

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 10th November, 2020

The House met at 2.49 p.m.

[The Deputy Speaker (Hon. Museku) in the Chair]

PRAYERS

PAPER LAID

REPORT ON APPROVAL HEARINGS FOR APPOINTMENT TO THE POSITION OF COUNTY
ATTORNEY

Hon. Deputy Speaker: Hon. Members, under this Order, we have one business to be transacted by Hon. Mark Kimanthi Muendo, Majority Leader. Hon. Mark Muendo?

Hon. Muendo: Thank you, Hon. Speaker. Hon. Speaker, I beg to lay the following Paper on the Table of the House today Tuesday, the 10th day of November, 2020; Report of Committee on Appointments on approval hearings for appointment to the position of County Attorney. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, very much Hon. Mark Muendo.

NOTICE OF MOTION

REPORT ON APPROVAL HEARINGS FOR APPOINTMENT TO THE POSITION OF COUNTY
ATTORNEY

Hon. Deputy Speaker: Hon. Members, under this Order, we also have one business to be transacted by Hon. Mark Muendo.

Hon. Muendo: Thank you, Hon. Speaker.

Hon. Speaker, that aware that Article 235 of the Constitution, Section 8(1)(a) of the County Governments Act No.17 of 2012 provides that the County Assembly shall vet and approve nominees for appointment to County public offices as may be provided for in the Act or any other law;

Aware that Section 5(1) of the Office of the County Attorney Act, 2020 requires that the County Attorney is appointed by the Governor with the approval of the County Assembly;

Cognizant that Section 58(1)(a) and (b) of the County Governments Act No. 17 of 2012, the County Secretary and Head of Public Service forwarded to the Hon. Speaker of the County Assembly notification on nomination of Mr. James Musango Kathili vide letter Ref: GMC/2/CS/CA/Vol. VI/44 dated 7th July, 2020 and received on 17th July, 2020 for consideration and subsequent approval by the County Assembly, for appointment as the County Attorney;

Hon. Speaker, I wish to give notice of motion that this House discusses and approves the report of Committee on Appointments on approval hearings for appointment to the position of County Attorney.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mark Muendo.

PROCEDURAL MOTION

SHORTENING OF TIME FOR INTRODUCTION OF THE MACHAKOS COUNTY CLIMATE CHANGE BILL 2020 (KENYA GAZETTE SUPPLEMENT NO. 8) (MACHAKOS COUNTY BILL NO. 5) FROM FOURTEEN DAYS AS STATED IN STANDING ORDER 116 TO TWELVE DAYS

Hon. Deputy Speaker: Hon. Members, under this Order, we have one procedural motion to be moved by Hon. Mark Muendo, Leader of Majority.

Hon. Muendo: Thank you, once again, Hon. Speaker.

Hon. Speaker, that aware that Article 185(1) of the Constitution vests the legislative authority with the County Assembly; Noting that the Machakos County Climate Change Bill, 2020 (Kenya Gazette Supplement No.8) (Machakos County Bill No.5) was published on 28th October, 2020 and aware that Standing Order 116 requires that a Bill on publication should be allowed in the House after end of 14 days;

Aware that 14 days will lapse on 11th November, 2020 and the Bill can be introduced in the House at the earliest on 12th November, 2020;

Aware that the bill is urgent as it is one of the requirements by development partners to release climate fund grants;

Hon. Speaker, I wish to move the motion that this House shortens the time for introduction of the Machakos County Climate Change Bill 2020 (Kenya Gazette Supplement No. 8) (Machakos County Bill No.5) from fourteen (14) days as stated in Standing Order 116 to twelve (12) days to ensure the Bill is approved in time.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. We need to get a seconder.

Hon. Muendo: Yes, on this matter Hon. Speaker, thank you, very much, I request the Minority Leader Hon. Kamitu from Tala Ward to second.

Hon. Deputy Speaker: Hon. Alex Kamitu.

