

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 2.30 p.m.

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

PRAYER

COMMUNICATION FROM THE CHAIR

CASA GAMES

Hon. Temporary Speaker (Hon. Opanga): Hon. Members, I think we will begin our CASA games trainings on Monday even though it is the official date but for those who want to keep fit you can continue with the training.

Chair for Water, Hon. Booker Washington Bonyo.

STATEMENTS

OPERATIONAL STATUS OF PUBLIC BOREHOLES AND KENYA INTEGRATED WATER, SANITATION AND HYGIENE

Hon. Adala: Thank you very much, Hon. Temporary Speaker Sir. Allow me to read two Statement responses.

1. Statement request by Hon. Francis Otiato on operational status of public boreholes in Yimbo East Ward.
2. On operations of KIWASH (Kenya Integrated Water, Sanitation and Hygiene) project in partnership with the County Government of Siaya on various projects in Yimbo East Ward.

Allow me start with Statement request by Hon. Francis Otiato on operational status of public boreholes in Yimbo East Ward.

The Sectoral committee on Water, Environment and Natural Resources is constituted under the standing order 200 (1) of the assembly standing order and is mandated to: all matters

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related to Water, Environment and Natural Resources, has the Honor to present response to statement request by Hon. Francis Otiato on status of public boreholes in Yimbo East Ward.

COMMITTEE MEMBERSHIP

The following are the members of the committee.

1. Hon. Booker Bonyo -Chairman
2. Hon. Felix Okumu -Vice Chairman
3. Hon. Linda Juma -Member
4. Hon. Eric Odawa -Member
5. Hon. Ambrose Auma -Member
6. Hon. David Audi -Member
7. Hon. Irene Oyuago -Member
8. Hon. Filly Onditi -Member
9. Hon. Joseph Oduor -Member

1. By Hon. Francis Otiato on Operational status of boreholes in Yimbo East.

Response

The department is only aware of 2 boreholes within the Ward and that is;

- Bar Okwiri, funded by National water and pipeline Cooperation (NWPC)
- Wambasa Girls Secondary School, funded by National water and pipeline Cooperation (NWPC)

2. Explain the reasons why the boreholes are not functional.

Response

- Bar Okwiri- The generator broke down and the PMC has not repaired it.
 - Wambasa Girls Secondary School-The submersible pump broke and the school has not repaired it.
3. Give concrete proposals and or plans the county government of Siaya has to revive and or repair all the public boreholes in Yimbo East Ward.

Response

The two boreholes were not prioritized by the people of Yimbo East during the public participation, and therefore have not been included in the 2018/2019 FY budget. The Executive has not included the two projects in the 2018/2019 FY budget because it has been agreed that we move from micro project to macro projects which have greater impacts and cover more people.

On the operations of Kenya Integrated Water, Sanitation and Hygiene (KIWASH) project in partnership with the County Government of Siaya on various projects in Yimbo East Ward.

1. Explain why KIWASH has withdrawn their partnership and support to PENWA (Pi En Ngima(water is life) Women Association, Yimbo East Ward.

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Response

KIWASH dropped PENWA for his phase 2 capacity building support to Community Managed Water Schemes due to non-responsiveness on the part of the Management Committee.

During the pre-screening phase which was to define the level of support required, KIWASH requested the following details from the entity of which they failed (declined) to provide:-

- ❖ Copy of the registration certificate.
 - ❖ Any account/ account details covering two financial years.
 - ❖ List and names of board of management.
 - ❖ Area of possible partnership with KIWASH
 - ❖ Any additional information on the constraints currently facing the project.
2. Explain whether the PENWA water project in Yimbo East Ward has been audited before and highlight the key findings of the audit that might pose challenges to seamless provision of services to the people of Yimbo East Ward.

Response

As explained above, the project management Committee has not been sharing with the department any report on the scheme's performance, despite several requests through the Sub County Water Officer- Bondo. The department does not therefore know whether the scheme has ever been audited.

