

Wednesday, 1st August, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly – Second Session

Wednesday, 1st August, 2018

The House met at the County Assembly Chamber at 9.30 a.m.

[The Temporary Speaker (Hon. Opanga) in the Chair]

PRAYER

MOTION

STATUS OF COUNTY ROAD PROJECTS FOR THE FY 2016/2017

Hon. E. Odawa: I wish to Move a Motion:

THAT this House adopts the Report of the Committee on Roads, Public Works, Transport and Communications on the status of the County road projects for the FY 2016/17 laid on the Table of the House today Tuesday, 31st July, 2018.

The Temporary Speaker (Hon. Opanga): I think the Report was laid yesterday.

Hon. E Odawa: I wanted to Move it.

The Temporary Speaker (Hon. Opanga): You should move it not tabling it.

Hon. E Odawa: Mr. Temporary Speaker, Sir; in tabling this very important Report in the status of County roads projects for the FY 2016/17, I recognize that indeed it is one of the most sensitive Reports before the House in this Financial Year. Going by the debate it has risen outside and in the Assembly. Nevertheless, the process of owning this Report is that one that gathered momentum when the Executive presented a Report to the House on the status of budgeted projects for the financial year 2016/17.

In its oversight capacity over the activities of the County department of roads, the committee has been carrying out oversight exercises on the status of the constructed and improved roads across the county with an aim of establishing the operational status of the roads as well as establish whether the County Government and the people of Siaya got value for their resources utilized in the various road constructions.

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According to the report on the status of road projects for the FY2016/2017 provided by the executive department of roads, it is reported that; in 2016/2017, the County Government of Siaya did a total of 877.75 km of roads across all the six sub Counties. Gem Sub County led with a total of 252.3 km of roads done with Rarieda getting the least at 66.7km of roads.

The County Government spent a total of kshs.417, 083,943.84 in construction of roads during the FY 2016/2017. According to report on *the implementation status of the budgeted projects for the Financial Year 2016/2017*- the department of Roads, Transport and Public Works had 268 road projects out of which 188 (70.15%) were completed.

The report indicates that the Department used 68.52 % of Kshs. 411,968,085.90 development budget allocation to meet the cost of the projects. According to the report, the department of Roads, Transport and Public Works had a budgetary allocation of Kshs. 411,968,086 –out of which a total of Kshs. 406,137,966 was contracted out for various road projects.

Out of the contracted sum, a total of Kshs. 282,290,592 was paid out to various contractors for various road works while a total of Kshs. 128,577,685.91 remains as balances owed to various road contractors –accounting to the departmental totals of pending bills for the FY2016/2017 (Kshs. 128,577,685.91)-according to an analysis of the report. Additionally, the report on *the implementation status of the budgeted projects for the Financial Year 2016/2017* indicates that; of the 268 road projects in the department of Roads, Transport and Public Works, 188 (70.15%) were completed, 52 (19.40%) are on ongoing, 5 (1.87%) are still at the procurement stage for various reasons, 23 (8.58%) were frustrated.

The Committee noted that during the 2016/17 financial year, the County Government of Siaya engaged 78 contractors out of a total of 677 prequalified road contractors in the County. The procurement department indicates that the 78 contractors were then ‘clustered’ into sub-counties and further prequalified with an aim of selecting one contractor per sub-county who would be awarded 75% of all road contracts in the given sub-county. This ‘clustering method’ eventually produced the following contractors who were heavily engaged by the County Government in various Sub-Counties;

One Contractor by the name ‘Mijesh’ dominated 66% of all road contracts in Alego Usonga totaling to ksh.61,749,783 leaving only 34% distributed amongst the remaining 16 contractors engaged in the Sub-County

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One Contractor by the name ‘Aberland’ dominated 92% of all road contracts in Gem Sub-County totaling to ksh.79,077,214.68 leaving only 8% distributed amongst the remaining 5 contractors engaged in road works in Gem Sub-County

In Ugunja Sub County, 72% of the road works were all awarded to one ‘Jeypad’ contractors leaving 28% distributed amongst the remaining 6 contractors engaged for road works in Ugunja

In Ugenya, ‘Ojande Enterprises’ was awarded 63% of all the road works leaving 37% distributed amongst 10 other engaged contractors

In Bondo Sub-County, 64% of the roads were awarded to one ‘Voacom Networks Ltd’ leaving 36% distributed amongst other 15 contractors engaged in the Sub-County

Of the 26 road projects in Rarieda Sub-County, 15% were awarded to ‘Framoc’ with the rest shared amongst the other contractors.

The Committee finds that the ‘*clustering*’ idea –purportedly used by the executive-to select six contractors to be actively engaged at the expense of the 677 prequalified road contractors in the county;-

Is contrary to the provisions of the Public Procurement and Assets Disposal Act no.33 of 2015 and all other existing procurement legislations; cannot and was not justified by the County Government within the parameters of section 102 of the Public Procurement and Assets Disposal Act No.33 of 2015.Promotes outright nepotism and corruption practices in awarding of county road projects.

Is killing and undermining the growth of other contractors contrary to the spirit of devolution. Does not guarantee the quality of the works contrary to the advanced justifications. The committee has noted that even some of the six ‘*clustered contractors*’ assumed to be having the ability to execute the awarded road works to expectations, do not even have the requisite machinery and expertise.

The Committee finds that the ‘*clustering*’ idea –purportedly used by the executive-to select six contractors to be actively engaged at the expense of the 677 prequalified road contractors in the county:

- i) is contrary to the provisions of the Public Procurement and Assets Disposal Act no.33 of 2015 and all other existing procurement legislations
- ii) Cannot and was not justified by the County Government within the parameters of section 102 of the Public Procurement and Assets Disposal Act No.33 of 2015.
- iii) Promotes outright nepotism and corruption practices in awarding of county road projects

- iv) Is killing and undermining the growth of other contractors contrary to the spirit of devolution
- v) Does not guarantee the quality of the works contrary to the advanced justifications. The committee has noted that even some of the six ‘clustered contractors’ assumed to be having the ability to execute the awarded road works to expectations, do not even have the requisite machinery and expertise.

COMMITTEE RECOMMENDATIONS

Hon. Speaker,

Based on the a foregoing findings and committee deliberations on the issues arising, the committee makes the following recommendations;

i. Status of Road projects

The Committee recommends a technical audit of the quality standards in road construction works in Siaya County by KENAO before the end of this 2017/2018 Financial Year

ii. Procurement

The Committee recommends that before the end of this FY2017/2018, the KENAO be invited for a special and specific audit of road procurement processes in Siaya County Government with specific focus on the awards of road projects to the following 6 specific contractors;

Additionally, the Committee recommends that the ‘clustering method’ currently used by the County Procurement department in sourcing for road contraction service providers be immediately abolished and all the 677 prequalified road contractors be given a level playing ground for competitions for road contracts across the county. This is recommended to take effect immediately.