Hon. Kamitu: Thank you, very much, Hon. Speaker. I stand here to second the motion. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Members, this is a procedural motion which seeks to shorten the days in view of the urgency of the Bill and therefore being a procedural motion I think the timelines have been given there and there should be no need for us to look at it more unless there is anybody who really has an issue to it. I wish to propose that this House shortens the time for introduction of the Machakos County Climate Change Bill 2020 Kenya gazette No. 8 Machakos County Bill No. 5 from 14 days as stated in Standing Order 116 to twelve days to ensure the bill is approved in time. Any Member who has a question on the same before I propose? Hon. Judas Ndawa.

Hon. Ndawa: Thank you, Mr. Speaker, Sir. I want to second or to support the motion by Hon. Majority Leader bearing in mind that the funds cannot be released unless we have approved this so because of that I humbly request my colleagues to agree with the motion and pass it with the shortest time possible. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you, anybody else with a comment on the same? Hon. Angela Munyasya.

Hon. (Ms.) Munyasya: Thank you, Hon. Speaker. I stand to support the motion that the time be shortened given the gravity of the matter and the urgency as well. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, very much.

(Question put and agreed to)

BILL

First Reading

THE MACHAKOS COUNTY CLIMATE CHANGE BILL

Hon. Deputy Speaker: Hon. Members, the Machakos County Climate Change Bill 2020 Machakos County Bill Number 5 of 2020 first reading.

Hon. Deputy Speaker: Thank you. This Bill is committed to the committee on Environment, energy, lands and natural resources to look at the Bill and be able to process it so that it can move on to the next stage the second reading. So the Bill is committed to the committee on Environment, energy, lands and natural resources.

(Order for First Reading read - Read the First Time and ordered to be referred to the committee on Environment, energy, lands and natural resources)

MOTIONS

REPORT ON THE ONGOING CONSTRUCTION OF COUNTY GOVERNMENT BUILDINGS

Hon. Deputy Speaker: Hon. Members, this Order is supposed to be read by Hon. Daniel Mbevi, the chairperson roads, public works committee or a member of the committee and I am made to understand Hon. Cosmus will be reading the report. So the motion will be moved in the

previous sitting and the question was proposed and seconded and therefore we would want to request that he is going to be able to read the report and then after he reads the report we will be able to continue with the debate.

Before we come to that, can I request the House if we can move on to first of all do Order No. 11 which is approval of report of approval hearings for the appointment for the position of County Attorney and then if possible, after we finish that we can be able to come back to Hon. Cosmus Masesi to read the report on transport.

REPORT ON APPROVAL HEARING FOR APPOINTMENT TO THE POSITION
OF COUNTY ATTORNEY

Hon. Deputy Speaker: Hon. Members, under this Order, we have one business to transact and this will be moved by the Hon. Mark Kimanthi Muendo the Majority Leader and member of committee on appointments. Hon. Kimanthi.

Hon. Muendo: Thank you, Hon. Speaker. This is a good afternoon that name is good and Alexander is also here; Kamitu. It is not Alex its Alexander and also other names that are known but I am so happy anyway to read this report which members have been waiting. This is a report on committee on appointments. Report of committee on appointments on approval hearing for appointment to the position of County Attorney. Members you know nowadays we have Attorney Generals under the new Act and my committee received the name from H. Excellency the Governor and we embarked on it but first of all I will read the report.

(Hon. Muendo consulted the Clerk at the Table)

Sorry and thank you for that guidance from the secretariat; I am supposed to first read the motion then I will be given an okay maybe to go ahead.

Hon. Speaker, that aware that Article 235 of the Constitution, Section 8 (1)(a) of the County Governments Act No.17 of 2012 provides that the County Assembly shall vet and approve nominees for appointment to County public offices as may be provided for in the Act or any other law;

Aware that Section 5(1) of the Office of the County Attorney Act, 2020 requires that the County Attorney is appointed by the Governor with the approval of the County Assembly;

Cognizant that Section 58(1) (a) and (b) of the County Governments Act No. 17 of 2012, the County Secretary and Head of Public Service forwarded to the Hon. Speaker of the County Assembly notification on nomination of Mr. James Musango Kathili vide letter Ref: GMC/2/CS/CA/Vol. VI/44 dated 7th July, 2020 and received on 17th July, 2020 for consideration and subsequent approval by the County Assembly, for appointment as the County Attorney;

Hon. Speaker, I wish to move the motion that this House discusses and approves the report of Committee on Appointments on approval hearings for appointment to the position of County Attorney.