3. Explain the measures the County Government of Siaya has put in place to ensure the continuity of the provision of services offered to the people of Yimbo East Ward under KIWASH- PENWA County Government partnership.

Response

The Water Act 2016, which is now in operation created implementation challenges that can only be addressed by Legislation at that Assembly e.g. the Act states that Water Service Provision is devolved to the Counties, but the function of Licensing Water Service Providers is still a National function being undertaken by Water Regulatory Board (WASREB).

It has therefore proved a challenge to the department to reign on some of the Water Service Providers Licensed by WASREB.

The department is formulating a Governance Policy for the management of community managed water supplies and would be taken to the Assembly as soon as it is ready.

Thank you.

Hon. Temporary Speaker (Hon. Opanga): Hon. Otiato.

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Hon. Otiato: Thank you, Mr. Temporary Speaker Sir. You realize that one way or the other, even though not satisfying and I would say that am not satisfied at all.

One, the number of borehole in Yimbo East is not only two we have one at Asawo, Nyamonye, Alinga, Nyangera and many others. In fact we have got around six boreholes in total so for the department to say that we only have two boreholes leaves a lot to be desired. Possibly I would request that the Water Committee because we are just starting a new FY to work hand in hand with me because I know the Chair has vast knowledge in this field and.

I know that we have got all the funds to do proper work as well as through investigations such that the department can visit the Ward and look into the matter and give us more on particularly those other areas that have not been covered here.

With regards to second question about the operations of PENWA, in my question you will realize that there was something about PENWASCO and PENWA and we wanted to know the differences of this particular organizations and who runs them. The Water Act 2016 has devolved this function of Water and supply services to Counties.

Now look at the response that we get; the first thing you will see that there is a company that has been supplying water but have failed on request to give a copy of registration certificate. They not able to show that they even have an account, so how much are they collecting?

I know very well because in Yimbo East I happen to be very close to the small Water vendors and am informed that a one water Kiosk operating on a daily basis will give you an average of 1000/= which in month translates to Kshs. 30,000 multiply by the over 20 Kiosks we have that is about Kshs. 600,000. So if a water service provider cannot give even an account of funds leave alone the accounts they run then we say they have refused to respond or abide by our request.

Therefore, what KIWASH is doing because it is a usage supporter and this water project we are talking about is usage supported, so it is wanting for the donor to withdraw because those guys have refused to cooperate with them by refusing to say where they take the money they collect daily. So the people of Yimbo are crying because there is no water in Yimbo.

On the third question we are asking, we know that water has been devolved under the CO of Water as the accounting officer so we are asking that the County Government has been using money to provide the chlorine being used there to run those projects and as such funds are being pumped there.

So when we ask if they have been following to know whether the money is being used properly then you here the kind of response they give, that those guys are not cooperating so they don't know whether they are audited or not while government money is being used.

Finally, the same department is trying to create confusion. When you say that the Act is devolved but the licensing is done by WASNEB and therefore there is no way we can run over. WASREB is only giving a license to extract and it is the County government who should give the tender so that one can do the extraction on its behalf.

You only have to provide the permit that you are allowed to extract water from the natural resources that we are having maybe from the lake as approved you can be given the

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license to offer the services where the public can actually complain if you are not doing the best service and another person with the permit can be given that.

If somebody is saying that there is confusion between the permit given by the licensing of water service provider; no, Mr. Temporary Speaker, Sir; it is my request therefore that actually if the department cannot be able to follow up and audit this particular group then it is the duty of this particular Assembly to move out there and give a proper Report in this House.

It is therefore my request to the Chair of the Committee and the Committee of water as a whole; come on our aid. You have realized as from this response the Executive department cannot be able to assist.

The Temporary Speaker (Hon. Opanga): Thank you, Hon. Otiato. Next order! What is it Hon. Otiato?

