document as required. Provided only one document- the original without the copy as required.

Please note M/s Ronalds LLP emerged the successful bidder having met the mandatory, technical and financial requirements of the tender with a combined score of 91 points.

We look forward to your participation in our future tenders.

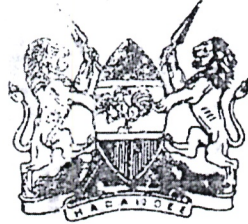
Yours faithfully,

A handwritten signature in black ink, appearing to read 'Michael R. Sialai', written over a horizontal line.

**MICHAEL R. SIALAI, CBS**  
**CLERK OF THE NATIONAL ASSEMBLY**



Telegraphic Address  
 "Bunge", Nairobi  
 Telephone 2221291/2848000  
 Fax: 2243694  
 E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)



National Assembly  
 Clerk's Chambers  
 Parliament Buildings  
 P.O. Box 41842-00100  
 NAIROBI, Kenya

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NATIONAL ASSEMBLY

**Procurement/2020-2021/RFP/03**

**20<sup>th</sup> May 2021**

**M/s Mazars**  
**Certified Public Accountants (K)**  
**3<sup>rd</sup> Fl, The Green House, Ngong Rd**  
**P O Box 61120 - 00200**  
**NAIROBI, Kenya**  
**Tel. +254 722 440270**  
**Email: [contact@mazars.co.ke](mailto:contact@mazars.co.ke)**

Dear Sirs,

**LETTER OF REGRET: CONSULTANCY SERVICES ON PROVISION OF EXTERNAL AUDIT SERVICES FOR THE PURPOSE OF AUDITING THE OFFICE OF THE AUDITOR GENERAL FOR YEARS THE 2018/2019 AND 2020/2021 AND MORTGAGE AND CAR LOAN SCHEME FROM YEAR 2015/2016 - TENDER NO. NA/RFP/03/2020-2021**

---

Thank you for participating in the above tender.

Following conclusion of the evaluation process and consideration of all the bids submitted, we regret to notify you that your tender was unsuccessful at the preliminary/mandatory of the evaluation stage for the following reason:-

- You did not provide certificate of good standing for the personnel as required

Please note M/s Ronalds LLP emerged the successful bidder having met the mandatory, technical and financial requirements of the tender with a combined score of 91 points.

We look forward to your participation in our future tenders.

Yours faithfully,

**MICHAEL R. SIALAI, CBS**  
**CLERK OF THE NATIONAL ASSEMBLY**

REPUBLIC OF KENYA

Telegraphic Address  
"Bunge", Nairobi  
Telephone 2221291/2848000  
Fax: 2243694  
E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)



National Assembly  
Clerk's Chambers  
Parliament Buildings  
P.O. Box 41842-00100  
NAIROBI, Kenya

When replying please quote

NATIONAL ASSEMBLY

**Procurement/2020-2021/RFP/03**

**20<sup>th</sup> May 2021**

**M/s FH & Company**  
**216 Muthaiga North**  
**P O Box 64587 - 00620**  
**NAIROBI, Kenya**  
**Tel. +254 722 542 500**  
**Email: [info@thenovigroup.com](mailto:info@thenovigroup.com)**

Dear Sirs,

**LETTER OF REGRET: CONSULTANCY SERVICES ON PROVISION OF EXTERNAL AUDIT SERVICES FOR THE PURPOSE OF AUDITING THE OFFICE OF THE AUDITOR GENERAL FOR YEARS THE 2018/2019 AND 2020/2021 AND MORTGAGE AND CAR LOAN SCHEME FROM YEAR 2015/2016 - TENDER NO. NA/RFP/03/2020-2021**

---

Thank you for participating in the above tender.

Following conclusion of the evaluation process and consideration of all the bids submitted, we regret to notify you that your tender was unsuccessful at the preliminary/mandatory of the evaluation stage for the following reason:-

- You did not separate technical and financial proposals as required.

Please note M/s Ronalds LLP emerged the successful bidder having met the mandatory, technical and financial requirements of the tender with a combined score of 91 points.

We look forward to your participation in our future tenders.

Yours faithfully,

**MICHAEL R. SIALAI, CBS**  
**CLERK OF THE NATIONAL ASSEMBLY**



Telegraphic Address  
"Bunge", Nairobi  
Telephone 2221291/2848000  
Fax: 2243694  
E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)

National Assembly  
Clerk's Chambers  
Parliament Buildings  
P.O. Box 41842-00100  
NAIROBI, Kenya

When replying please quote

NATIONAL ASSEMBLY

Procurement/2020-2021/RFP/03

20<sup>th</sup> May 2021

M/s Said Abeid Said & Co.,  
Certified Public Accountants  
P O Box 82667-80100  
MOMBASA, Kenya  
Email: [auditors@said-abeid.com](mailto:auditors@said-abeid.com)

Dear Sirs,

**LETTER OF REGRET: CONSULTANCY SERVICES ON PROVISION OF EXTERNAL AUDIT SERVICES FOR THE PURPOSE OF AUDITING THE OFFICE OF THE AUDITOR GENERAL FOR YEARS THE 2018/2019 AND 2020/2021 AND MORTGAGE AND CAR LOAN SCHEME FROM YEAR 2015/2016 - TENDER NO. NA/RFP/03/2020-2021**

Thank you for participating in the above tender.

Following conclusion of the evaluation process and consideration of all the bids submitted, we regret to notify you that your tender was unsuccessful at the preliminary/mandatory of the evaluation stage for the following reasons:-

- You did not separate the technical and financial proposals as required.
- You provided an expired Tax Compliance Certificate.

Please note M/s Ronalds LLP emerged the successful bidder having met the mandatory, technical and financial requirements of the tender with a combined score of 91 points.

We look forward to your participation in our future tenders.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'M. Sialai', written over a horizontal line.

**MICHAEL R. SIALAI, CBS**  
**CLERK OF THE NATIONAL ASSEMBLY**

# REPUBLIC OF KENYA

Telegraphic Address  
"Bunge", Nairobi  
Telephone 2221291/2848000  
Fax: 2243694  
E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)



National Assembly  
Clerk's Chambers  
Parliament Buildings  
P.O. Box 41842-00100  
NAIROBI, Kenya

When replying please quote

NATIONAL ASSEMBLY

Procurement/2020-2021/RFP/03

20<sup>th</sup> May 2021

M/s PKF  
Kalamu House, Grevillea Grove  
Westlands  
P O Box 14077 - 00800  
NAIROBI, Kenya  
Tel. +254 20 4270000  
+254 732 144000  
Email: [pkfnbi@ke.pkf.ea.com](mailto:pkfnbi@ke.pkf.ea.com)

Dear Sirs,

**LETTER OF REGRET: CONSULTANCY SERVICES ON PROVISION OF EXTERNAL AUDIT SERVICES FOR THE PURPOSE OF AUDITING THE OFFICE OF THE AUDITOR GENERAL FOR YEARS THE 2018/2019 AND 2020/2021 AND MORTGAGE AND CAR LOAN SCHEME FROM YEAR 2015/2016 - TENDER NO. NA/RFP/03/2020-2021**

---

Thank you for participating in the above tender.

Following conclusion of the evaluation process and consideration of all the bids submitted, we regret to notify you that your tender was unsuccessful at the financial stage of the evaluation for the following reason:-

- You were the 2<sup>nd</sup> highest ranked with a combined score of 88.098 points.

Please note M/s Ronalds LLP emerged the successful bidder having met the mandatory, technical and financial requirements of the tender with a combined score of 91 points.

We look forward to your participation in our future tenders.

Yours faithfully,

**MICHAEL R. SIALAI, CBS**  
**CLERK OF THE NATIONAL ASSEMBLY**

# REPUBLIC OF KENYA

Telegraphic Address  
"Bunge", Nairobi  
Telephone 2221291/2848000  
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National Assembly  
Clerk's Chambers  
Parliament Buildings  
P.O. Box 41842-00100  
NAIROBI, Kenya

When replying please quote

**NATIONAL ASSEMBLY**

**Procurement/2020-2021/RFP/03**

**20<sup>th</sup> May 2021**

**M/s Kiarie Kangethe & Co**  
**Certified Public Accountants**  
**Mpaka Plaza, 4<sup>th</sup> Floor**  
**Westlands**  
**P O Box 26955 – 00100 GPO**  
**NAIROBI, Kenya**  
**Tel. +254 20 2306591**  
**+254 723 108 981**  
**Email: [skiarie@kiariekandetheadco.com](mailto:skiarie@kiariekandetheadco.com)**  
**[info@kiariekandetheadco.com](mailto:info@kiariekandetheadco.com)**

Dear Sirs,

**LETTER OF REGRET: CONSULTANCY SERVICES ON PROVISION OF EXTERNAL AUDIT SERVICES FOR THE PURPOSE OF AUDITING THE OFFICE OF THE AUDITOR GENERAL FOR YEARS THE 2018/2019 AND 2020/2021 AND MORTGAGE AND CAR LOAN SCHEME FROM YEAR 2015/2016 - TENDER NO. NA/RFP/03/2020-2021**

---

Thank you for participating in the above tender.