Thank you.

Hon. Deputy Speaker: Yes, you need a seconder please?

Hon. Muendo: Hon. Speaker, I would like Hon. Alexander Kamitu to second the motion

Hon. Deputy Speaker: Hon. Alex Kamitu.

Hon. Kamitu: Thank you, very much, Hon. Speaker. I also once again stand to second the motion.

Hon. Deputy Speaker: Hon. Mark Muendo, you may read the report please.

Hon. Muendo: Thank you, Hon. Speaker.

The Committee on Appointments

Hon. Speaker, the Committee on Appointments is established pursuant to the Machakos County Assembly Standing Orders 184(1), which provides that there shall be a committee on appointments consisting of the Speaker as the Chairperson, the Leader of the Majority Party, the Leader of the Minority Party and not more than three other members nominated by the House Business Committee, on the basis of proportional party membership in the Assembly taking into consideration the numerical strength of the parties and interests of independent members.

Hon. Speaker, the Committee comprises the following Members:

- | | | |
|----|-------------------------------|--------------------------------|
| 1. | Hon. Florence Muoti Mwangangi | - Speaker (Chairperson) |
| 2. | Hon. Mark Kimanthi Muendo | - Leader of the Majority Party |
| 3. | Hon. Alex Peter Kamitu | - Leader of the Minority Party |
| 4. | Hon. John Brian Kioko Kisila | - Member |
| 5. | Hon. Moses Mitaa | - Member |
| 6. | Hon. Winfred Syonindi Mutua | - Member |

Message from Office of the County Secretary, Machakos County

Hon. Speaker, pursuant to Section 5 of the Office of the County Attorney Act No. 14 of 2020, the County Secretary and Head of Public Service forwarded to the Hon. Speaker of the County Assembly notification on nomination of Mr. James Musango Kathili vide letter Ref: GMC/2/CS/CA/Vol. VI/44 dated 7th July, 2020 (**Appendix 1**) and received on 17th July, 2020 for consideration and subsequent approval by the County Assembly, for appointment as the County Attorney.

Committal to the Committee on Appointments

Hon. Speaker, in a sitting of the Assembly held on 21st July, 2020 the Hon. Speaker communicated to the House the message from the County Secretary, the notification on the nomination of Mr. James Musango Kathili. Pursuant to Standing Order 42(1), the matter was committed to the Committee on Appointments on the same day. The Committee was directed to report to the House within 21 sitting days in accordance with Section 9(1) of Public Appointments (County Assemblies Approval) Act, 2017.

Committee recommendations

Hon. Speaker, the assessment of the Nominee was guided by Section 5 of the Office of the County Attorney Act, 2020 and Sections 7, 8, 9, 10 and the Assessment form set out in the Second Schedule of the Public Appointments (County Assemblies Approval) Act, 2017.

The Committee set the pass mark for assessment at 75 per cent and from the above, the nominee, Mr. James Musango Kathili, having scored 93.6 per cent is therefore recommended for appointment in the position of County Attorney. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Members. The rest of the report is there for you to be able to go through in the vent that you need to do but that is the summary of what the committee did in as far as that is concerned with the recommendations of the committee.

(Question proposed)

Hon. Members, you may debate on this report. Hon. Jacqueline Nziva.

Hon. (Ms.) Nziva: Thank you, Mr. Speaker and Hon. Members present. I wish to thank the office of the Speaker and that of the Clerk for considering this report and also thank the Committee on Appointments for considering the report from the Governor. I also wish to thank His Excellency the Governor for being the first Governor to implement a County Attorney because it came this year 2020 and I believe he is the first Governor to implement the same if Members will pass it because I believe the Members will adopt the report.