Furthermore, the committee recommends that going forward and effective immediately, the County procurement department must purpose to award 30% of all tender opportunities to the youths, women and persons with disability- in line with the relevant procurement laws.

iii. PMCs

The Committee recommends that all previous project management committees (PMCs) for all previous projects be fully paid forthwith and a clear structure of their engagement be put in place going forward. And that the account, into which the 5% PMC funds are always deposited, be immediately audited by KENAO and the audit report tabled in this House for action. The PMC payments are recommended to be made immediately while the audit of the account by KENAO is done before the end of the FY2016/2017.

- iv. The Committee recommends that the Chief Officer Finance be immediately surcharged a total of ksh.110,031,525.66 ought to have been paid to the PMCs but instead misappropriated. The PMCs MUST therefore be paid before the end of this financial year 2017/18 and a report of payment be tabled in this House.

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- v. The Committee recommends that the County Procurement and Finance operations be decentralized to each department for ease of operations and service delivery. That each department to have a fully functional procurement and finance departments with only limited mandatory operational ties to the County procurement and finance headquarters.
- vi. The Committee recommends that prior to the allocation of funds to any County road project; The County Government department of roads- should liaise with the relevant stakeholders and the area MCAs and compile a technical verification report of all the earmarked roads with a view of informing the budgeting process for appropriate allocation of funds. This can be done to all road projects in the CIDP before annual budgeting for any.

This shall ensure that all budgeted road projects are allocated adequate funds for satisfactory and successful completion in order to avoid many stalled and impassable road projects for lack of adequate funds. This is recommended to be effective FY2018/2019

vii. Labor based contracting

The Committee recommends that the County Government of Siaya should adopt a labor based method of contracting of minor and light duty road contracts such as; bush clearing, opening of culverts and minor routine maintenance works. The contracts should be designed/ drafted with a view of reserving such works to the youths, disabled and women groups in such project localities in a bid to enhance the economic status of the minority and disadvantaged groups in the county as well as foster good relations in project management and execution.

This system shall ensure; direct empowerment of the community, good and constantly maintained general road and drainage systems at cheaper costs comparatively, and as well as offer direct employment to the hundreds of unemployed youths in the County. This is recommended to be effective FY2018/2019.

With the authority of all the Members of the Committee I therefore beg to Move this Motion. I will make further comments later and I would like to request my brother Nick Ochola to second but before he seconds I would like to state here that this Report generated a lot of heat to the extent that while we were writing this report they had their man in the Committee who was reporting them directly as we were deliberating and this one am taking it very seriously.

Some of us have also been threatened, we have been betrayed and we have also been intimidated by certain members of the executive. My Members, unfortunately some of them are not here; they are the people who have been intimidated ,and in Bond is a case in point where by she was called upon and warned to stay clear.....

The Temporary Speaker (Hon. Opanga): Hon. Erick, who is in Bondo?

Hon. E. Odawa: Hon. Truphosa. Yeah, so a lot of things have been happening and this shows how sensitive this report is. I would like to request Members of this Honorable House that our main responsibility is not to boot lick the Executive or to pump up the excesses of the Executive that is our core mandate! And when we are writing this report we are writing it free of fear or favor and I would request Members to be objective when undertaking there oversight role. I now call upon Hon. Ochola to second.

(Hon. Ochola seconded)

(The question proposed)

The Temporary Speaker (Hon. Opanga): Hon. Oriaro.

Hon. Oriaro: Thank you, Hon. Temporary Speaker Sir. As usual on behalf of the people I represent the people of Alego Central. I want to thank you for giving me the first opportunity to contribute in the best interest of the people we represent and public at large.

Mine is just to thank the Committee for having made a good foray exercise and also for their debut because this is the first time a report is coming from Committee of Roads and Public Works brought before this Honorable House. On standard basis once the House has resolved it should be taken for orientation with the executive and the Implementation Committee has a chance to oversight the paths of implementation. I have difficulty in saying that this is a standard Report and that is because there are two things that come out of this;

- a. If it is on general basis the Assembly tries to prod the Executive to come up with proper policy then in general this will be a good thing.

Some of the thing mentioned here is to do with Project management Committees; their roles, the roles of the aspect of governance and that is why we have in place the Ward Administrator, issues of Bill of Quantities etc.

Those are matters of policies and I can recall in the first August House being the chair of interrogation those are some of the things we under laid in our reports and what remains is implementation. So if it is on matters of policy formulation then if the Executive is truly in place in as the gains of Devolution then they should have a year to this.

But in general the report tries to unearth many anomalies, anomalies that are a mimic to the realization of the gains of Devolution. People only want services. Those ones ought to have been properly underscored in recommendations of the Committee, and those issues if you look at them on supervisory grounds there are issues that touch on Law, areas requiring that people are held accountable. This is the only area where recommendations are weak or maybe while the report was being done legal counsel was not applied.

Let's look at chapter 3 page 30, on of the recommendations is;

The Committee recommends a technical audit of the quality standards in road construction works in Siaya County by KENAO before the end of this 2017/2018 financial year. Already it has elapsed. And matters of law we should be talking of specifics, the Committee in its own volition was all about interrogating matters of seasoning.

Going by this recommendation it does not tell us which specific financial year and generally such like Motion it ought to have been properly laid out here that a Motion is what necessitates I mean operationalizes this. The House resolves on a specific area requiring the National Audit office coming and doing a special Audit. The strength of that ought to have been very clear. The way it is what will the Implementation Committee do about it?

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- b. On the procurement issue also the Committee recommends that before the end of this FY2017/2018, the KENAO be invited for a special and specific audit of road procurement processes. It says specific, and you know the Report tis not specific it is general so it beats the logics of even mitigation. So in such like matters you see, what were you inviting KENAO for?

It is the duty of KENAO to do thorough auditing of a given physical year but we are now inviting them for a special audit, special audit. A special audit is specific not general because if it is a general one KENAO is yet to interrogate that financial year objectively.

So on my part they have tried but the Committee was not properly advised. On the issue of procurement it is all about legitimacy verses legality. The 2010 Constitution did bring us a trajectory of governance and parameters thereof. If governance is all about the delivery of the democratic, the 2010 Constitution is very specific on procedures and channels to be followed are laid.

The other week when parliament had resumed the issue of the role of Senate visa vie National Assembly came into play in the National Assembly where the two arms of National legislation are competing against one another. We are in a Devolution, are we on a tether to products whose origin is National Assembly or Senate? National laws the way things are need thorough amendment and thorough oversight so that we have good laws.

That is why when we talk of procurement, it is good it is mentioned here the aspect of clustering. This is not the first time the matter is arising and all the Members will remember there is a time came even before the clustering was done. We had pushed the Governor account for it and he addressed this Honorable House. His question was all about legitimacy as per the Article one of the Constitution legitimacy part.