Hon. Otiato: Mr. Temporary Speaker, Sir; just a point of order; I don't know whether they are done or they are going to further on with their investigations.

The Temporary Speaker (Hon. Opanga): Hon. Booker; as a department are you going to further on with the investigations?

Hon. Booker: Thank you, Mr. Temporary Speaker, Sir; I hope when the Hon. Member was giving out his speeches I believe he was not talking to a deaf chairman. He was talking to a chairman who is hearing and secondly I also believe he was not interrogating the chairman because I'm a Hon. Member representing the interest of Uyoma North.

The Temporary Speaker (Hon. Opanga): Now that we have come back from recess; the issue Hon. Otiato is trying to put across they are not the response from the Executive department of water is telling us so I would request the Committee on Water within a period of three weeks to give a full response on the number of boreholes and their status then from there the House will know how to deal with the matter. Is it ok, Hon. Chairman?

Hon. Booker: I will try and do that Mr. Temporary Speaker, Sir; I think the best way we can do it is try and summon the CEC because now when we go ahead and ask him the number of boreholes and he has answered you here what again do you expect from him. It is better we summon him.

The Temporary Speaker (Hon. Opanga): Hon. Chairman, it's now you as a Committee to go find out if there are two now when you summon him to the Committee you will be giving your facts based on what he said. Hon. Mboha take your seat.

The Temporary Speaker (Hon. Opanga): Hon. Members as we were saying earlier on Motion no.8 it's a continuation of the debate on the Report on Roads, Public Works and Communication on the status of County Roads Project fy 2016/17. Hon. Si-mon.

Hon. Ousa: Mr. Temporary Speaker, Sir; before I contribute my name is not Si-mon; I'm sorry if you cannot get my name then try to get from me that my names are Simon Nyaji Ousa. Allow me first to thank the Committee on Roads on what they have covered concerning the status of roads in Siaya County. I have gone through this voluminous Report but I have found out that it's not covering anything concerning the road in North, West and South Uyoma.

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If at all this Report is giving the whole status of roads in Siaya County why is it that the Report because what I'm getting as concerned to the roads in Rarieda. The percentage that was given to a contractor that is 15% and is not even showing if 15% was given to Pramuk Construction Company and the Report is not indicating the remaining 85% was given to which contractor. Another thing; I don't know if a contractor is given higher percentage of contracts because when I check through this Report I see it contradicting the contract that were given to the contractors who got higher percentages.

Is it illegal if you were given a higher percentage of contracts and you have got them legally? I would love to see the sin of giving more contracts to somebody that achieved the contract legally. I am supporting this Report but I want to request the Chairman of Roads Committee to cover all the roads in Siaya County including the roads in South Uyoma, West Uyoma and North Uyoma because the ones that I'm seeing here they have only mentioned Alego, Ugenya and Gem. I don't know if Rarieda is not in Siaya County.

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

Hon. Abigael: I would wish to recommend the Committee in their work; the Committee's recommendation on inviting KENAO to carry out a thorough audit this time. As a Member from Gem Sub County more so Central Gem Ward from the same Report I have noticed that there are two non-existence roads, I can see they are ghost roads yet they were done and paid. My concern is the accounting officer before making any payment on these roads; were there any documentation facilitating the same?

The Temporary Speaker (Hon. Opanga): Hon. Member you can also mention the roads to keep Hon. Members at per.

Hon. Abigael: There is Nyandiwa Ugwe road and Nyandiwa Gose road; I think this will be answered conclusively with the invitation of KENAO. On the issue of PMCs; this is crucial the department is not even aware yet the amount to be paid is usually deducted at 5% for payment but since someone is pocketing what should be given back to the community the finance department be put to task to address this concern. I support this Report but with amendment on timeline so that it can be effective.

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

Hon. Adalla: Mr. Temporary Speaker, Sir; I rise to give my input on this Report---

Hon. Booker: Point of Order, Mt. Temporary Speaker.

The Temporary Speaker (Hon. Opanga): Yes Hon. Booker.