I wish to assure Members that James Kathili is up to the task, he is a man I know, he is my immediate neighbour at home and he has been very privy to matters legal because he has been the County Legal Officer in the county and I believe going to the office of the Attorney, he will do his best and I pray Members will adopt the report. Thank you, Members and may God bless this County of Machakos.

Hon. Deputy Speaker: Thank you. Hon. Titus Kaloki

Hon. Kaloki: Thank you, Mr. Speaker for giving me this opportunity. I support the report that has been presented by the Committee on appointments. I find the report good and timely considering that a County Attorney is a very powerful position and as the county governments were directed by the President have very weighty legal issues which require the attention of such a senior position and I find Mr. Kathili who has previously served diligently as Chief Officer in charge of legal services to be suitable, competent and the right person to hold that position and I urge fellow Members to support the report. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Judas Ndawa.

Hon. Ndawa: Thank you, Mr. Speaker, Sir. I want to request the Chair that when you are giving Members time to speak, you call us by names, so the issue of us introducing ourselves again that is repetition and we must go by---

Hon. Deputy Speaker: Hon. Judas Ndawa, just for guideline; that the purpose of you identifying yourself is not for the Members, here but for HANSARD report which should be able to pick the person speaking and for those in the public who are following up. When I call your name and you stand and repeat again, first it is for emphasis and secondly for the HANSARD to be able to record accordingly. So it is not a repetition but a tradition of the House. Go ahead Hon. Judas.

Hon. Ndawa: Thank you for that guidance. I was watching the National Assembly last week and I could them not introducing themselves again. Mr. Speaker, I want to support the report brought by our most able Majority Leader who has represented the Chairperson of that Appointments Committee. The report is very elaborate and self-explanatory and I want to thank them for agreeing to pass that particular officer to serve the county.

Mr. Speaker, as you are aware, that gentleman has been in that law office and he has been sitting there without the approval of the House and if he used to perform before being approved I strongly believe that once we approve him, he is going to do better than before. So I kindly request the Hon. House to agree with the report that has been brought and pass that particular officer to start working as soon as possible. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Betty Nzioki.

Hon. (Ms.) B. Nzioki: Thank you, Mr. Speaker. I congratulate our able Majority Leader Mark Kimanthi Muendo for giving us a brief and elaborate report. Hon. Speaker, I am 100 per cent sure with this Hon. House, we are going to pass this report and it is up to the County Attorney to take up the mantle and do his role and responsibilities in this county.

So, I support it fully because I can say there is not much we can debate on because it is elaborate and I think our able committee did their level best to give us and prove to us that he is the best candidate that can serve the people of Machakos County. So, it is up to him to do what is expected of him; I support the report. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Moses Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker. I am a Member of this committee and mine is to thank my colleagues for walking this journey together and coming up with a very elaborate report on the County Attorney office. During the interview, James Musango Kathili, we went through his records and as a committee we were satisfied, you have seen the scores he has attained average of 93.6 per cent which is way above the set passmark. That tells you that he has all the qualifications which that office desires.

Hon. Speaker, one thing I am happy about is the way the law has been set; this office will enjoy tenure of service and it will be very independent. James assured the committee that once His Excellency the Governor approves his appointment, he will serve this county diligently and to the best of interest he can have to serve his community.

So, Hon. Speaker, I would request the Executive side once we pass this report, they act immediately so that if there is any pending legal matter which this office can embark on, we concentrate on it without wasting time. So I urge my colleagues and as a Member of the Appointments Committee to accept this report as it is and pass it. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Cosmus Masesi.

Hon. Masesi: Thank you, Mr. Speaker. First, I want to appreciate the report by the Committee on Appointments led by our able Chair Madam Speaker; she is not with us today, Majority Leader, has given us the nutshell of the report.

I want agree with the report bearing in mind that we have been having several reports where we have seen legal fees at high level; in fact, I remember there was a time we had like Ksh. 80 Million spend on legal fees so I am sure the appointment of Mr. Kathili will see us reduce the cost in terms of the legal fees in representing the County Government of Machakos in all legal matters.