Following conclusion of the evaluation process and consideration of all the bids submitted, we regret to notify you that your tender was unsuccessful at the technical evaluation stage for the following reasons:-

- Your firm scored below the set pass mark of 75 points as required of the evaluation criteria.
- Your firm did not provide relevant certificates for their staff to support academic and professional qualifications for the personnel proposed for the assignment as required of the evaluation criteria.
- You did not provide accompanying certificates of membership and evidence of good standing as required of the evaluation criteria for some of the personnel proposed for the assignment.
- The CVs you submitted for some of the personnel proposed for the assignment did not demonstrate adequate and strong experience in audit, risk management and regulatory affairs.

Please note M/s Ronalds LLP emerged the successful bidder having met the mandatory, technical and financial requirements of the tender with a combined score of 91 points.

We look forward to your participation in our future tenders.

Yours faithfully,

**MICHAEL R. SIALAI, CBS**  
**CLERK OF THE NATIONAL ASSEMBLY**

REPUBLIC OF KENYA



Telegraphic Address  
"Bunge", Nairobi  
Telephone 2221291/2848000  
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E-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)

National Assembly  
Clerk's Chambers  
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P.O. Box 41842-00100  
NAIROBI, Kenya

When replying please quote

NATIONAL ASSEMBLY

Procurement/2020-2021/RFP/03

20<sup>th</sup> May 2021

M/s Nelson & Francis LLP  
P O Box 19897- 00100  
NAIROBI, Kenya  
Tel. +254 723 005706  
Email: [info@nfassociates.co.ke](mailto:info@nfassociates.co.ke)

Dear Sirs,

**LETTER OF REGRET: CONSULTANCY SERVICES ON PROVISION OF EXTERNAL AUDIT SERVICES FOR THE PURPOSE OF AUDITING THE OFFICE OF THE AUDITOR GENERAL FOR YEARS THE 2018/2019 AND 2020/2021 AND MORTGAGE AND CAR LOAN SCHEME FROM YEAR 2015/2016 - TENDER NO. NA/RFP/03/2020-2021**

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Thank you for participating in the above tender.

Following conclusion of the evaluation process and consideration of all the bids submitted, we regret to notify you that your tender was unsuccessful at the preliminary/mandatory of the evaluation stage for the following reasons:-

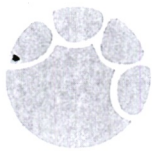
- The attached Confidential Business Questionnaire for the joint venture partner Growth Path Associates not fully filled.
- The document was not properly paginated. After page 95, the company profile attachment for the Joint partner growth Path Associates not paginated.

Please note M/s Ronalds LLP emerged the successful bidder having met the mandatory, technical and financial requirements of the tender with a combined score of 91 points.

We look forward to your participation in our future tenders.

Yours faithfully,

**MICHAEL R. SIALAI, CBS**  
**CLERK OF THE NATIONAL ASSEMBLY**



Ronalds

# Appendix VI

BKR  
INTERNATIONAL

Procurement/2020-2021/RFP/03

24<sup>th</sup> May 2021.

Clerk of the National Assembly,  
National Assembly,  
Clerk's Chambers,  
Parliament Buildings,  
P. O. Box 41842- 00100,  
Nairobi.

Dear Sir,

**RE: ACCEPTANCE OF THE AWARD FOR CONSULTANCY SERVICES ON PROVISION OF EXTERNAL AUDIT SERVICES FOR THE PURPOSE OF AUDITING THE OFFICE OF THE AUDITOR GENERAL FOR YEARS 2018/2019 AND 2019/2020 AND MORTGAGE AND CAR LOAN SCHEME FOR THE FINANCIAL YEAR 2015/2016. TENDER NO. NA/RFP/03/2020-2021**

We wish to thank the National Assembly for awarding our firm consultancy services on provision of external audit services for the purpose of auditing the Office of the Auditor General (OAG) for years 2018/2019 and 2019/2020 and mortgage and car loan scheme for the financial year 2015/2016.

This letter serves as a formal acceptance of your award, we look forward to meet the chief procurement officer for the National Assembly so that we can establish a contract for the consultancy services.

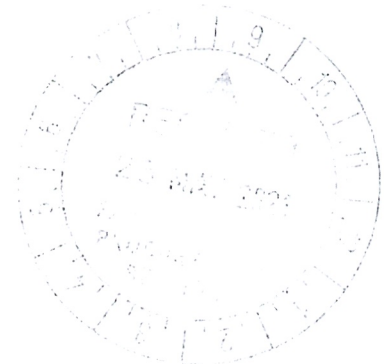
We have designated Mr. Ronald N. Bwosi as the Team Leader and his contact is **+254 720 131 650** or [ronald@ronalds.co.ke](mailto:ronald@ronalds.co.ke).

Do not hesitate to contact us in case you need any further clarification.

We look forward to a fruitful professional engagement.

Yours Faithfully,

CPA, Ronald N. Bwosi,  
Group Managing Partner.





**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 42 (Senate Bills No. 20)*

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REPUBLIC OF KENYA

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**KENYA GAZETTE SUPPLEMENT**

**SENATE BILLS, 2021**

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**NAIROBI, 23rd March, 2021**

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**THE COUNTY BOUNDARIES BILL, 2021**  
**ARRANGEMENT OF CLAUSES**

*Clause*

**PART I - PRELIMINARY**

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- 2—Interpretation.

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- 3—County boundaries.
- 4—Cabinet secretary to keep electronic records.
- 5—Resolution of disputes through mediation.
- 6—Alteration of county boundaries.

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BOUNDARY DISPUTES**

- 7—Establishment of a county boundaries mediation committee.
- 8—Nomination of members to the committee.
- 9—Composition of the committee.
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- 13—Role of a mediation committee.
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20—Consideration of petition by special committee.

21—Report of special committee.

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24—Establishment of a commission.

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46—Consolidation of consideration of petitions.

47—Withdrawal of a petition.

48—Offences and penalties.

49—Repeal of Cap 105A.

**FIRST SCHEDULE:** Boundaries of Counties  
in Kenya

**SECOND SCHEDULE:** Requirements for a  
Petition

**THIRD SCHEDULE:** Form of Petition.

**FOURTH SCHEDULE:** Conduct of business and  
affairs of the  
Commission.

**FIFTH SCHEDULE:** Oath of office for  
members of the  
Commission.

**THE COUNTY BOUNDARIES BILL, 2021****A Bill for**

**AN ACT of Parliament to provide for county boundaries; to provide for a mechanism for the resolution of county boundary disputes; to give effect to Article 188 of the Constitution by providing for the procedure for alteration of county boundaries; to provide for the establishment of an independent county boundaries commission; and for connected purposes.**

**ENACTED** by the Parliament of Kenya, as follows —

**PART I — PRELIMINARY**

1. This Act may be cited as the County Boundaries Act, 2021. Short title.
2. In this Act, Interpretation.
- “affected county” means —
- (a) any county whose boundaries would be affected by a proposed alteration of county boundaries contained in a petition; or
- (b) any county whose boundaries are disputed;
- “boundary of a county” means the boundary of a county as set out in the First Schedule;
- “cabinet secretary” means the cabinet secretary for the time being responsible for matters related to land and physical planning;
- “commission” means an independent county boundaries commission established in accordance with section 24;
- “county” means a county listed in the First Schedule to the Constitution;
- “county executive committee member” means the county executive committee member for the time being responsible for matters related to land and physical planning in the county;
- “dispute” means disagreements between two or more neighbouring counties over the possession or control of land bordering the two or more neighbouring counties;

“mediation committee” means a county boundaries mediation committee established in accordance with section 7;

“mediation party” means a party that participates in a mediation and whose agreement is necessary to resolve the dispute;

“petitioner’s county” means the county in which a petitioner is a registered voter; and

“special committee” means a special committee established by a resolution of the Senate for the consideration of a petition.