Hon. Booker: In the Standing Orders is it allowed for a Hon. Member to give a contribution because the Hon. Member had contributed; now he is contributing again. It means we are going to repeat ourselves.

The Temporary Speaker (Hon. Opanga): Yes Hon. Booker; when Hon. Adalla stood he was on a point of order where he wanted clarification on his own security. Take your seat Hon. Member. Hon. Adalla; you are protected by the Chair.

Hon. Adalla: Thank you, Mr. Temporary Speaker, Sir; for protecting me once again. When the gods want to finish you they first make you blind so that you may not be able to know

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who have contributed or not. Having said that I want to share my opinion about the Report as laid by the Sectoral Committee on Roads, Public Works and Transport---

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

[The Speaker (Hon. Okode) in the Chair]

The Speaker (Hon. Okode): Yes, Hon. Ousa; what is it?

Hon. Ousa: Mr. Speaker, Sir; as the Standing Orders state that a Hon. Member should not contribute twice but Hon Adalla stood on a point order and he just contributing on the Motion he had contributed on in the morning.

The Speaker (Hon. Okode): Hon. Adalla, are you contributing for a second time?

Hon. Adalla: No!

The Speaker (Hon. Okode): I'm guided that he had stood on a point of order and now he is contributing.

Hon. Adala: Money has been poured to finish me but I'm covered by the blood of Christ; having said that let me appreciate the Committee. This Report is well informative to the extent that we are informed that certain money was withdrawn for the purpose of meeting the expenditure of the PMCs and that did not take place which I feel is not in line.

I only take exception with this Report on maybe one or two issues that I wanted to raise. The committee goes ahead to tell us on page 19 that they were not able to visit certain Wards. I am trying to get that page so that we are at par. They mention about Six Wards.

The reason that is given by the committee is that the Executive wing of the government did not cooperate by way of availing to them the BQs. I am finding that a bit awkward in the sense that if that is the case then my interest would have been, what did the committee do about that? Kindly tell me what page...

Hon. Speaker: Check on page 19

Hon. Adala: The Speaker is always wise; may you live long! The committee visited several road projects in East Asembo and West Gem. However, plans to visit more roads in Sidindi, West Sakwa and North Ugenya were frustrated by the Roads Department for lack of the provision of BQs as requested by the committee.

In the event that the committee wants us to endorse this Report cognizant of the fact that they have stated clearly that they were not able to visit Three Wards of Siaya County and the mistake was not theirs, because they have explained that these were not provided then I expect that in its finding and its recommendation I will be able to see that we did not visit West Sakwa and other wards but what is it that we did?

Oversight to the best of my knowledge is not about you asking me if I have a wife or not. If I don't have a wife you ask me why I am not married so that you can be explained to further. So if the committee did not get this, the question is what action did they take? And why is that action missing in this Report? I take exception in that.

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Another issue I am keen on, we are talking about the super six contractors as has been stated in the Report. Whatever that means I don't understand but I am made to understand that they came about as a cluster. When we talk about Ugenya and you are telling me that around 64% of the jobs were given to some Ojende and Alego.

I am more interested in what the effect of these others is that are not in this list. If I did 60% of jobs in North Alego, it therefore means that there is 40% that was not done. The question is therefore that who did this and what is the state of these other percentages that are not listed here. I have checked this Report and the committee is silent on that.

It is the work of the committee to highlight us on the reasons behind the clustering of these tenders into a very big job being done by one person. The question is what are the advantages of clustering vis- a-vis the disadvantages. It can help us make an informed decision.

I am also very much interested in the quality of work. For example the contractors that were awarded these jobs, I am more interested to know if they did jobs that were up to standard. If they did sub- standard jobs, are those also captured here? I purposed to check but maybe my eyesight is failing me, I am yet to see.