The people are only interested in service delivery. So this clustering, against the laws in place, is it all about following law or about service delivery? This is a philosophical matter, but going by the recommendations here, we know items below 1 million, are ones where youth, Women and persons with disability must gain from.

Logically, I would say, matters legitimacy, those ones cannot be clustered. It would be like bringing together 40 pit latrines, each worth Kshs 350,000 and giving it to one person. If such is pointed out, and unfortunately, that is not clear here, then on grounds legitimacy, on matters of advocacy, we should stand tall to defend the public. But issues of procurement of matters above 1 million.

What is not defined here? We are talking of programme based budget, and I want that one to be registered, because I represent the public, and if I make a mistake I would be responsible as an individual, not on behalf of anybody.

When programs were being defined, ahead of procurement processes, the Report ought to have unearthed circumstances of such like. Did they consider roads in Central Alego as a program not projects? As a programme so that procurement processes are advanced. A contractor is to look for contracts in Central Alego, programs in Central Alego, and below it projects and

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people compete. Ten people competing for programs in Central Alego on roads, leave alone other areas.

These are some of the things we really need our attention to be drawn to, so that we objectively make a proper a decision. Could it be that we for instance I am seeing Alego Usonga, Mijesh, did he compete against others? This is what is wanting in this Report.

Lastly, on behalf of the people of Central Alego, I want to report to this House that generally, the programs on roads for Central Alego, the contractor did try. Generally they did try during that Fiscal Year, and if the contractor messed elsewhere, then it is up to him to carry that burden. I also want to report that it is indicated that a specific contractor was operating in Central Alego on roads; I want to report that during that Fiscal year, I had many contractors.

A good example is Sesebridge culverts is not here in the pictorials, number 8, done by Cloud line. That contract ought to have been left open in the advertisement. I have been asking myself. How did cloud line come to be given that contract? Yet by the practice, it was supposed to be Mijesh! You can see people have been complaining, letters allover how that drift culvert was done.

In the budget it ought to have been a box culvert, but what was contracted here going by this report, is drift culvert and it has already been paid, so we should interrogate how such a person ended up getting a contract because we may be blaming the contractors yet in writing they were given, but in practice others were doing some of these things.

The Committee has tried, but in such a report of legal implications, the writing should be legal in nature so that matters of utterance and hearsay are made open for even the public to find space to interrogate and even oversight. I beg to support.

The Temporary Speaker (Hon. Opanga): Yes, Hon Felix.

Hon. Okumu: Thank you, Mr. Speaker, Sir. According to my interrogation of this Report, I declare that it was half baked. For example, the term graveling is neither there nor sited by the contractor. I don't know whether the Chair of this Committee went to the ground but was standing about 200 Meters doing their own theoretical report writing, because the word graveling is not there in these three road samples you took in West Alego. If you go to Sirombe road, it is written there completely done, how?

It is just recently, less than a month ago, when I went there, because the contractor came in and now it's when he is doing the grading of the road! No murraming or graveling done? So you need to go back, it is half way done, we need not to discuss it more. You go back and complete your work. I concur with what Hon. Oriaro said that it is half way done, you better stop it.

(Laughter)

The Temporary Speaker (Hon. Opanga): Hon. Members, we cannot stop it, it's a decision of the House that we will side with the report, but any Hon. Member is allowed to give their view, either to support or not support because this is a Report of the House. Yes, Hon. Mboha.

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Hon. Mboha: Thank you, Mr. Speaker, Sir, I would like to make some comments in regards to this Report. I am also a Vice Chair of this Committee. We had other issues that I dint see capture in this report.

The Temporary Speaker (Hon. Opanga): Hon. Member, are you trying to tell us that we have a wrong report? Because, now that you are the Vice Chair, and it seems you have gone through it, and you realized it is not part of what you left at the time of report writing. Is it half baked? Or as a Deputy Chair, you clarify to the House so that we know the kind of report that we are dealing with. If it is not a full report, then as the Chair I will give a ruling on that.

Hon. Mboha: Thank you Mr. Speaker. There are some issues that came up during the report writing that are not coming out clear in the Report, and because of some other reasons, we did not come out clear.

1. Is that we have not been able to capture clearly, what are the advantages visa-vie the disadvantages of clustering the contractors?

The Temporary Speaker (Hon. Opanga): Yes, Hon. Shirley.

Hon. Oyuago: Mr. Speaker, this is the second time Members have Members of the same Committee contradicting the same report that they were part of, now this is the Deputy Chair of the Committee contradicting the same report. It's very unfortunate that he is confirming to the whole House that this Report was not shared among them. So we cannot sit here and debate on a report that we are not sure whether it was done by one person or an entire Committee. I need clarification on that.

The Temporary Speaker (Hon. Opanga): Yes, Hon. Booker? Just take your seat a bit. Hon. Members, the reason why I have told Hon. Booker to sit down, Hon. Shirley was on a Point of Order and you cannot interject a Point of Order when he was addressing another Member. So you can proceed.

Hon. Booker: Mr. Speaker, let us not be mischievous while standing on Point of Orders while debating. Allow me to tell you that I am also a Member of this Committee. The Chairman has viciously told the House that while we were busy preparing this Report, there were some Members who were busy colluding with the said contractors.

I will not fear telling the House that one of the members who was colluding with the contractors and even making the said contractors to even threaten some of the Committee Members is the Hon. Vice Chairman. So we are not going to allow this House to work in a mischievous way, while addressing such an important report. Thank you.

The Temporary Speaker (Hon. Opanga): Thank you, Mr. Speaker, on a Point of Order. The rule of the House is very clear. That if you make a claim before this Hon. House, you must be able to substantiate. So if the Vice Chair of the Committee is being accused of having liaised with the contractors outside there, and in his submission, the Chairman stated so well that some of them were being hunted right, left and center, meaning that his life was at risk.

We are being told that the fellow who was a link between the MCAs and the contractor is the Vice Chair, because I also need to share my opinion on this report without having fears

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that someone will come after me unless we are able to substantiate the claims which have been raised then I think something is not right!

Hon. Temporary Speaker: Hon. Mboha was on the floor and let us give him chance and then I will give a ruling.

Hon. Mboha: Thank you, Mr. Temporary Speaker.

Hon. Temporary Speaker: I know there is an issue that has been placed by Hon. Booker Bonyo and some other issues that you cannot just give a ruling instantly. We can still see how best and you see you cannot just say that a Hon. Member was in contact and reporting to another party then I just stand as the Speaker and give a ruling instantly. There are issues that need to be backed when I give my ruling. So, let's give Mboha to do his submissions and then I give a ruling on that.

(Several Hon. Members on their feet)

Hon. Mboha: Protect me, Mr. Temporary Speaker.

Hon. Temporary Speaker: Yes, Hon. Adala!