Mr. Speaker, we have a case in the finance committee where the county government lost in terms revenue matters and I don't think that we were well-represented and with this position in place I want to believe all our matters will be taken care of and make sure that we make use of all our resources in terms of making sure that we garner the set targets in terms of local revenue. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. May I request the mover of the motion to respond please?

Hon. Muendo: Thank you, Hon. Speaker. Let me first thank the Members and the committee which set and interviewed the candidate. We have seen James Musango's papers and he is the right person for that job. I would like to congratulate him because during the interview he showed that he is not going to be supporting either side. He promised to be independent and as Hon. Masesi has said the cost of legal cases in courts is becoming very expensive for the counties and this Act which came in 2020 is therefore going to save a lot of money from some of the lawyers who overcharge and the County Attorney will be advising the Governor and the Executive on the issues of revenue.

Sometimes you know we set the target and then the public goes to court so I think now we are not going to have any of those cases going through lawyers for hire since we will have our County Attorney. Therefore, thank you Hon. Speaker and I thank the Members for supporting the motion.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Mark Muendo.

(Question put and agreed to)

REPORT ON THE ONGOING CONSTRUCTION OF COUNTY GOVERNMENT BUILDINGS

Hon. Deputy Speaker: Hon. Members, as I had earlier said, the report is going to be read by Hon. Cosmus Masesi. During the last sitting, the motion was moved and question proposed and today what we need to do is to read the report and invite Members to continue with the debate. So, Hon. Cosmus Masesi, you may go ahead and read the report on the approval report of the ongoing construction of county government buildings.

Hon. Masesi: Thank you, Mr. Speaker. I will be holding brief to our chairman Hon. Daniel Mbevi. Before us is a report of the Transport Roads, Public Works and Housing Committee on the status of ongoing construction of county government buildings.

Mr. Speaker, Standing Order 190 is the preface, Standing order 195 provides for functions of sectoral committees which among them include to investigate, inquire into and

report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments.

In line with this mandate, the committee embarked on an exercise of establishing the status on the ground pertaining the ongoing construction of county government buildings being implemented by the department of Public Works.

Hon. Speaker, the committee sought to establish the following:

1. Monies allocated to the department of Public works in the FY 2019/2020 budget and how it was spend.
2. How the department intends to spent monies allocated for buildings in the FY 2020/2021.
3. The status in percentage of completion of each building and expected date of completion.
4. Payments made to the contractors.
5. The location and intended use of each building facility.
6. Benefit of this projects to the county government.

Mandate of the committee

Hon. Speaker, the Second Schedule of the Machakos County Assembly Standing Orders provide the mandate of Transport and Public Works Committee include all matters related to County transport, including county roads, housing, street lighting, traffic and parking, public transport and ferries and harbors, excluding the regulation of international and national shipping and matters related thereto; county public works and services.

Committee Composition

Hon. Speaker the Committee comprises of the following members:

- | | |
|---------------------------|-------------------|
| 1. Hon. Daniel Mbevi | -Chairperson |
| 2. Hon. Irene Mbivya | -Vice Chairperson |
| 3. Hon. Caleb Mule | -Member |
| 4. Hon. Cosmus Masesi | “ |
| 5. Hon. John Musyimi | “ |
| 6. Hon. Margaret Mbithi | “ |
| 7. Hon. Patrick Kituku | “ |
| 8. Hon. Pauline Munguti | “ |
| 9. Hon. Grace Mutwiwa | “ |
| 10. Hon. Margaret Ndalana | “ |
| 11. Hon. Tariq Mulatya | “ |
| 12. Hon. Justus Kiteng’u | “ |
| 13. Hon. Winfred Mutua | “ |

LEGAL FRAMEWORK

Hon. Speaker, Article 183(3) of the Constitution of Kenya provides that the County Executive Committee shall provide the County Assembly with full and regular reports on all matters relating to the County. Further, Article 185 (3) of the Constitution provides that a County Assembly, while respecting the principle of the separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organs.