Whereas the committee focused a lot on the super 6 contractors against a lot of things that this Assembly would have been interested by way of assessing the quality of work done vis-a-vis did those people who got the awards access them legally? I don't think there is a law that stops me from having all the contracts say in Ugenya.

Again there is the element of the wisdom that also dictates that jobs need to be shared but as a House we now focus on what does the law state? If Mijesh won them rightly we should know, if he won them wrongly then we have a case to answer

This House is known for always being firm when it comes to matters law and laid down stipulations. I remember the basis on which we rejected the list of CECMs was based on nothing else other than provisions of law. I would also have been keen to read on its findings that the committee realized that these super Six as alleged or quoted did not get these things rightfully.

In summary, having read this Report and cognizant of the fact that the committee that tabled this Report in itself is not speaking in one voice as was eloquently elaborated here in the morning, it means that we are going to help solve a mistake that was done by the committee.

It is my plea that the House resolves that we reject this document so that we are able to give the committee time to sort out their confusion as was shown here in the morning session and I believe it is still so evident in their faces. Thank you.

Hon. Speaker: I am hoping that the Mover of the Motion is taking note of the concerns and will address them in the reply session.

Yes, Hon. Omwende.

Hon. Omwende: Thank you, Mr. Speaker, Sir. I request that after me speaking you will call the Mover to Reply. I remember during the FY 2016/2017, I was representing Sigomere. The history especially during the first Assembly we were having issues on contracts.

If you can remember, Hon. Speaker because you were there even drivers were given contracts. Even those that don't have the capability were given contracts.

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From FY 2015/2016 something good needs to be appreciated I remember the issue of clustering at least sometimes was also helpful especially Ugunja Sub-County, narrowed down to Sigomere Ward. One time there was one of feasibility studies of the FY 2015/2016, Sigomere was mentioned in one of the Reports that can be a good role model to Siaya County in terms of road network.

I really appreciate the Chair of the committee because nowhere in the Report was there a problem in Sigomere in terms of road network. There is a problem and through the public participation we also feel it is under frustrated projects, on bullet 5, the construction of a bridge along Ongoth Nyaranga Uloma in Sigomere Ward. I would say that we and the community sometimes fail because the money is limited and you need to spread it to 6 or 8 Sub- locations and sometimes we under-budgeted and that is why that bridge has not been constructed up to now

From what we saw in the morning it was not clearly indicating how a committee should work. For that reason and that basis, I can't support a Report where the members have issues with themselves; they don't have way forward on the Report. It becomes difficult to support such a Report. I am not in a position to support this Report. Thank you.

Hon. Speaker: Yes, Hon. Shirley.

Hon. Oyuago: Thank you, Mr. Speaker, Sir, I am on my feet to talk about the Report. I am not going to say whether I support it or I don't. I will decide by the end of my submission.

There are three key things that I expected out of this Report. One is clearly indicated but two are not featuring anywhere in this Report. The committee has really done a good work on the Report concerning the PMC money. It is illegal, we know the amounts that are always allocated to roads. The PMC payment is always 5% of the money allocated. They have indicated that it amounted to Kshs. 110 million which were all withdrawn and pocketed, that was well done. Secondly, we have reports and evidence that there are some roads that were not done totally and have been paid but are not in this report.

That is what we expected from this Committee, they have not even listed a single road that was paid and not done, if I am wrong, let the Chair confirm. We have heard of cases where the Chief Officer for Roads is forging signatures for the Ward Administrators to pay contractors; that is not coming out clearly in this report.

My humble request, we cannot decide as a House, I cannot decide as a Member of this House whether to support this report unless we form an Ad Hoc Committee to investigate the same.

This report must be investigated and we saw it in the morning the way the Hon. Members were fighting, we saw it outside the Assembly, they almost fought at the eating place, they even paid lunches! I am requesting, with powers bestowed upon you, to form an Ad Hoc Committee, investigate this matter and then get back to us in three days. Thank you.

Hon. Speaker: You want the Speaker to believe that the eating place was sponsored by the 10%?