Hon. Adala: Mr. Temporary Speaker, you know we want to talk about this report without fear or favor.

Hon. Temporary Speaker: I agree.

Hon. Adala: And for me to share my views about this issue is that I need to be very safe that I will not be followed after this. So, it is not right that we can move when we have such fears. It is my humble request that the words raised by Hon. Booker be substantiated so that we be at peace with ourselves when debating this report.

Hon. Omwende: Point of order, Mr. Temporary Speaker!

Hon. Temporary Speaker: Yes, Hon. Omwende.

Hon. Omwende: Thank you, Mr. Temporary Speaker. I will kindly request, when you are making your ruling, let your ruling be final. My request to you is, the main issue was, there were some thorny issues made and are not within this report, so if you can make that ruling I would be very happy. Thank you.

Hon. Temporary Speaker: What is coming out clearly through this report, the Committee itself, you see Hon. Booker has also brought in another issue. As per also the submission of Hon. Oriaro, which he is saying it was a general report and now him, his statement we can see he is being ---by the Vice Chair that the report is not done to the satisfaction.

He says that there are issues that came up which he has not even told the House what they are and he says some of them either were not fully submitted in the report or they were left out. Allow me as the Chair to give the Hon. Member to clarify to the House then I give a ruling on that. Hon. Mboha!

Hon. Mboha: Thank you, Mr. Temporary Speaker. I wish to make my submission but I also need to clarify some of these things. I think it is just in order for us when we are doing a

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report then we can report in a Committee of Nine Members, maybe 5 or 6 Members agreed to it or maybe 2 or 3 had issues that are specific to certain areas which is allowed in law!

In that I can submit on the Floor so that we can see the document we had and why I had reasons why it was being done the way it was done. I thought some of those issues we had at the Committee level would have been captured as part of the report!

One of the things that I wish to say is to support Hon. Oriaro, from this report we are not able to capture properly what the advantages and disadvantages of clustering projects are. Before clustering of projects came there was a system that was being used and we are not able to know what the advantages and disadvantages of the previous system were.

From there we are able to make comparative analysis between the system that was being used before the clustering and the clustering system of projects.

From my observation in Wards, there are people who are awarded tenders and up to now they have not been able to service these tenders, why? Because they don't know the capacity. In my Ward, South East Alego, they are comfortable with one person being a contractor doing the project and the small contractors work hand in hand with one big contractor and that was not captured here properly.

When you are passing this report, let us have an informed opinion but not one sided story. We have not talked about what happens to the frustrated projects yet we want to pass this report where we are saying, we need to invite KENAO, what are they going to do? Whom are they going to report to?

These are the pertinent issues that we need to know before we pass this report. How I wish like for instance we have in Alego, if you go to page 30, we are talking about the roads projects that were done. Can we know, if we have had any complain regarding the projects done by these contractors?

Hon. Temporary Speaker: Hon. Nick Ochola!

Hon. Ochola: Thank you, Mr. Temporary Speaker, Sir, one; I am speaking here also as a Member of the Roads Committee. It has been adversely mentioned by one of my Members who named a Member that was responsible for passing over information but I find that claim in bad taste because it is not embedded in this report. This report as tabled here, is tabled as a report of the Roads Committee, so I request that my Hon. Member withdraws that because this House will not operate and work on rumors!

Number two, this report as I see it, we don't have a dissenting view as registered but as the debate is raging on there are elements and we can smell dissent even from Members themselves. We will end up discussing a report that it seems we are not agreeing all about because I would wish that to discuss this report then we register the dissent of the Vice Chair. In absence of that then we are presenting a disjointed Committee. I am not sure whether we are going to end up with the right findings at the end of the day.

Lastly, and I am not going to make any further contributions because I am a Member of this Committee and part of this report, roads matters are very sensitive but sometimes mistake is to human and human can err and I have only discovered right now in the last minute that we are

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giving the recommendations of timelines which have lapsed and the House will stand guided and we will make a decision whether we will have to re-draft and submit a report which meets timelines or which is enforceable. Thank you.

(Several Hon. Members on their feet)

Hon. Temporary Speaker: Hon. Members, take your seats! I wish to give guidance as per our Standing Orders 190 which says that *‘The report of a select Committee shall be prepared and kept in the same form as the Votes and Proceedings of a Committee of the whole House and in such other form as may be prescribed in the Committee Manual. The report of a select Committee having been adopted by a majority of the Members shall be signed by the Chairperson on behalf of the Committee.*

If the Chairperson is absent or is not readily available, the Vice-Chairperson shall sign the report under paragraph (1), and in the absence of both the Chairperson and the Vice-Chairperson, the Committee shall nominate another Member to sign the report. A select Committee shall adopt its report in a meeting attended by a majority of its Members. Upon adoption of a report by a majority of Members, a minority or dissenting report may be appended to the report by any Member(s) of the Committee.

A report of a select Committee including any minority report, together with the minutes of the proceedings of the Committee, and with such note or record of any evidence by the Committee as the Committee may deem fit, shall be laid on the Table of the House by the Chairperson of the select Committee, or the Vice-Chairperson or by a Member authorized by the Committee on its behalf, within fourteen days of the conclusion of its proceedings.

Within forty eight hours after the report has been laid on the Table of the House, the Clerk shall publish the report in the Assembly website and circulate copies to Members’.

Hon. Members, aware that this report was given yesterday and the dissenting voice that is being brought about, either by the Vice Chair or any Member didn’t report it either to the office of the Clerk or the office of the Speaker.

So, as at now, as things stand, as the Chair this is my guide to Hon. Members. As things stand now, let us proceed with the report because we don’t have any dissenting report that was given to the House, let us do the report to its conclusion. Hon. Mboha!

Hon. Mboha: Thank you, Mr. Temporary Speaker. I think we know of sideshows that are taking place right now.

Hon. Temporary Speaker: Hon. Member, what do you mean by sideshows taking place right now? Hon. Booker and Hon. Mboha, both of you are Members of this great Committee. I want you to give guidance to the House, as you submit, let this report, let you not be the people who will make this report not see the light of the day. Support or give discussions that will give other Members guidelines and see how best we can work on this because for the interest of the people of Siaya, that is why we are here.

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Hon. Mboha: I would wish maybe to bring to the attention of Members the summary on page 4, roman iii. But in our report, we have not shown or proved this instances of nepotism or corruption in our reports. I find that not being the correct picture ...

(Hon. Winnie on her feet)

Hon. Temporary Speaker: Yes, Hon. Winnie!

Hon. Winnie: Mr. Temporary Speaker, I am rising on a point of order. As much as you want us to continue with the debate, as the Chair was doing his presentations, I heard him say that a number of times some Members of the Committee have been given threats. He has not addressed that how sure are we that today based on the fact that those threats have not been reported to this Assembly? How safe are we?