### **PART II – COUNTY BOUNDARIES**

**3.** (1) Pursuant to Article 6(1) of the Constitution, the territory of Kenya is divided into the forty-seven counties specified in the First Schedule to the Constitution.

County boundaries.

(1) The boundaries of the counties are as set out in the First Schedule to this Act.

**4.** (1) The cabinet secretary shall keep, and shall upon request by any person, make available an up-to-date electronic record of the boundaries of the counties.

Cabinet secretary to keep electronic records.

(2) In keeping the records under subsection (1), the cabinet secretary shall utilise the appropriate technologies to ensure accurate identification of county boundaries.

(3) Any person who unlawfully interferes with the records kept under this section commits an offence and is liable, upon conviction, to a fine of two million shillings or to five years imprisonment or to both.

**5.** Subject to this Act, county boundary disputes may be resolved through the mediation process outlined in Part III.

Resolution of disputes through mediation.

**6.** (1) The boundaries of a county may, in accordance with Article 188(1) of the Constitution, be altered only by a resolution —

Alteration of county boundaries.

(a) recommended by an independent commission set up for that purpose by Parliament; and

(b) passed by —

(i) the National Assembly, with the support of at least two-thirds of all of the members of the Assembly; and

(ii) the Senate, with the support of at least two-thirds of all the county delegations.

(2) Pursuant to Article 188(2) of the Constitution, the boundaries of a county may be altered to take into account —

- (a) population density and demographic trends;
- (b) physical and human infrastructure;
- (c) historical and cultural ties;
- (d) the cost of administration;
- (e) the views of the communities affected;
- (f) the objects of devolution of government; and
- (g) geographical features.

(3) The procedure for alteration of the boundaries of a county shall be as set out in this Act.

### **PART III – RESOLUTION OF COUNTY BOUNDARY DISPUTES**

7. (1) The Senate may pass a resolution for the establishment of a county boundaries mediation committee upon —

Establishment of a county boundaries mediation committee.

- (a) a request by the governor of any county whose boundary is disputed; or
- (b) a request by the senator of any county whose boundary is disputed;
- (c) a request by a registered voter of a county whose boundary is disputed; or
- (d) the recommendation of the Senate, made under section 21, for mediation as the means of resolving a boundary dispute.

(2) A request under subsection (1)(a) to (c) shall be made to the Senate and shall be accompanied by —

- (a) evidence that notice was given to every county government of a county whose boundary is the subject of the dispute referred to in subsection (1); and
- (b) a description in writing identifying the specific disputed county boundary under the First Schedule.

(3) The Senate shall consider a request under subsection (2) within twenty-one days.

**8.** Where a resolution has been made by the Senate for the establishment of a mediation committee under section 7(1), the President shall within fourteen days of receipt of the resolution appoint a mediation committee, with the approval of the Senate.

Appointment of members of a mediation committee.

**9.** (1) The mediation committee shall consist of —

Composition of the mediation committee.

(a) a chairperson, who shall be an advocate of the High Court of Kenya with at least fifteen years experience in alternative dispute resolution;

(b) one person from each of the affected counties with at least five years' experience in conflict management, nominated by the respective governors;

(c) a commissioner of the National Land Commission nominated by the National Land Commission from amongst the commissioners;

(d) a licensed surveyor nominated by the Land Surveyors' Board established under the Survey Act; and

Cap. 299.

(e) a public officer nominated by the cabinet secretary, who shall be the secretary to the committee, and who shall —

(i) be an *ex-officio* member; and

(ii) not have a right to vote.

(2) A person shall not qualify for appointment under subsection (1)(a) and (b) if the person —

(a) has stood for an elective office in any of the affected counties in the last five years; or

(b) has been a public officer in any of the affected counties.

**10.** (1) A member of the mediation committee may be removed from office by the President only for —

Removal of a member of the mediation committee.

(a) gross violation of the Constitution or any other law;

(b) gross misconduct, whether in the performance of the member's functions or otherwise;

- (c) physical or mental incapacity to perform the functions of office;
  - (d) incompetence; or
  - (e) bankruptcy.
- (2) Before removal under subsection (1), a member of the committee shall be —
- (a) informed in writing of the reasons for the intended removal; and
  - (b) given an opportunity to put in a defence against any such allegations, either in person or through an advocate.
- (3) Where a vacancy occurs in the membership of the mediation committee under subsection (1), the President shall appoint a replacement in accordance with the procedure under section 8.

**11.** Members of a mediation committee shall be paid such remuneration or allowances as the cabinet secretary shall, on the advise of the Salaries and Remuneration Commission, determine.

Remuneration and allowances.

**12.** (1) There shall be a secretariat to a mediation committee which shall be headed by the secretary.

Secretariat.

(2) The cabinet secretary shall, within seven days of the appointment of the mediation committee, second such public officers as may be required to constitute the secretariat to the mediation committee.

(3) The secretariat referred to under subsection (1) shall include officers with knowledge and at least five years experience in physical planning or land survey.

(4) At the request of the mediation committee, the cabinet secretary may, on behalf of the mediation committee, engage any person whose expertise or knowledge is considered necessary for the execution of the mediation committee's mandate.

(5) For purposes of this Act, a public officer who is seconded to a mediation committee shall be required to comply with the Constitution, this Act and any orders and directions of the committee.

**13.** (1) The role of the mediation committee shall be to —

Role of a mediation committee.

- (a) facilitate communication and negotiation between the mediation parties so as to assist the mediation parties to reach an agreement regarding their dispute;
- (b) inquire into the dispute between the mediation parties;
- (c) obtain the necessary information required to aid in the resolution of the dispute;
- (d) offer the mediation parties options and new perspectives for consideration;
- (e) keep a record of the mediation proceedings;
- (f) record any agreement arrived at between the mediation parties; and
- (g) ensure that the mediation process or the agreement arrived at between the mediation parties does not result in the violation of the Constitution or any other law.

(2) In undertaking its role under subsection (1), a mediation committee shall —

- (a) remain impartial at all times;
- (b) ensure that each mediation party is fully heard in the mediation process;
- (c) observe the rules of natural justice in handling the mediation parties and members of the public; and
- (d) hold all communication between the mediation parties in confidence during the mediation process.

**14.** (1) A mediation committee shall have the power to make such rules as are necessary for the conduct and management of its proceedings.

Powers of the committee.

(2) The mediation committee in making rules under subsection (1) shall take into account the views of the disputing parties.

(3) Despite the generality of subsection (1), a mediation committee shall have the powers of the High Court to

- (a) summon witnesses;

(b) call for the production of books, plans and documents; and

(c) examine witnesses on oath.

(4) A mediation committee shall develop rules for the participation of the members of the public in its proceedings.

**15.** (1) The mediation committee shall, within three months of the resolution of the Senate to establish a mediation committee under section 7, report to the Senate on —

Report by the committee.

(a) the agreement arrived at, if any; and

(b) any other recommendation that it considers appropriate.

(2) Where one of the outcomes of the mediation process under this Part is a proposal for the alteration of the boundaries of any of the affected counties, the mediation committee shall submit its report to the President, the Senate and the National Assembly.

(3) The President shall, within fourteen days of receipt of a report, under subsection (2) appoint an independent county boundaries commission in accordance with Part V.

**16.** (1) The President may, with the approval of the Senate, extend the period under section 15(1) for not more than one month.

Extension of timelines.

(2) The period under section 15(1) may be extended only once.

**17.** (1) A mediation committee shall stand dissolved thirty days after submission of its report under section 16.

Dissolution of a mediation committee.

(2) During the period prescribed in subsection (1), the mediation committee shall ensure that its affairs are wound up in an orderly manner and, in particular, it shall ensure that —

(a) those aspects of its work that will be of value to other institutions are preserved, documented and transferred to the relevant institutions; and

(b) its files and records are preserved and transferred to the Kenya National Archives and Documentation Service.

(3) Upon the dissolution of a mediation committee under subsection (1), any assets and liabilities of the mediation committee, shall vest in the office of the cabinet secretary.

(4) The terms of the members of a mediation committee shall expire upon the dissolution of the mediation committee.

**PART IV – ALTERATION OF COUNTY BOUNDARIES**

**18.** (1) A petition to Parliament for the alteration of the boundary of a county may be made by —

Petition for alteration of the boundary of a county.