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(Laughter)

Hon. Members, let's focus on the content of the report when we are casting our votes, don't decide by the unity of the Committee because tomorrow when you want to frustrate a report, you agree three Members of a Committee then you frustrate, come to the House and say that you are not reading from the same script, then this House will say when we are not united we defeat a report.

You look at the recommendations, that is the basis and that is why I said, if the Committee is convinced that the submissions/concerns put here are genuine, this is the time you can ask the ---I will consider giving you time and put your House in order and then put a vote to it, those who don't want will abstain, then the world will see us.

Hon. Otiato: There is an issue that has been raised by Hon. Irene Shirly on the possibility of formation of an Ad Hoc Committee to conduct further investigations.

Hon. Speaker: That is declined; we shall form an Ad Hoc Committee in all reports! Did you want to be the Chairperson of that Committee?

(Laughter)

Hon. Winga: Thank you, Mr. Speaker, Sir. I stand to commend the good work done by the Committee. Why do I say so? We are here to do the oversight work. What the report is telling us is, to go back and do our work at home. We have frustrated projects in this report and some of them are listed here. We all come from different Wards and if you detect something wrong, this is the time that we can put it down for people to discuss. I stand to support the report.

Hon. Speaker: I call upon the mover to reply!

Hon. E. Odawa: Mr. Speaker, Sir, I am happy to be on my feet once again. ---I saw it coming Four months ago and that is why I stated here very clearly that we had conflict of interest in the report and as a leader I did not want to rush because there was an extent at which the proceedings were being recorded and were streamed live---

Hon. Speaker: Hon. Eric, that is a very serious allegation, I want you to report to my office with evidence.

Hon. E. Odawa: I will do that. Members of the Roads Committee, this is a time to stand tall and say the truth when the time comes, I think we will go together to the Office of the Speaker because you were there when we were making the report. Secondly, I want to register my disappointment with my deputy Chair because he now disowns the report yet I have the attendance list which I can present to the Chair.

The deputy Chair, on 4th of April, 2018 signed the adoption of the report. At the same time, we went for a report writing session in Kisumu which was a 4 day session and my deputy Chair was there including Hon. Nick Ochola who was in both Budget and Roads Committee and he signed the Report. I want to tell Hon. Members, corruption fights and fights back hard.

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We know cartels are very powerful and the Roads being a very powerful sector, they are able to get their tentacles into the House to scatter the good work that this Committee has done to make it appear useless and to make sure that this report is thrown out of the House. If you throw this report out, you will be giving the cartels a free day, beware!

Secondly, I have no personal beef with any of these contractors. Our concern as Hon. Members who were in the report writing continuously and diligently, want free and fair distribution of jobs within Siaya County.

As we know right now, Kenya as a Country is dealing with a big problem of procurement, corruption and the point of procurement and that is why the head of State right now is insisting on re-checking of the procurement system, having equity and fairness in awarding of contracts in the Republic of Kenya.

Restricted tender can only happen when there are very specialized works, as we know very well, roads works is not specialized maybe tell me about bridge works. This is evident by organization like Kenya National Highway Authority, Kenya Rural Roads Authority, Kenya Urban Roads Authority who have in their regulations strict procedures that a contractor cannot be for more than two contracts in one year.

At the same time a contractor cannot be awarded a contract before they finish a previous contract. Why is this so? This is there because we want equity to members of the public those who are able and capable to provide services. Procurement is very key because through procurement we are able to make sure that through County Government we are able to create employment.

When we were prequalifying 677 contractors, they were qualified by Siaya Executive, that means that they analyzed, checked the documents and 677 contractors were able, capable and qualified to do the work. How again do you come up and tell us 677 people were not able to contract the kind of works and only 6 people were able without giving us a proper evidence to show us what was not done.