Hon. Temporary Speaker: I think as I had said earlier, this issue is an issue that is very serious and where certain issues are raised, it is a ruling that you cannot just give, you need to consult and with due time you will be guided on that. Yes, Hon. Shirley!

Hon. Oyuago: Mr. Temporary Speaker, this is a serious report that should be implemented based on recommendations but we are reading malice among the Members. We have two dissenting voices from Members of the same Committee, Hon. Nick and Hon. Mboha. We are not safe as Members of this House. Thank you.

(The Speaker, Hon. George Okode in the Chair)

Hon. Speaker: We have one report and I warn you, if you had contributed don't contribute again; those are the Standing Orders we have. Yes, Hon. Audi!

Hon. Audi: I am on a point of order. Given the number of people that are somehow pausing to contradict the report, then maybe we should go back to the attendance list. These are people maybe that have not been attending the meetings and even during the report writing!

Hon. Speaker: Yes, Hon. Filly!

Hon. Akoth: Thank you, Mr. Speaker. It is coming out very clearly that this report is not complete. The Vice Chair has already made it very clear that there are issues they discussed which are not addressed in the report, there are dissenting voices not captured in the report. Is it prudent for us to continue debating on an incomplete report?

(Applause)

Secondly, there are issues which have been brought up by Members of that Committee which have not been substantiated here. I think we need clarification on that.

Hon. Speaker: The report you have, is it signed? The order of doing a report is that once a report has been completed, it is signed by either all Members or the Chair or the person

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that they nominate. Whether it is complete or not, it is not for you to know. If you feel it is not complete, use that power to reject the report or accept it. As to the completeness of a report, as far as we are concerned, the signing manifests its conclusion. We will proceed, yes, Hon. Nick!

Hon. Ochola: Thank you, Mr. Speaker, Sir. I am rising on a point of order to make it clear that I am a Member of this Committee and I was pointing to the Speaker that our Vice Chair was dissenting and yet the dissent was not registered. I was also pointing to the fact that we had some timelines that we were giving in recommendations. I hope I am very clear to the Member, thank you.

Hon. Speaker: Hon. Members, you are taking me to verification, of course I know we are not going to put a vote on this morning but I will endeavor to look at the attendance list, if I discover that you signed the attendance list for approval of this report then I will shame you, because I will name you and let people know that you participated in the report and now you are distancing yourself from the report.

Any Member is allowed to dissent in the Committee, let that be as minority opinion in the report and then when you come here you can still dissent! You can all change your minds on this report but the House will be looking at you, your children and grandchildren will read the Hansard and wonder the people you are. That in the evening you supported, in the morning, you have changed your mind; that we will leave to your conscience.

About mentioning Members, rules are clear. If somebody is adversely mentioned in a report, I am not sure whether an individual Member has been mentioned in this report but if it is not in the report then you bring a substantive Motion for us to discuss. So, for future when somebody's character is questioned, their involvement in the Committee work then you bring it the procedural way and we deal it, the rules are clear, he can even be excommunicated from the Committee!

The other matter of threats, Hon. Members, the moment you join politics, you join politics knowing that threats are part and parcel of it. If you are sure that you have been threatened report to the police, report to my office then we will make sure that you are safe but as we sit here I can guarantee your safety. Can we proceed? Yes, Hon. Adala!

Hon. Adala: Thank you, Mr. Speaker. I am on a point of order. I just need to be guided so that next time I don't make a mistake. I can come here and rise on the Floor of the House and say that Hon. Otiato has run mad in Yimbo East and I am allowed to sit and that is captured in the Hansard. As it is, what is happening is that Hon. Mboha has been mentioned as the link between the contractor and some of the bad things that were happening. So I also know that the rules of the House state that unless you can substantiate your claims then you are expected to withdraw, I stand to be informed.

Hon. Speaker: Hon. Mboha, you want to put your contribution in the same direction that Hon. Adalah did?

Hon. Mboha: Thank you, Mr. Speaker, Sir. Probably I wish to make this issue clear to fellow Members. I know sometimes I am a bad person but I cannot be bad to that extent, I was just trying to be objective in my submission and the issues that I raised here are the same ones I

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raised to the Committee because we mention things here as our recommendation but in our report or findings it is not there. So it beats logic; I always speak my mind as matter of fact everywhere and anywhere.

I think the issues I raised and they were about four of them that were not coming out clearly even at the Committee meeting and I think they are very clear. We had systems before clustering, what made the decision to change from not clustering to clustering? What were the advantages of clustering as compared to this other system? So that should have come out with the report so that as we discuss it is seen clearly so that we can make informed decision.

Two, we have mentioned here issues in the findings that this promotes outright nepotism and corruption in tender awarding in the County. We have not pointed out clearly that what are these instances of nepotism that we are talking about in our report; that is not in our findings.

I don't know why somebody should have issues with that! This does not guarantee the quality of works contrary to the advance justification that the Committee has even noted the 6 contractors assumed to be having the ability to execute the awarded roads while they don't have the machinery and expertise.

In our report we have not captured that in the report of the 6 contractors to show that this particular contractor does not have the expertise. In our report we have not captured that the 6 contractors do not have the required expertise to do the job, and if I talk about that then it's taken that am a rebel while these are facts.

Therefore, we cannot just mention them without giving any specifics for example you say that "Ojande" has no machinery as well as expertise. In our report we should have said that the 90% of work done by the 6 contractors is not up to standard, and if I question some of these issues then you say Mboha is a bad person.

In our recommendations we mentioned about frustrated projects, what have we said about them in our report? So after mentioning them in our findings what are we going to do about it in the report? And am not going to talk about what the Hon. Member has said because some of these things are not factual and I would not wish to take time in them.

Finally, I think that I am always objective in my contributions and therefore should like to urge Members to be objective while contributing. If you go back to the proceedings of that Roads Committee, I came to the Committee before that list other Ministers came. The first list was rejected and we didn't know that this other list would come from somebody. So which work preceded the other? So if somebody says that I am defending because of that it doesn't make sense because even if I am taken to another Committee I will still be objective.

I am just trying to say that this report is half baked and therefore more should be done. It is as simple as that! Otherwise, thank you and I commend the Committee for good work only that they didn't put 100% of their time.

Hon. Speaker: Thank you. Hon. Members, you will recall that it is not the work of this House to write for the Committees its reports; you do your report out there, you bring we adopt and there is meaningful amendment we make. So we are advising all committee Members that when you have feuds at the time of adopting the report, ensure that you convince your colleagues

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for your views to be part and parcel of the report. Otherwise, when it comes here we will treat it as the position of the entire Committee with the minority view also appended to it.