- (a) any person who is a registered voter in a county whose boundary is proposed to be altered;
- (b) an elected member of the county assembly of a county whose boundary is proposed to be altered;
- (c) the Senator of a county whose boundary is proposed to be altered or a Member of the National Assembly representing a constituency within the county whose boundary is proposed to be altered;
- (d) a county governor on behalf of a county government that proposes the alteration of its boundary.

(2) A petition made under subsection (1)(a) shall be supported by at least fifteen percent of the registered voters of the petitioner's county.

(3) A petition made under subsection (1)(b) shall be accompanied by a resolution of the county assembly supported by at least two-thirds of the elected members of the county assembly.

(4) A petition made under this section shall —

- (a) comply with the requirements for a petition set out in the Second Schedule; and
- (b) be in the form set out in the Third Schedule.

**19.** (1) A petition under section 18 shall be submitted to the Speaker of the Senate.

Submission of a petition.

(2) The Speaker of the Senate shall, within seven days of receipt of a petition under section 18 —

- (a) report to the Senate the receipt of the petition; and
- (b) refer the petition to a special committee of the Senate established for consideration of the petition.

**20.** In considering a petition referred to it under section 19(2)(b), the special committee of the Senate shall within thirty days —

Consideration of petition by special committee.

- (a) where the petition is presented under section 18(1)(a), obtain a certificate from the Independent Electoral and Boundaries Commission ascertaining that the petition is supported by at least fifteen percent of the registered voters of the petitioner's county;
- (b) study the petition taking into account the provisions of Article 188 of the Constitution and undertake an inquiry into the issues raised in the petition;
- (c) consider whether mediation would be the appropriate means of addressing the issues raised in the petition; and
- (d) table a report of its findings and recommendations in the Senate.

**21.** (1) A special committee may recommend to the Senate —

Report of special committee.

- (a) that a boundary dispute be referred to a mediation committee to be established under Section 7;
- (b) the establishment of a commission in terms of section 24; or
- (c) that the Senate does not recommend the establishment of the commission.

(5) If the special committee makes recommendations under —

- (a) subsection (1)(a) or (b), the Senate shall, within seven days, consider the recommendations of the special committee;
- (b) subsection (1)(c), no further proceedings shall take place in respect of the petition.

22. Where after the consideration of the report of the committee under section 21(2)(a) the Senate —

Consideration of report of special committee by the Senate.

- (a) approves mediation as the appropriate means of resolving a boundary dispute, the Speaker of the Senate shall, within seven days of the resolution of the Senate, forward the resolution to the President for establishment of a county boundaries mediation committee in accordance with section 7;
- (b) approves the recommendation of the special committee for the establishment of a commission, the resolution of the Senate shall be referred to the National Assembly for concurrence; or
- (c) does not approve the recommendation of the special committee, no further proceedings shall take place in respect of the petition.

23. (1) The National Assembly shall consider a resolution received under section 22(b) within thirty days of receipt of the resolution.

Consideration of report of special committee by the National Assembly.

- (2) If the National Assembly —
  - (a) concurs with the resolution of the Senate for the establishment of a commission, a commission shall be established in accordance with section 24 of this Act; or
  - (b) does not concur with the resolution of the Senate for the establishment of a commission, the petition shall be referred to a parliamentary mediation committee comprising an equal number of members from each House.
- (3) If the National Assembly fails to consider the resolution of the Senate within the specified time, the National Assembly is deemed to have approved the resolution of the Senate.
- (4) Where the National Assembly approves the resolution of the Senate, the Speaker of the Senate shall, within seven days of the approval by the National Assembly, forward the resolution to the President for the establishment of a commission in accordance with section 24.
- (5) The parliamentary mediation committee under sub-section (2) shall, within twenty-one days of referral of

the petition, consider the petition and agree on a recommendation in terms of section 21 (1).

(6) If the parliamentary mediation committee arrives at a common recommendation, each House shall vote to approve or reject the resolution of the parliamentary mediation committee.

(7) If the parliamentary mediation committee recommends the establishment of a county boundaries parliamentary mediation committee, section 22(a) shall apply with necessary modifications.

(8) If the parliamentary mediation committee recommends the establishment of a commission, subsection (4) shall apply with necessary modifications.

(9) If the mediation committee fails to agree on a recommendation, no further proceedings shall take place in respect of the Petition.

#### **PART V - INDEPENDENT COUNTY BOUNDARIES COMMISSION**

**24.** Whenever Parliament, under section 23, resolves that an independent county boundaries commission be established, the President shall, within fourteen days of receipt of the petition, nominate members of a commission in accordance with this Part.

Establishment  
of a  
commission.

**24.** (1) A commission established under this Act shall consist of —

Membership of  
the commission.

- (a) a chairperson nominated by the President;
- (b) one commissioner of the Independent Electoral and Boundaries Commission, nominated by the Independent Electoral and Boundaries Commission;
- (c) one commissioner of the National Land Commission, nominated by the National Land Commission;
- (d) the Principal Secretary for the time being responsible for matters related to land and physical planning or a representative of the Principal Secretary designated in writing;
- (e) two persons, one a man and one a woman, nominated by the Council of County Governors who are not residents of the affected counties;

- (f) two persons, one a man and one a woman, who are licensed surveyors under the Survey Act and who are not resident in the affected counties, nominated by the Land Surveyors' Board; Cap 299.
- (g) the secretary to the commission who shall be a public officer nominated by the cabinet secretary and who shall—
- (i) be an *ex-officio* member; and
  - (ii) not have a right to vote.

(2) A person nominated to be a member of the commission under subsection (1) shall be appointed by the President with the approval of Parliament.

(3) In approving a nomination under subsection 1(b) and (c), Parliament shall consider only whether there is any potential conflict of interest with respect to the nominee.

**25.** (1) The chairperson of the commission shall be a person who is qualified to hold the office of a judge of the Supreme Court. Qualifications.

(2) A person is qualified for appointment as a member of the commission under section 25(1)(d) if such person —

- (a) is a citizen of Kenya;
- (b) holds a degree from a recognised university;
- (c) has proven relevant knowledge and experience in
  - (i) statistics;
  - (ii) public administration; or
  - (iii) law; and
- (d) meets the requirements of Chapter Six of the Constitution.

(3) A person is not qualified for appointment as a member of the commission under section 25(1)(a), (c) or (d) if the person —

- (a) is a member of Parliament;
- (b) is a member of a county assembly;
- (c) is a member of the executive body of a political party;

- (d) holds or is acting in any office in the public service;
  - (e) has been removed from office for contravention of any law; or
  - (f) is an undischarged bankrupt.
- (4) A person shall be qualified for appointment as the secretary if the person —
- (a) possesses a degree from a recognised university;
  - (b) has had at least five years' proven experience at a management level;
  - (c) has proven relevant experience in either —
    - (i) management;
    - (ii) finance;
    - (iii) governance;
    - (iv) public administration;
    - (v) law; or
    - (vi) political science; and
  - (d) meets the requirements of Chapter Six of the Constitution.
- (5) The commission shall be properly constituted notwithstanding a vacancy in its membership.

**26.** The functions of a commission under this Act shall be to inquire into a petition referred to it and to —

Functions of the commission.

- (a) make appropriate recommendations in accordance with Article 188 of the Constitution; and
- (b) make any other recommendation as it may consider appropriate.

**27.** (1) A commission shall have all powers necessary for the execution of its functions under the Constitution, this Act and any other law.

Powers of the commission.

(2) Despite the generality of subsection (1), a commission shall have the powers —

- (a) of the High Court to —
  - (i) summon witnesses;

- (ii) call for the production of books, plans and documents; and
- (iii) examine witnesses on oath;
- (b) to obtain, by any lawful means, any information it considers relevant, including requisition of reports, records, documents and any information from any person, including governmental authorities, and to compel the production of such information for the proper discharge of its functions;
- (c) to interview any person or group of persons; and
- (d) to call upon any person to meet with the commission or its staff, or to attend a session or hearing of the commission subject to adequate provision being made to meet the person's expenses for the purpose.

**28.** (1) The conduct and regulation of the business and affairs of a commission established under this Act shall be as provided for in the Fourth Schedule, but subject thereto, the commission may regulate its own procedure.

Conduct of business and affairs of the commission.

(2) A commission shall develop rules for public participation of the members of the public in its proceedings.

**29.** (1) In the performance of its functions, a commission shall not be subject to the direction or control of any person, office or authority.