Members of this Assembly, why this six big came up very strongly? We may end up, and you will be victims tomorrow. These big contractors will not heed a word from you because they are untouchable. You as Members of the Assembly, you will want to insist on getting quality of work done but you will not get that quality and you will not even be respected as Members of the County Assembly.

I have a question from a Member on the quality of works done. Quality of works to be done is a science because you need to get the quality of gravel, the raw material tests, the thickness of gravel which are taken through heavy tests. We have written to the Executive demanding that they give us the Bills of Quantities and by the time we were writing the report most of these documents had not reached us.

We don't want to be seen to be interrupting. At the same time, now these six super contractors, five of them come from one Sub county. Now Members, Siaya Country is made up six Sub counties, with 667 qualified Contractors, whom I believe whose employees have taxes to pay, they need to work, and they need to increase their capacity.

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Each and every one of us, in our own Sub counties, in our own wards, have able, capable contractors who are wishing that they work for Siaya County and at least increase their papers. We have Youth, women, and people living with disability, who should be allocated 30 percent of contracts in this County. If in one Sub county, one super contractor gets 95 percent of the job, it means that even 30 percent of women, youth is not going to be achieved.

Corruption and cartels are indeed very strong. I saw their hand, and may the Lord forgive you for all the sins that you have done. I hope and pray that the people of Siaya would stand up, and let's be very keen on what we do. It may be a laughing matter today but corruption is going to come back and eat you.

This is not a report of Erick Odawa as an individual; but of Siaya County. We need to stop this clustering and have an open field so that all the qualified contractors have equal opportunities to participate in the tendering process. Then, why were we asking them to be qualified in the first place, if we knew that they were not going to be given jobs?

I am not specialized in the procurement procedures, but I think we need to involve, (on a request if possible) we invite a procurement specialist who can advise us, effectively on the right procedures. Is this right? Is this the way it is supposed to be done? Because in other organizations that I have worked for, categorically I don't do business with Siaya County, or any other County Government, but the procedures in other organizations, how they do it is that they make sure that equity and equality in distribution is done.

In your various Wards, we have those small contractors who need chances, so we must have clustering, so that we can open up, and make sure that each and every contractor should not get a job of more than 5 million or more than two jobs, because if we do this, then there is enough for everyone's greed.

Members of the Assembly, open up your eyes! This is outright greed! Greed of six individuals, vis-à-vis 667 contractors.

Hon. Oriaro: Point of Order, Mr. Speaker Sir.

Hon. Speaker: Yes, Hon. Oriaro.

Hon. Oriaro: Is the Member right to unearthing on the Floor that they never did anything properly on procurement as he confirms that that they needed space to look for experts in it. So would be better placed, to transact over it, on a matter that they have even recommended on issues touching on procurement! Themselves they said they needed to seek advice on the procurement process? And then lastly, is he moving the same Motion or replying?

Hon Speaker: Hon. Oriaro, to reply usually is to get the last chance to persuade the Legislators to adopt the Report. Rejection or passing and usually you concentrate on the concerns that they had. If for example someone said that they needed to be told about the benefits of clustering, then the reply would be; say the Report's main object was not about clustering. It was on Status. Then you say the Committee has taken note that they are going to investigate and give a Report to this House on the pros and cons of classification.

Somebody said that there are certain recommendations which have been overtaken by events. Then that is the opportunity that you have to admit that it's true, the report was laid early,

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and because we went on recess, and came back, this has been overtaken by events, but they do not dilute the very material recommendations which you can cite one or two three four. So confine yourself to reply, because you may have an opportunity to persuade, whereas you use that opportunity to dissuade.

Hon. E. Odawa: Thank you, Mr. Speaker Sir, why I dwelt a bit longer on this issue of clustering is due to the heat that it generated earlier in the morning, so that we can see the need for it. Basically, clustering of contractors is supposed to be done for specialized works as we have heard, and road works is one specialized area.

Therefore the Committee did not see need of clustering of contractors when it comes to road works. With the Committee deeming fit that the tendering is left open for all people that are skilled contractors qualified in Siaya County to participate, and not more than two jobs being given to one contractor.