Hon. Adallah asked whether we are responsible for the words we speak on the Floor. We have immunity but we don't abuse that privilege we have in the House. You are responsible for statements you make, they have to be factual. In the event it is discovered that the statements you made are not factual then you face disciplinary actions which would even mean that you are suspended from the sittings of the day. So what happens if you make wild allegations and then the presiding officer puts you to task and you do not withdraw then he goes and establishes the following day that you lied then you will be put to task.

Now we are lucky we are talking about this Member who is part of the debate, how about if the Member was absent and we adversely mentioned and it is in the record? What will happen is that he will liaise with the presiding officer and at the statement hour he can stand up and clear his name and say Hon. Members the statement made yesterday were so adverse against me and the truth of the matter is this and this kindly in future ensure that you do not assassinate our character. Then the presiding officer having verified that information can order that that bit that is not factual be expunged from the votes and proceedings of the House.

Hon. Members, where our views are captured you may have good views which are not captured because the report cannot report everything on verbatim but have peace because your views can be captured in the Report, your views can be captured in the votes and proceedings of the Committee works and your views can be captured in the Hansard.

As we speak here today even this report when it will be taken and submitted wherever there will be an appendix of the votes and proceedings. That is why you would also pick what was said, that helped us here once when we were punishing a Member of the House who had engaged in misconduct.

So EACC was following this Member and then we had punished him. So they wanted to see the mood of the House, how this House or that House was serious on that matter so they looked at the Hansard and everybody was condemning and so they were convinced that the mood of the House was that of condemnation. So they simply asked this MCA to apologies publicly.

If you are a CECM or a Governor and you want to pick the mood of the House you don't just read the report but you also read the Hansard because it will give you verbatim representation of the individuals in the House.

Yes, Hon. Otiato.

Hon. Otiato: Thank you, Mr. Speaker, Sir. I rise to make my contribution on this particular report to which I want to say that I am very grateful to hear that at long last it is here. And even from the mood of the House you can now understand why it had to take around six months for it to be tabled here.

I will be very particular on matters touching on my Ward but I think it is in some other form of question and I will deal with it. And because it is here with us I want to make my contribution that yes, there might be errors here and there and possibly when the problems are

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given at a Committee level we always have possibly other people constructively making objections or moving to stop some proceeding with particular interests. Part of this document as I look at it whether we adopt it or reject it there are some very few issues that have been captured that we need to take cognizance of.

The other matters that can come up I still think we can be having other Motions to deal with them, like I know when I first had a glimpse of this I knew there are some issues touching on Roads in Yimbo East that we did not see even a single one in this report.

So I decided to put them in another question because I was aware that they were not captured in the report. Just as a Member has said we really need to understand where the issue of clustering aspect came in and possibly we expected to see some of the procedures how we came up with this new road clusters.

I am aware that when we were doing this clustering in Bondo, the Bond's work was given to a contractor who is an electrical engineer by profession but am not very sure of his ability to be doing the work. And as we talk today even the roads that were supposed to be done when we looked at the status report that we were given by the engineer saying that this particular road is only 10% done and there were roads that are actually not done.

As I talk, there are roads that were actually not done. In Bondo sub County, there is nothing done that even when it came to the payment of 2016/17, I even tabled some of the documents that the Sub County Ward wrote a letter that the contractor shouldn't be paid because he had not done any work.

When it comes to supplementary; this money is long gone and it's nowhere. How was it paid today? We have got the project and if you realize that the contracts were supposed to be ending on 30th June. Yesterday, I made efforts of going to that particular area that the works of 2016/17 were not done. The money is not there, the work was not done.

The Engineer in charge of those roads said that they are aware this road was only 10% done. In 2017/18, nothing even a single road has not been done and they said we must finish up with 2016/17.

We are in 2018/19, the contract ended on 30th 2016/17 is not done, where is 2017/18 and are we still supporting this Report? I expected maybe to see a particular discussion on each and every contractor per Sub County and the work they have done.

I can confidently say in Bondo we didn't have a contractor and maybe because that particular aspect was not captured I don't think whether restrictions in law that the matter that has not been captured cannot be brought in form of a Motion and we move on and go and inquire more and if there is that leeway then I wish that we proceed on with this as it is, we identify the loopholes and we see whether we can bring them in form of Motions.

On page 29, this Committee did a very good job and I am sorry that our Chair of Finance is listening that if you look at page 29, the Committee went ahead and gave us the total amount owed to PMCs. We now have a record that from Roads alone we are having ksh110, 031,525.66 which we are told that if we check the account balance of that account it's zero; where is the

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money and it was used to pay some contractor and were there some work which was done which was never budgeted for.

This is a clear misappropriation and if you reject this job I will not be having my job as head of anti-corruption in this House that is legal and justice to actually follow up and know where the money is. This is good direction; I would say we deal these matters and find out where this money went and if at all there were savings we needed to do a supplementary budget here in the House and we direct this money where we think is appropriate and look for the other money in the future. If an individual can decide to go to an account and withdraw without approval is a breach of the Constitution and that person needs to be out of that particular office.

These are very serious matters that whether it's your brother or mother we need not to support such. I request this Hon. House to support this particular Report in total and I request the Hon. House that as we adopt the Report any other matter that was not tackled which is outside this Report which we are not going to discuss now we can proceed on and discuss it another day.

Hon. Speaker (Hon. Okode): Hon. Ayika.

Hon. Ayika: Thank you, Mr. Speaker, Sir; first I would like comment about Hon. Mboha. Hon. Mboha was busy with the budget Committee and he wasn't attending our Committee meetings and that is a fact.

Secondly; allow me to say this because I'm a Member of this Committee and I'm supposed to support this Motion. I'm happy because we have a new Chairman and a new CEC and that's a job well done. I would like to talk about a Sese stream in Alego Usonga; I was almost dying in that stream it was wonderful. The contractor known as Mijesh did a very shoddy job and he was paid fully---

Hon. Speaker (Hon. Okode): Hon Oriaro.

Hon. Oriaro: In the Report of the same Committee that the Member is part of; Cloud line is the one that did Sese and in my contribution I was questioning if in Alego Usonga it was Mijesh who I questioned how the Report never captured circumstances under which Cloud line did it and was paid yet the work is incomplete and I even mentioned in the budget it ought to have been box culvert but the award was drift culvert. Is it in order for a Member to aimlessly water down the debate?

(Laughter)

Hon. Speaker (Hon. Okode): You are comfortable with aimlessly? Could you withdraw the word aimlessly?

Hon. Oriaro: I withdraw, Mr. Speaker.

Hon. Speaker (Hon. Okode): Hon. Ayika; we thank God you survived, when you were passing there you almost died so you have forgotten a lot. Just make sure you are factual with the presentation.

Hon. Ayika: I am talking about Sese stream because children are dying there and even old men can't even pass that bridge.

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Hon. Odawa: Thank you, Mr. Speaker, Sir; allow me to say that the Report is largely good. I'm also particularly interested with the issue of the PMC. I request that the recommendations be implemented and the money is supposed to be---

Mr. Speaker, Sir; I don't know why I stammer when I comment but it's natural.