Independence of the commission.

(2) A commission shall observe the principle of impartiality and the rules of natural justice in the exercise of its powers and the performance of its functions.

(3) Every officer or institution at the national or county level shall accord a commission such assistance and protection as may be necessary to ensure its independence, impartiality and effectiveness in the discharge of its functions.

**31.** (1) A commission shall stand dissolved within one month –

Tenure of office.

- (a) after the submission of its final report to Parliament; or
- (b) after the conclusion of any legal proceedings, to which the commission is enjoined as a party, arising from the work of the commission.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| <p><b>32.</b> Members of a commission shall be paid such remuneration or allowances as the cabinet secretary shall, on the advise of the Salaries and Remuneration Commission, determine.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Remuneration and allowances.</p>      |
| <p><b>33.</b> The chairperson and the members of a commission shall, before assuming office, take and subscribe to the oath or affirmation of office prescribed in the Fifth Schedule.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Oath of office.</p>                   |
| <p><b>34.</b> (1) The secretary to a commission shall, in the performance of the functions and duties of office, be responsible and report to the commission.</p> <p>(2) The secretary shall, before assuming office, take and subscribe to the oath or affirmation of office prescribed in the Fifth Schedule.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Secretary to the commission.</p>      |
| <p><b>35.</b> (1) There shall be a secretariat of the commission which shall be headed by the secretary.</p> <p>(2) The cabinet secretary shall, within seven days of the appointment of the commissioners —</p> <p>(a) provide such facilities as are necessary for the proper functioning of a commission;</p> <p>(b) second such public officers from relevant ministries and government agencies as may be required to constitute the secretariat to the commission; and</p> <p>(c) liaise with the other cabinet secretaries and heads of relevant government agencies for the seconding of such public officers as may be required.</p> <p>(3) At the request of the commission, the cabinet secretary may, on behalf of the commission, engage any person whose expertise or knowledge is considered necessary for the execution of the commission's mandate.</p> <p>(4) For purposes of this Act, a public officer who is seconded to a commission shall be required to comply with the Constitution, this Act and any orders and directions of the commission.</p> | <p>Secretariat and other facilities.</p> |

**36.** (1) A member of a commission may be removed from office on any of the following grounds—

Removal from office.

- (a) incompetence;
- (b) abuse of office;
- (c) gross misconduct;
- (d) failure, without reasonable excuse, to attend three consecutive meetings of the commission;
- (e) physical or mental incapacity rendering the person incapable of performing the duties of that office; or
- (f) gross violation of the Constitution or any other law.

(2) Before removal under subsection (1), the member of the commission shall be —

- (a) informed in writing of the reasons for the intended removal; and
- (b) given an opportunity to put in a defence against any such allegations, either in person or through an advocate.

(3) Where a vacancy occurs in the membership of the commission under subsection (1), the President shall appoint a replacement in accordance with the provisions for nomination and appointment of a member of the commission.

**37.** No action done by a member of the commission or any officer, employee, or agent of the commission shall, if the action is done in good faith and in the course of executing the functions, powers or duties of the commission, render the member, officer, employee or agent personally liable for any action, claim or demand whatsoever.

Protection from personal liability.

**38.** The provisions of section 37 shall not relieve the commission of the liability to compensate or pay damages to any person for any injury to the person, the person's property or any of the person's interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, whether wholly or partially of any works.

Liability of the commission to damages.

**PART VI - INQUIRY AND REPORT OF THE  
COMMISSION**

**39.** A commission established in accordance with Section 24 shall, within ninety days of receipt of the petition —

Inquiry by the commission.

- (a) consider the petition and undertake any necessary inquiry into the issues raised in the petition;
- (b) invite the members of the public, the affected county governments and any other interested party to present their views on the petition; and
- (c) give the residents of the affected counties an opportunity to give their views on the petition.

**40.** (1) Upon the expiry of the period under section 39, the commission shall, within fourteen days, prepare and publish a preliminary report outlining —

Preliminary report on the proposed alteration of boundaries.

- (a) the proposed alteration of the boundaries of the affected counties;
- (b) the specific geographical and demographical details relating to such proposed alteration;
- (c) an assessment of the impact of the proposed alteration; and
- (d) any other information that the commission considers necessary.

(2) The preliminary report under subsection (1) shall be —

(a) published in —

- (i) at least two newspapers with national circulation; and
- (ii) the Kenya Gazette and the county gazette; and

(b) publicised through —

- (i) at least two radio stations within the reach of the affected counties;
- (ii) the commission’s website; and
- (iii) any other media that will enable the widest reach of the residents of the affected counties.

(3) The commission shall ensure that the preliminary report is made available to the public for a period of fourteen days and shall invite representations from the public on the proposals contained in the preliminary report during that period.

**41.**(1) Upon the expiry of the period provided in section 40(1), the commission shall, within fourteen days, review the preliminary report taking into account the views received from the public on the report and submit a final report to the Speaker of the Senate either —

Final report on the proposed alteration of boundaries.

- (a) recommending the alteration of the boundaries of a county in terms of Article 188 of the Constitution; or
- (b) making such other recommendation as the commission may consider appropriate.

(2) A report under subsection 1(a) shall include the specific geographical and demographical details relating to the proposed alteration.

**42.**(1) Where the report of the commission —

- (a) does not recommend the alteration of the boundaries of a county, no further action shall be taken in respect of the petition; or
- (b) recommends the alteration of the boundaries of a county, the Senate shall within fourteen days of receipt of the report resolve to either approve or reject the recommendation of the commission.

Consideration of the final report by Parliament.

(2) The Speaker of the Senate shall, within three days of the decision of the Senate under subsection (1), refer the resolution of the Senate to the National Assembly for concurrence.

(3) If both Houses approve the recommendation of the commission to alter the boundaries of a county, the Speaker of the Senate shall *gazette* the resolution as a resolution of Parliament and the boundaries of the county shall be altered as set out in the resolution of Parliament.

**43.** (1) Where the National Assembly does not concur with the resolution of the Senate to recommend the alteration of the boundaries of a county under section 42, the resolution shall be referred to a parliamentary mediation committee comprising an equal number of members of each House.

Concurrence by Parliament on alteration of a boundary.

(2) The parliamentary mediation committee under subsection (1) shall, within twenty-one days of the referral of the resolution, consider the resolution and agree on a recommendation in terms of section 42(3).

(3) If the parliamentary mediation committee arrives at a common recommendation, each House shall vote to approve or reject the resolution of the parliamentary mediation committee.

(4) If the parliamentary mediation committee recommends the alteration of the boundaries of a county, section 42(3) shall apply with the necessary modifications.

(5) If the parliamentary mediation committee fails to agree on a recommendation, no further proceedings shall take place in respect of the resolution to alter the boundaries of a county.

## **PART VII - MISCELLANEOUS PROVISIONS**

**44.** (1) The cabinet secretary may make regulations for the better carrying into effect of the provisions of this Act.

Regulations.

(1) In making regulations under this Act, the cabinet secretary shall consult the Independent Electoral and Boundaries Commission.

(2) Regulations under subsection (1) shall not take effect unless approved by a resolution passed by Parliament.

**45.** A petition shall not be admissible by the Senate where a general election is scheduled to be held within twelve months of the date of submission of the petition to the Senate.

Timeline for presentation of a petition.

**46.** (1) A resolution for the alteration of the boundaries of a county under section 42(3) shall take effect upon the next delimitation of the constituency and ward boundaries following a boundaries review process under Article 89 of the Constitution and section 36 of the Independent Electoral and Boundaries Commission Act.

Coming into effect of the resolution.

(2) The Independent Electoral and Boundaries Commission shall, in its report under section 36 (5) of the Independent Electoral and Boundaries Commission Act, state how a resolution under section 42(3) of this Act has been taken into account in the constituency and ward boundaries review process.

(3) The report referred to under subsection (2) shall be submitted to the Senate and the National Assembly for consideration.

(4) The Independent Electoral and Boundaries Commission, in preparing its final report under section 36(8), shall take into account the views of the Senate and the National Assembly.

**47.** Where the Speaker at any time receives more than one petition in respect of —

Consolidation of consideration of petitions.

(a) the same boundaries; or

(b) the same county,

the Speaker may direct that the petitions be consolidated.

**48.** A petition under this Act may be withdrawn by the petitioner on notice to the other parties and to the Speaker of the Senate.

Withdrawal of a petition.