Number two, if you have to create a situation whereby you have super contractors who are untouchable who cannot be supervised by the same individuals, at the same time the Committee realized that we need to have a policy, where we must start taking our materials for quality testing in the materials lab.

We equally realized that there is need for facilitation of the supervisory team so that they are able to go and supervise the contractors effectively, because we realize that the same contractors are the ones who are providing transport to the supervising team to go and supervise the works which creates a very dicey situation between the supervisor and the contractor who is doing the job.

The bills of quantity, we equally realized that must be provided by the contractors so that the Members are abreast, they know what they are going to supervise, they know the scope of works to be done, and then they should make sure that the works are carried out to the best of what is provided for in the Bill of Quantities.

We also realized that there is need for the PMCs to be paid on time, as it was mentioned, the 110 million shillings is lying somewhere, the PMCs have not been paid, and it's quite an issue. As a Committee we also realized that for us to have the 30 percent spared for women, and people living with disabilities, and 20 percent to be shared along the roll of contractors, we need to have the field open so that the upcoming contractors can also grow.

We also realized the Executive ideally should not procure for works that ideally they do not have money for. The normal practice is that any work procured by a Merchant should be paid within a period of 90-120 days; hence failure to do that should attract a fine of 3 percent above lending rate. This is there to encourage the Executive to pay the contractors on time, because we realized that one of the reasons why qualified contractors fail along all the time is because as they were given jobs, payments were not fulfilled.

I am sorry to say that quite a number of our contractors who did jobs earlier, have not been paid upto date, we have huge amounts of pending bills, some of them have been auctioned, and some had problems, we need to have ways and means of making sure that the Executive

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pays the contractors on time and failure to which they will have the interest rate to be paid, and that will be a deterrent, and will make sure that they try and pay on time.

Ward managers, Ward offices and PMCs also should have a say in the payment procedures. It is important that they are just there as stooges, they are there and they are able to have a voice in the payment process, so that they are sure that before any payment is made, all works have been made to the satisfaction of the people of Siaya, because these super contractors, some of them are paid even before the works are done, and I think that was even stated in our report.

We even gave examples of this reporting by County Roads Department on the actual status of roads, with the report indicating some of the roads complete, while in actual status as verified by the Committee's road check, reveal that a good number are either half way done or ongoing, while others have not even commenced. A good example includes Akado, nyamere and okasire roads which have been paid for yet they have not been done.

What I want to say before I go far is that County devolution is here for everybody. Devolution came to change our areas, to create employment; devolution came to devolve and disburse services down to the grassroots. While doing that, in the various grass root levels, we have people who have the interest of joining in the construction business in the County Government.

Let us give them equal opportunity, let us not have a situation whereby we have 6 trillionaires, and 667 poor contractors who have invested, and should all be given equal opportunities, and while being given equal opportunities, they should also be granted payment on time. I have no issue with the big contractors, but while the big contractors do their thing, the small fish should also be given something.

I want to request this House that please, let's adopt this, with amendments towards the time frame, because as you realize, we gave our reports on time, back in April and the House Committee has had a bit of challenges, and it took a bit of time to make this Report until yesterday, but now that it has been brought here, let the issue of time frame not be a deterrent in us not adopting this report. Let's adopt it.

Let's not give some few people the leeway to sway Siaya in the way that the way that they deem fit at the expense of the major residents of Siaya.

Hon. Speaker: Closely, the Mover, you really see a frustrated team, and a frustrated House, anyway thank you.

(Laughter)

(Question put and agreed to.)

Next Order!

MOTION

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ADJOURNMENT

Hon. Members, there being no other Business, Members will you be upstanding for adjournment?

There being no other Business, this House adjourns until tomorrow Thursday, 2nd of August, 2018 in the Chamber at 2.30 p.m.

The House rose at 4.00 pm.