Hon. Speaker (Hon. Okode): It isn't you it's the microphone.

(Laughter)

Hon. Odawa: I wanted to say at least this time round let's make that the recommendation by the Roads Committee especially money meant for PMCs should reach them and on the issue of roads to be maintained or done by use of labour based contracting. This will uplift our youths and women; if they are supported in this way definitely we won't have problems with the issue of *gonya* and turn a new leaf.

I don't think it's illegal to cluster projects because I am sure if it was an illegality then somebody could have taken the Executive to court. I'm sure there is some percentage that can be clustered. What we can really encourage that 60% should be clustered and 40% should be given out in an open tender should be given to the special groups like youths, women and people living with disability. In North Alego; I have not found any fault with whoever is doing the roads there so I don't have a problem with the company called Mijesh, thank you.

Hon. Speaker: Hon. Members, if you go to our Standing Orders 200 (5), it talks about functions of Sectorial Committee. 5(a) Says investigate, inquire into and report into all matters relating to the mandate, management activities, administration operations and estimates of the assigned department.

Like one Hon. Member mentioned, nothing stops any Member in this House from coming up with an inquiry into the issue of clustering, how it benefits, the pros and the cons. Nothing stops the very Committee from investigating the pros and cons of clustering of road works, and then you bring a report to this House for consideration.

The object of this Committee report was to give a report on the status of the County Road projects in the Financial Year 2016/2017 which status you can even come up with a table, road, activity that was supposed to be done, amount paid, amount unpaid, name of the contractor, and their comment.

That alone would have sufficed this report. So, am just advising Committees that when you do inquiries, don't over indulge, because when you over indulge you lose the focus, and when you over indulge, use it to form the basis of further inquiries. That will help us much more in future. So will we just proceed? Yes, Hon. Majority Leader?

Hon. Oor: Thank you, Mr. Speaker, I have a few comments to give. First to congratulate the Committee Members who did this report. The kilometers of the road done is indicated, but the remaining one not done is not indicated. May I know why, because we should know the kilometers of roads we have in the County, and how many roads we have for both KURA and

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KERRA. Sometimes graveling of the road is not done properly because of lack of monitoring and supervision. Murraming of some roads is also not done well.

Some Sub Counties were done for, more kilometers of roads, while Ugenya and Ugunja were given less. I would like to know which criterion was used. The BQ should be exposed before the Contractors start the work and also, let us know how much a kilometer on graveling and murraming is.

Hon. Speaker: Yes, Hon. Winnie, what is it?

Hon. Otieno: Thank you, Mr. Speaker. I just want to know whether the Majority Leader is reading a resolution, because the House is still debating. I stand guided.

Hon. Speaker: Hon. Otiato, what was your point of Order?

Hon. Otiato: Thank you Mr. Speaker. I don't know whether the Majority Leader has read the conclusions, and is now actually presenting what the Committee needs to act on. Is it time for Statements?

Hon. Speaker: Hon. Shirley, What is your point of order?

Hon. Oyuago: I am sorry to say that the Hon. Member is misleading the House. I don't know whether KERRA roads are under our mandate Mr. Speaker.

Hon. Speaker: Yes, Hon. Adala.

Hon. Adala: Thank you, Mr. Speaker. I have seen that there is a mishap somewhere. If Hon. Odawa cannot understand the reasons why he stammers when on the floor, and again the Majority Leader is running into resolutions. So allow me to sort this out, and invoke Section 58 so that they request we adjourn and they refresh.

Hon. Speaker: Hon. Adala, you can proceed after invoking that Section and just go relax your brains as we proceed.

(Laughter)

What is your point of Order, Hon. Odawa?

Hon. Odawa: Hon. Speaker, it is difficult to understand nature. When I am outside there I speak very well, and Hon. Adala outside there is not audible, you cannot even hear what he is saying, when he comes here he is very eloquent, while with me, when I am in the plenary I stammer. So the way nature works, you can't understand. Thank you.

Hon Speaker: It is simple. Hon. Vincent, just change your seat. Go sit where he sits. When you change positions, you will be sorted.

(Laughter)

Hon. Majority Leader, proceed with the debate, and then the Hon. Chairman who brought the report will address his concerns at the time of reply.

Hon. Oor: Thank you Mr. Speaker. The last that I wanted to say is that all the Contractors should be considered for all the Sub counties in order for all of the Sub counties to benefit, but the issue of the Kilometer should be looked into. Thank you.

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Hon. Speaker: Yes, Hon. Kinyanyi.

Hon. Kinyanyi: Thank You, Mr. Speaker. I think we need you here often because of your experience and knowledge. The reason I am saying that is because you are giving us proper direction on how to conduct ourselves. A Motion was brought in by Hon. Odawa. I think it is the hour of the Motion we should be contributing.

There are other things we have in our archives, some of them 2015/ 2016 I think we can get some guidelines that we can also do in our 2019/2020, without wasting a lot of time. Kinyanyi Ward borders about 3 counties. This is Vihiga, Kakamega, and Kisumu Counties. The type of work we see there is quite different from what is attaining in Siaya.

When we talk about the roads, in fact we should not even mention the roads in Siaya. We better have better engineers to work with us, better contractors, and also when a Motion is being moved, for the benefit of Siaya Ward Representatives, we should not be fighting among ourselves. If you have a Chairman, respect your Chairman; work with him as a Chairman.

There are people in this House I am not afraid to mention. When there is a conflict of their interest, they give a lot of tension which should not be the case. We should work as a team.

Hon. Omwende: Point of Order, Mr. Speaker Sir!

Hon. Speaker: Yes, Hon. Omwende.

Hon. Omwende: thank you, Mr. Speaker. Is it In Order for a Hon. Member to continue on issues that you have already ruled on?

Hon. Speaker: It is Out of Order to contribute on a matter which has been ruled on, please proceed and avoid matters which I had ruled on.

Hon. Kinyanyi: As I was saying, it is better for us to work as a team for a better development of Siaya. We might be talking of contractors, and even if you live outside Assembly here, you just walk across, you see the type of contractors we have on the Governor's premises. Let's look for ways to have qualified contractors that can change the face of Siaya. I think if we can work like that then we can make Siaya what we want, instead of having small issues among ourselves that we can just sort out. Let's work as a team and see what we can do.

About the projects that are being passed, some of them you find that the certificate has been issued by the Ward Administrator, and the supervisor, the work is said to be complete, yet it has not even begun! These are issues that we should discuss and see how we can avoid them.

As we are talking, some of these contractors are also crying, on the other side we have ten percent. So if your job is done or not done, you have to part with ten percent. So these are the issues that we can also see how we can curb. So we work as a team, chairman look for us a way in which we can curb all these things and get a better Siaya. Thank you.