**49.** (1) A petition challenging the alteration of a county boundary under this Act shall be filed in the High Court.

Petition to the High Court on alteration of boundaries.

(2) A petition under subsection (1) shall be-

(a) filed within twenty-one days of the publication of the boundaries in the *Gazette* under section 42(3); and

(b) determined within sixty days of the filing of the petition.

(3) Any appeal from a decision arising from a petition filed under subsection (2) shall be heard and determined within sixty days of the filing of the appeal.

**50.** (1) A person who wilfully obstructs any member, officer, employee or agent of a mediation committee or a commission established under this Act in the discharge of the lawful duties of the mediation committee or the commission, commits an offence and is liable, on conviction, to a fine of a maximum of one hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

Offences and penalties.

(2) An offence committed under this Act shall be a cognizable offence.

**51.** The Districts and Provinces Act is repealed.

Repeal of Cap 105A.

**FIRST SCHEDULE**

**(s.3(1), s.3(2), s.7(2)(b))**

**BOUNDARIES OF COUNTIES IN KENYA**

**1. MOMBASA COUNTY**

Commencing at the centre of the mouth of Mtwapa Creek on the coast line of the Indian Ocean;

thence due east to the limit of the territorial waters of the Indian Ocean;

thence generally south-westerly by that limit to a point due east of the intersection of the high water mark of the Indian Ocean and the extended north-eastern boundary of L.R. No. 3855/15;

thence due west to that intersection;

thence north-westerly by that extended boundary to the most easterly corner of L.R. No. 3855/15, and continuing by that north-eastern boundary to the most northerly corner of that portion;

thence generally northerly by the generally western boundaries of L.R. Nos. 3855/14 and 3855/6 to the south-east corner of Likoni Commonage;

thence generally westerly and north-westerly by the southern and south-western boundaries of that commonage to its north-western corner;

thence north-easterly by part of the generally western boundary of L.R. No. 3855/75 to its intersection with the generally southern boundary of L.R. No. 3855/111;

thence generally westerly, northerly, again westerly and southerly by that boundary to its intersection with the north-eastern boundary of L.R. No. 3855/112;

thence generally south-westerly and southerly by the generally eastern boundary of that portion to a beacon 4 on the northern boundary of the Mtongwe-Bombo Creek road reserve;

thence south-westerly by that road reserve boundary to the edge of Bombo Creek;

thence generally westerly by the high water mark of that creek to a point west of the mouth of Majera River;

thence generally northerly by the centre channel of Bombo Creek and containing northerly across the waters of Port Reitz to the centre channel of Mwachi Creek;

thence north-westerly by that channel and the northern branch of that creek to the south-east corner of Subdivision No. 224 of Section VI, Mombasa Mainland North;

thence northerly by the eastern boundary of that subdivision and continuing northerly by part of the eastern boundary of Subdivision No. 909 and the eastern boundary of L.R. No. 4526 to the north-east corner of the latter portion on the southern boundary of the Mombasa-Nairobi main railway line reserve;

thence again northerly by part of the western boundary of Subdivision No. 1128 of Section VI, Mombasa Mainland North, across the railway reserve and the pipe-line reserve to the southeastern corner of subdivision No. 139/R of the same section;

thence north-easterly by the south-eastern boundary of that portion and the south-eastern boundary of Subdivision No. 296 of Section V, Mombasa Mainland North to the intersection of the latter boundary with the Msapuni River;

thence north-westerly up-stream by that river to its intersection with the generally eastern boundary of Subdivision No. 412/R, Section V, Mombasa Mainland North;

thence northerly by that boundary to its intersection with the south-eastern boundary of the former Mazeras Trading Centre;

thence north-easterly by that former trading centre boundary to its south-eastern corner;

thence north-easterly by a straight line to the most northerly corner of Subdivision No. 312 of Section V, Mombasa Mainland North;

thence northerly, north-easterly and south-easterly by the generally north-western and north-eastern boundaries of Sub-division No. 378 of Section V, Mombasa Mainland North to the intersection of the last named boundary with the high water mark of Tudor Creek;

thence generally easterly by that high water mark to its intersection with a straight line, being part of the boundary of Mombasa Municipality, from the most northerly corner Sub-division No. 607 of Section II, Mombasa Mainland North;

thence southerly by the north-eastern boundary of that subdivision to the north-west corner of Subdivision No. 642 of the same section;

thence easterly and southerly by the northern and eastern boundaries of that subdivision to its intersection with the generally northern boundary of Subdivision No. 546 of Section II, Mombasa Mainland North;

thence north-easterly and south-easterly by that boundary to its intersection with the centre line of the waters of Mwakirungi Creek;

thence easterly and northerly by that centre line to the centre of the Chalu (Mleji) River;

thence up-stream by that river to its intersection with a line running due south from the south-west corner of Subdivision No. 672 of Section II, Mombasa Mainland North, on the west bank of that river;

thence due north to that corner;

thence generally northerly by the generally western boundary of that subdivision and the north-western boundary of Subdivision No. 426 of the same section to the most northerly corner of that subdivision;

thence south-easterly by the north-eastern boundary of the same subdivision to its intersection with the western boundary of Subdivision No. 453 of the same section;

thence northerly by that boundary to its intersection with the southern boundary of Subdivision No. 435 of the same section;

thence westerly and generally northerly by the southern boundary and the extended western boundary of that portion to its intersection with the centre line of the Chalu (Mleji) River;

thence by that centre line up-stream to a point due west of the most southerly corner of the western part of Subdivision No. 436 of Section II, Mombasa Mainland North;

thence due west to that corner;

thence generally northerly and generally south-easterly by the generally western and north-eastern boundaries of that portion to the intersection of the latter extended boundary with Chalu (Mleji) River;

thence generally northerly up-stream by that river to its intersection with the extended south-western boundary of Subdivision No. 477 (western part) of Section II, Mombasa Mainland North;

thence north-westerly and northerly by that extended boundary and the western boundary of the same portion to the intersection of the latter boundary with the generally southern boundary of Subdivision No. 478 of the same section;

thence westerly and northerly by the generally southern and western boundaries of that portion to the intersection of the latter boundary with the south-western boundary of Subdivision No. 541 of the same section;

thence north-westerly, northerly and generally easterly by the south-western, western and northern boundaries of that portion, to the intersection of the last named boundary with the north-western boundary of Subdivision No. 479 of the same section;

thence by that boundary extended to its intersection with the centre line of the Chalu (Mleji) River;

thence generally north-westerly up-stream by that centre line to its intersection with the extended western boundary of Subdivision No. 488 of the same section;

thence generally northerly by that extended boundary and the western boundaries of Subdivision Nos. 489 and 490 of the same section to the north-west corner of the latter subdivision;

thence by part of the northern boundary of Subdivision No. 490 to its intersection with the north-west boundary of Subdivision No. 496 of the same section;

thence north-easterly by that boundary to its intersection with the south-western boundary of Subdivision No. 497 of the same section;

thence north-westerly by that boundary to the south-west corner of that subdivision;

thence westerly by the southern boundaries of Subdivisions Nos. 505A and 504 of the same section to the intersection of the latter with the south-eastern boundary of Subdivision No. 498 of the same section;

thence south-westerly, north-westerly and north-easterly by the south-eastern, south-western and north-western boundaries of that subdivision to its most northerly corner;

thence north-easterly by a straight line to the most northerly corner of Subdivision 506 of the same section;

thence generally north-easterly by part of the generally northern boundary of that subdivision, the northern boundary of Subdivision No. 620 of the same section and again by part of the generally northern boundary of Subdivision No. 506 to the most northerly corner of that subdivision;

thence north-easterly by a straight line to the most northerly corner of Subdivision No. 500 of Section II, Mombasa Mainland North;

thence generally easterly by the northern boundary of that subdivision to its intersection with the high water mark in Gungombe Creek;

thence due north to the centre line of the centre channel of that creek;

thence easterly by that centre line to its intersection with the centre line of the centre channel of Mtwapa Creek;

thence south-easterly by that centre line to the point of commencement.

## **2. KWALE COUNTY**

Commencing at the north-western corner of Mackinnon Road Town;

thence south-easterly by the north-eastern boundary of that town to its north-eastern corner;

thence north-easterly by a straight line for approximately 13.8 kilometres ( $8\frac{1}{4}$  miles) to a point having U.T.M. grid reference EG 098056 due west of a cairn at the source of the Manjewa (Ngutu) River;

thence by a straight line due east to that cairn;

thence generally southerly and downstream by the course of that river to its confluence with the Mang'ombe (Maji ya Chumvi) River;

thence downstream by the course of that river to its intersection with the generally southern boundary of the railway reserve of the Nairobi-Mombasa main railway line;

thence generally south-easterly by that railway reserve boundary, and excluding all stations and other railway reserves, to the north-eastern corner of L.R. No. 4526;

thence by the eastern boundary of L.R. No. 4526 to the north-east corner of Subdivision No. 909, Section VI, Mombasa Mainland North;

thence southerly by part of the eastern boundary of that subdivision to the north-west corner of Subdivision No. 224 of the same section;

thence by the eastern boundary of Subdivision No. 224 to its south-east corner on the high water mark of the northern branch of Mwachi Creek;

thence by the centre channel of that branch and the centre channel of the water of Mwachi Creek to the waters of Port Reitz;

thence by a line southerly across the waters of Port Reitz to the waters of Bombo Creek;

thence in a generally southerly direction by the centre channel of the waters of Bombo Creek and by the centre channel of the Majera River to a point west of the mouth of that river;

thence in a generally easterly direction along the high water mark of Bombo Creek to the northern boundary of the main road from Mtongwe to Bombo Creek;

thence generally north-easterly by that road reserve boundary to a beacon 4 at the south-east corner of L.R. No. 3855/112;

thence generally northerly and north-easterly by the generally eastern boundary of L.R. No. 3855/112 to a beacon at the most southerly corner of L.R. No. 3855/111;

thence continuing generally northerly, easterly, southerly and again easterly by the generally southerly boundary of that portion to its intersection with the generally western boundary of L.R. No. 3855/75;

thence south-westerly by part of that boundary to the north-west corner of Likoni Commonage;

thence generally south-easterly and easterly, by the generally south-western and the southern boundaries of that commonage to its south-east corner;

thence generally southerly by part of the generally western boundary of L.R. No. 3855/6 and the generally western boundary of L.R. No. 3855/14 to the most northerly corner of L.R. No. 3855/15;

thence south-easterly by the north-eastern boundary of L.R. No. 3855/15 to its most easterly corner, and continuing by the north-eastern boundary of that portion extended to its intersection with the high water mark of the Indian Ocean;

thence by a straight line due east to the limit of the territorial waters in the Indian Ocean;

thence generally south-westerly by that limit to its intersection with the Kenya-Tanzania international boundary;

thence generally north-westerly by that international boundary to its intersection with the extension of the straight line between the summits of Kilibasi Hill and Kavuma Hill;

thence by that extended straight line east-north-easterly to the summit of Kavuma Hill and continuing by that straight line to the summit of Kilibasi Hill;

thence north-easterly by a straight line to the south-eastern corner of Mackinnon Road Town;

thence north-westerly and north-easterly by the south-western and north-western boundaries of that town to the point of commencement.

### **3. KILIFI COUNTY**

Commencing at trigonometrical station 191/S/3 in the Lali Hills;

thence north-easterly by the extended straight line between trigonometrical stations 196/S/2 (Mangu) and 191/S/3 to the intersection of a line due west from Merifano on the Tana River;

thence south-easterly by a straight line to the centre of the mouth of the Mto Kilifi River;

thence due east by a straight line to the limit of the territorial waters in the Indian Ocean;

thence generally southerly and generally south-westerly by that limit to a point due east of the centre of Mtwapa Creek;

thence by a straight line to the centre of Mtwapa Creek;

thence by the centre line to the centre channel of Mtwapa Creek generally westerly and generally northerly to its intersection with the centre line of the centre channel of Gungombe Creek, and by the centre line of the centre channel of Gungombe Creek generally westerly to a point due of the intersection of the generally northern boundary of Subdivision No. 500 of Section II, Mombasa Mainland North, with the high water mark in Gungombe Creek;

thence by a straight line to that point of intersection on the high water mark;

thence westerly by that generally northern boundary of Subdivision No. 500 to the intersection of a straight line between the northernmost corner of Subdivision No. 506 of the same section and the most northerly corner of Subdivision No. 500;

thence westerly by that straight line to the most northerly corner of Subdivision No. 506;

thence by part of the generally northern boundary of Subdivision No. 506, the northern boundary of Subdivision No. 620 of the same section and again part of the generally northern boundary of Subdivision No. 506 to the north-west corner of the latter subdivision;

thence by a straight line south-westerly to the most northerly corner of Subdivision No. 498 of the same section;

thence by the north-western and south-western boundaries of Subdivision No. 498 to its most southerly corner;

thence by part of the south-eastern boundary of that subdivision to its intersection with the southern boundary of Subdivision No. 504 of the same section;

thence by the southern boundaries of Subdivision No. 504 and Subdivision No. 505A of the same section to the south-west corner of Subdivision No. 497 of the same section;

thence by the south-western boundary of Subdivision No. 497 to its southern corner;

thence by part of the north-western boundary of Subdivision No. 496 of the same section and part of the north-eastern boundary of Subdivision No. 490 of the same section to the north-west corner of the latter subdivision;

thence southerly by the western boundaries of Subdivision No. 490 and Subdivision Nos. 489 and 488 of the same section and continuing by the last boundary extended to the centre line of the Chalu (Mleji) River;

thence by the centre line of that river downstream to the point where it would intersect the extension of the north-western boundary of Subdivision No. 479, Section II, Mombasa Mainland North;

thence by that extended boundary and continuing by the north-western boundary of Subdivision No. 479 to its intersection with the north-eastern boundary of Subdivision No. 541 of the same section;

thence by part of the north-eastern boundary and northern, western and southern boundaries of Subdivision No. 541 to its intersection with the western boundary of Subdivision No. 478 of the same section;

thence by part of the western boundary of Subdivision No. 478 and generally southern boundary of the same subdivision to its intersection with the western boundary of Subdivision No. 477 (western part);

thence south-westerly by part of the western boundary of Subdivision No. 477 (western part) to its south-west corner;

thence by the south-western boundary of that subdivision and continuing by that boundary extended to the centre line of the Chalu (Mleji) River;

thence by the centre line of that river downstream to its intersection with the extension of the north-eastern boundary of the western part of Subdivision No. 436, Section II, Mombasa Mainland North;

thence by that extended boundary and the north-eastern, northern and western boundaries of Subdivision No. 436 (western part) to its most southerly corner on the west bank of the Chalu (Mleji) River;

thence by a straight line due east to the centre line of that river;

thence by the centre line of that river downstream to its intersection with the extension of the north-western boundary of Subdivision No. 435, Section II, Mombasa Mainland North;

thence by that extended boundary of Subdivision No. 435 to its north-western corner;

thence by the north-western and southern boundaries of Subdivision No. 453 of the same section to its intersection with and by part of the western boundary of Subdivision No. 453 the north-eastern boundary of Subdivision No. 426 of the same section;

thence by part of the north-eastern boundary and by the north-western boundary of Subdivision No. 426 to its western corner;

thence by part of the generally northern boundary and by the generally western boundary of Subdivision No. 672 of the same section to its intersection with the high water mark of the Chalu (Mleji) River, on the west bank;

thence by the centre line of that river downstream to the waters of Mwakirungi Creek;

thence generally southerly and westerly by the centre line of the waters of that creek to the intersection of the edge of that creek with the generally northern boundary of Subdivision No. 546, Section II, Mombasa Mainland North;

thence by that latter boundary north-westerly and generally south-westerly to its intersection with the eastern boundary of Subdivision No. 642 of the same section;

thence by the eastern and northern boundaries of Subdivision No. 642 to its north-west corner;

thence by the north-eastern boundary of Subdivision No. 607 of the same section to its most northerly corner;

thence by a straight line north-westerly following the boundary of Mombasa Municipality to a point on the line of high water of Tudor Creek;

thence generally westerly following that line of high water to its intersection with the generally north-western boundary of Subdivision No. 378, Section V, Mombasa Mainland North;

thence generally westerly and south-westerly by the generally northern and western boundaries of that subdivision to the most northerly corner of Subdivision No. 312 of the same section;

thence by a straight line south-westerly to the south-east corner of the former Mazeras Trading Centre;

thence by part of the south-eastern boundary of that former trading centre, south-westerly to its intersection with the generally eastern boundary of Subdivision No. 412/R, Section V, Mombasa Mainland North;

thence by the latter boundary generally southerly to its intersection with the Msapuni River;