Hon. Speaker: Yes, Hon. Felix.

Hon. Okumu: Thank you, Mr. Speaker, Sir.

Hon. Speaker: Yes, Hon. Opanga?

Hon. Opanga: Mr. Speaker, Sir, through your guidance, is the Honorable Member allowed to contribute twice when he had already contributed on the same Motion?

Hon. Okumu: Please don't bring that kind of jealousy in this House.

(Laughter)

I am on a Point of Order though.

Hon. Speaker: Allow Hon Booker to contribute his Point of Order first. Hon. Booker?

Hon. Booker: Mr. Speaker, is the Hon. Member allowed to contribute in the House if he is dressed like that?

Hon. Okumu: Okay, allow me to finish with my Point of Order first.

(Laughter)

Hon. Speaker: No. The Point of Order is on your dressing code. Can you just go and dress appropriately then come back and proceed with your point of order. Yes Hon. Oduor?

Hon. Oduor: Thank you Mr. Speaker Sir, I rise to support this report. I think this report was done properly, apart from the grey areas which they actually pointed out. As we know, most contractors are good at saving than doing the work that they are supposed to do. I have seen a number of roads that were done; they did the sport murraming, and avoided culverts, but that one is covered properly because that is the question that has brought a lot of problems in the House.

It is good that they pointed out about the super 6. Actually the super 6 have been there long enough since 2014. They are the same contractors who are being given the contracts. They are there this time, they were there last time and surely there should be a reason why they are there because these are people that you cannot even touch. These are people whom even when you call and tell them we are having PMCs they walk out of the site.

I remember I called one in Ukwala when he was about to start. He had started working on a road and when I called him I told him about the PMC that was not on the ground that contractor refused to talk to me and the following day he moved out of the site and said they were not ready so they could not continue. He is part of the super 6.

I agree that this Report should be adopted because we have to check and know where the super 6 is deriving their powers from. With those few remarks I support this Report.

Hon. Speaker: Hon. Members, we have around 10 minutes to adjourn for afternoon session. In the meantime let's have Hon. Felix continue the Debate.

Hon. Okumu: Thank you, Mr. Speaker, Sir. The bottom line is that we are all politicians and in politics we have one word, 'read the mood'. If you read the mood, the House has lost direction of debating. Read the mood and have it done in 2 minutes.

(Laughter)

Hon. Speaker: Yes, Member for West Sakwa.

Hon. Aringo: Thank you, Mr. Speaker, Sir. I rise to support the Motion. I am a Member of this committee and as we were going round the projects we did not get documents from the

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Executive. There are projects which were to be visited but we couldn't do that because we were not provided with the BQs.

What is hurting us most is the composition of the Project Management Committee where you find that the Ward Administrator is the chairperson and the engineer is the secretary. On many occasions you hear a project is cleared purportedly by the committee where as it was done by two people i.e. the chairperson and the secretary.

Just recently there was a complaint from one of the Wards, I think it was Gem. The PMC was complaining about the work which was not satisfactorily done but the Chief Officer refuted. He disowned that committee! He said that the decision was not signed by the chairperson who is the Ward Administrator and the secretary who is the engineer. Personally I came across a clearance done by the two and faked the signature of other committee members. In fact this is what brings about projects which are actually cleared as having been done and yet they are not done.

I want to talk about a road in my area i. e Usenge- Maranda road which was 20% done. When I contacted the contractor, he told me that there was a lot of political interference on that road and it is true that only 20% of the work was done and he is back on a new contract. My question is how can the former work be completed when latter is yet to be started? It is impossible! This is also what happened in West Sakwa that is Ugadhi- Ng'iyia and also a road in West Yimbo.

We are getting problems back at home because the PMC's have really complained that they were not paid and it is true and the money was deducted from the contractors so there is a problem there. What should be done is that the contractor must liaise with PMC's because they are the consumers.

Otherwise I support the good work by this committee.

Hon. Speaker: Yes, Hon. Ochola

Hon. Ochola: Thank you, Mr. Speaker, Sir, everybody knows that as a politician, roads are always on your hands and that is what can make or destroy a politician on the ground.

I want to contribute to this Motion as a Member of the Committee on Roads but I will not support that we adopt this Report for reasons that I am going to give...

Hon. Opanga: Point of Order!

Hon. Speaker: Yes, Hon. Opanga.

Hon. Opanga: Thank you, Mr. Speaker, Sir. I set to concur with my able Hon. Felix Okumu when he says that the Report has lost its meaning and you should give guidance. Even the spirit that I had to support is now being watered down by a Hon. Member who cannot purport to be reconstructing the recommendation of the Report.

Hon. Speaker: I said some of these things you leave to people's conscience. Even a Chairperson can stand with a Report and say we adopt and then after putting it down you start contradicting the same and then the world is watching. We don't have rules that prohibit it. Just do what is good for you that you will stand with when your grandchildren ask you.

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Hon. Ochola: Thank you, Mr. Speaker, Sir, based by your guidance and that is why I am standing by that.

I want to stand and support a Report as a team but I am an MCA for North Gem, Hon. Nick Ochola, that our recommendations can last in time. If we adopt this Report we are adopting a Report which is not enforceable and I accept that even if my colleagues will not accept it.

For example we are talking of a technical audit of quality standards in construction in Siaya County before the end of FY 2017/2018. That is not enforceable because it has elapsed. The PMC payments are recommended to be paid immediately where the audit by KENAO is done before the end of FY16/17. That is not enforceable!

I am urging the House to reject this Report and give us time to sit again as a committee and come up with a perfect enforceable Report with all the good things that we did here because in this Report we were giving the status of roads in Siaya County and actually we have done a marvelous job here. We have given the road projects which were frustrated, perfectly done and projects where contractors were paid and work was not even completely done.

We did a commendable work but my fear is 90% of the good work that we have done in this Report is going to be watered down by issues of enforceability. I am urging the House to reject this Report. We will go back in our committee meetings and sit and come up with one which enforceable

Hon. Speaker: Read our induction again. Once a Motion is lost, we revisit after 6 months. You are telling us to reject a Report then you start working on it yet it is the same Motion. You said we start tomorrow.

Secondly, the rejection of a Report is not a solution that addresses the matter of timelines. It can be cured even with amendments. How about if you propose to yourselves even in the committee because the notice was given last week and you knew this was coming up and you are part of the Report.

You should have mobilized your team and recommended that recommendation 1,2 3, is overtaken by events therefore let us delete it but as we are today this House cannot allow you to sit with a Report for 6 months and still add you more time. We will put our vote to it whether to pass it or reject it.

ADJOURNMENT

Hon. Speaker: Hon. Members will you be upstanding for adjournment

(Members rose)

There being no other Business this House stands adjourned until today Wednesday, 1st August, 2018 at 2.30 p.m. in the Chambers.

The House rose at 11.00 a.m.