thence by that river downstream to its intersection with the western boundary of Subdivision No. 136, Section V, Mombasa Mainland North;

thence by part of the western, the northern, eastern and south-eastern boundaries of Subdivision No. 136 to the latter's intersection with the Msapuni River;

thence by that river downstream to its intersection with the south-eastern boundary of Subdivision No. 296, Section V, Mombasa Mainland North;

thence by the south-eastern boundary of Subdivision No. 296, and the south-eastern boundary of Subdivision No. 139/R of the same section to the south-east corner of the latter subdivision;

thence by a straight line south-westerly across the pipeline reserve and the Nairobi-Mombasa road reserve and the railway reserve of the Nairobi-Mombasa main railway line to the north-west Corner of Subdivision No. 1128, Section VI, Mombasa Mainland North;

thence by part of the western boundary of Subdivision No. 1128 to the north-eastern corner of L.R. No. 4526 on the generally southern boundary of the before mentioned railway reserve;

thence generally north-westerly by that railway reserve boundary, and including all stations and other railway reserves, to its intersection with the Mang'ombe (Maji ya Chumvi) River;

thence generally northerly and up-stream by the course of that river to confluence with the Manjewa River;

thence continuing generally northerly and north-westerly and up-stream by the course of the Manjewa (Ngutu) River to its source marked by a cairn;

thence due west for a distance of approximately 24.1 kilometres (15 miles) to a point having U.T.M. grid reference EG 098056;

thence by a straight line north-easterly to a point on the generally northern bank of the Galana (Sabaki) River having a U.T.M. grid reference EG 243608;

thence north-easterly by a straight line to trigonometrical point 191/S/3 in the Lali Hills, the point of commencement.

#### **4. TANA RIVER COUNTY**

Commencing at the confluence of the Rojewero (or Mackenzie) River with the centre course of the Tana River;

thence easterly and downstream by the centre course of the Tana River to its confluence with a tributary known as the Ndajeri River;

thence northerly and up-stream by that river to its intersection with a line running parallel to and 4.8 kilometres (3 miles) north of the median line of the Tana River;

thence generally easterly and south-easterly by that parallel line to a point due north of the most westerly corner of Garissa Township on the eastern bank of the Tana River;

thence due south to that corner;

thence by the boundaries of that township, so that Garissa is excluded from Tana River County, to a beacon at the south-east corner of the township;

thence due east to the intersection of a line running parallel to and 4.8 kilometres (3 miles) east of the median line of the course of the Tana River;

thence generally south-easterly by that parallel line to a point having U.T.M. grid reference FH 348750;

thence south-easterly by a straight line to a point having geographical co-ordinates  $40^{\circ} 15' E$  and  $2^{\circ} 15' S$ ;

thence due south by the meridian  $40^{\circ} 15' E$  to its intersection with a line running due west from the most southerly point on the perimeter of the former Witu Trading Centre;

thence due east to that point on the perimeter;

thence south-easterly by a straight line to the trigonometrical station Kimbarja;

thence east-north-easterly by a straight line to trigonometrical station Sita Pembe;

thence easterly by a straight line to the southern most point of Ras Tenewe;

thence due east to the limit of the territorial waters of the Indian Ocean;

thence south-westerly by that limit to a point due east of the centre of the mouth of the Mto Kilifi River;

thence due west to that centre;

thence north-westerly by a straight line to a point being the intersection of an extended straight line between trigonometrical station 196/S/2 (Mangu) and 191/S/3 in the Lali Hills and a line running due west from Merifano on the Tana River;

thence south-westerly by a straight line through trigonometrical point 191/S/3 in the Lali Hills to a point on the north bank of the Galana (Athi or Sabaki) River having U.T.M. grid reference EG 243608;

thence generally westerly and up-stream by that river to its intersection with an extended straight line through boundary pillars Hidilathi and Malka Jirma;

thence by that line through boundary pillar Malka Jirma to boundary pillars Hidilathi extended to its intersection with the Tiva River;

thence generally north-easterly and downstream by the course of that river to its intersection with the extended straight line from boundary pillar 166.Y.1 (Waldira) to boundary pillar confluence on the north side of the Tiva River;

thence generally north-easterly and downstream by that confluence to boundary pillar 166.Y.1 (Wildira);

thence north-westerly by a straight line to the boundary pillar Sawre to the intersection of that line by the Thua (Thawa) River;

thence generally north-easterly and downstream by that river to its intersection with the extended straight line from beacon Kandelongwe to boundary pillar Aboboka Meridian;

thence generally northerly by that straight line through boundary pillar Aboboka Meridian to boundary pillar Kandelongwe;

thence north-westerly by a straight line to trigonometrical beacon Katumba (SK 28);

thence again north-westerly by a straight line to the point of commencement.

## **5. LAMU COUNTY**

Commencing at a point formerly known as Ngombe Well (geographical co-ordinates 40° 54' E and 1° 43' S) on the common boundary between the Garissa and Lamu County;

thence easterly by a straight line to B.P. No. 29 on the Kenya-Somalia international boundary;

thence due south by that international boundary to the high water mark of the Indian Ocean;

thence due east to the limit of the territorial waters in the Indian Ocean;

thence generally south-westerly by that limit to its intersection with a straight line easterly from trigonometrical beacon Sita Pembe, passing through the southernmost point of Ras Tenewe;

thence westerly by that straight line, passing through the southernmost point of Ras Tenewe, to trigonometrical beacon Sita Pembe;

thence west-south-westerly by a straight line to trigonometrical beacon Kimbarja;

thence north-westerly by a straight line to the most southerly point of the former Witu Trading Centre;

thence due west by a straight line to its intersection with Mkondo wa Fujo River;

thence generally southerly, south westerly, by that river and continuing with Ziwa la Ngombe River for approximately 12 kilometres to its intersection, with median line to a river grid reference FH 565314;

thence north-westerly and up-stream by the course of that river and continuing upstream with Mkondo wa Gambi River to its intersection with extended straight line due west from the east southerly point of the former with Witu Trading Centre;

thence due west by a straight line to its intersection with the meridian  $40^{\circ} 15' E$ ;

thence due north by that meridian to its intersection with latitude  $2^{\circ} 15' S$ ;

thence north-north-westerly by a straight line to a point having U.T.M. grid reference FH 348750;

thence north-easterly by a straight line to the point of commencement.

## **6. TAITA/TAVETA COUNTY**

Commencing at a beacon MR on the Kenya-Tanzania international boundary;

thence easterly on a true bearing of  $86^{\circ} 02'$  for a distance of 36,637 feet to the trigonometrical beacon Njugini;

thence southerly by part of the eastern boundary of original L.R. No. 9378 to its intersection with the Njugini River;

thence easterly and south-easterly downstream by that river to its confluence with the Ollaioni (Tsavo) River;

thence north-easterly and downstream by that river to its intersection with a line on a true bearing of  $180^{\circ} 00' 23''$  and at a distance of 120 feet from a beacon MSE;

thence northerly by that line on the same true bearing to beacon MSE;

thence on the same true bearing for a distance of 32,009 feet through trigonometrical beacon Mid to a beacon t. 23;

thence on the same true bearing for a distance of approximately 300 feet to its intersection with the Rombo (or Ngare Len) River;

thence easterly and downstream by that river to its intersection with a line on true bearing of  $187^{\circ} 02'$  and at a distance of 760 feet from the trigonometrical beacon Rocks;

thence by that line to that beacon and continuing on the same true bearing of  $07^{\circ} 02'$  for 69,760 feet passing through Magoine Camp to beacon Lava;

thence on a true bearing of  $53^{\circ} 46'$  for a distance of 10,555 feet to trigonometrical station Chamwie;

thence on a true bearing of  $11^{\circ} 34'$  for a distance of 35,445 feet to trigonometrical beacon Ridge;

thence generally south-easterly by the generally north-western boundary of the western section of the Tsavo National Park to the trigonometrical point Chyulu 2;

thence generally north-easterly, southerly and easterly by that park boundary, including Mtito Andei, to its intersection with the western boundary of the Nairobi-Mombasa main road reserve;

thence south-easterly by that road reserve boundary to its intersection with the Tsavo River;

thence generally easterly and downstream by that river to its confluence with the Galana (Sabaki) River;

thence continuing generally easterly and downstream by that river to a point of its northern bank having U.T.M. grid reference EG 243608;

thence south-westerly by a straight line to the north-eastern corner of Mackinnon Road Town;