Section 18 of the County Assemblies Powers and Privileges Act provides that a County Assembly or its Committees may invite or summon any person to appear before it for the purpose of giving evidence or providing any information, paper, book, record or document in the possession or under the control of that person. In this respect, a County Assembly and its Committees shall have the same powers as the High Court as specified under Article 195 of the Constitution of Kenya.

STATUS OF ONGOING CONSTRUCTION OF COUNTY GOVERNMENT BUILDINGS

Inquiry on the Status of the projects

Hon. Speaker, the County Department of Public Works and Housing is mandated to provide technical services in construction and maintenance of buildings to the County departments and other public bodies and also mobilizing resources and build capacity for technical staff.

Hon. Speaker, to accomplish its task, the Committee requested for information from the department on the ongoing construction of County Government buildings with a view of ascertaining their current status. The Committee also conducted site visits to some of these projects on 30th September, 2020 in an effort to confirm the current status of the projects. Further the Committee held a meeting with the Chief Officer, Department of Public Works on 28th September, 2020 on the same agenda.

The Committee has inquired into the status of 18 projects of County Government buildings where it was able to find out how much was paid in FY 2019/2019, how much is to be paid in in the FY 2020/2021 and the level of completion. The Committee made the following observations on the status for these projects:

County Office Machakos (Governor's Office)

Hon. Speaker, this building is located in the proposed new city and the Contractor for project is Stepal Builders. The Contract Sum for the project is Ksh. 353,042,695.88. The amount paid in the FY 2019/2021 was Ksh. 196,511,733.00. The projected allocation for the FY 2020/2021 is Ksh. 20,000,000.10. The Project Commenced on 5th April, 2018 and is expected to be completed in October 2020. The completion status is at 80 per cent. The committee observed that the west wing is complete and the East wing is at the finishing stage.

Cabro Works at County Office Machakos (Governor's Office)

Hon. Speaker, this Project is being done at the Machakos County Offices. The contractor for the project is Stepal Builders and the contract sum for the project is Ksh. 64,149,459.00. In the FY 2019/2020 the contractor was paid Ksh. 27,640,699.00. The projected allocation for the FY 2020/2021 is Ksh. 30,000,000.00. The commencement date of the project was 26th June, 2019 and the expected completion date is October, 2020. The works are ongoing at 83 per cent complete. This project includes external laying of cabro works, drainage channels, curb stones and road marking.

Landscaping works at the County Office Machakos (Governor's Office)

Hon. Speaker, the landscaping works are to be done at the Machakos County Offices. The contractor for the project is Stepal Builders and the contract sum is Ksh. 36,613,764.00. In the FY 2019/2020, Ksh. 7,059, 364.00 was paid for the project. The projected allocation for the FY 2020/2021 is the balance of the project amount of Ksh. 29,554,400.00. The project

commenced in June, 2019 and the date of completion is October, 2020. Currently the completion status is at 89 per cent and the works are ongoing.

Boundary Wall at County Office Machakos (Governor's Office)

Hon. Speaker, the boundary wall is to be constructed around the Machakos County Offices. The Contractor is Stepal Builders and the contract sum is Ksh. 73,719,612.40. In the FY 2019/2020, Ksh. 5,361,600.00 was paid to the project. The projected allocation for the FY 2020/2021 is Ksh 8,080,006.68. The project entails columns, masonry walling and metal grills. The commencement date for the project was June, 2019 and the completion date is October, 2020. The project is currently ongoing and is at 89 per cent completion.

Machakos Conference Facility

Hon. Speaker, this facility is located at the Machakos People's Park. The Contractor for the project is Koto Housing Kenya and the Contract Sum is Ksh. 74,170,816.44. In the FY 2019/2020, Ksh. 11,830,059.00 was paid to the contractor and the projected allocation for FY 2020/2021 is Ksh. 28,379,841.62. The other amount was paid in the FY 2018/19. The project description includes a 50 meters long by 30 meters wide conference hall with a back stage, VVIP entrance, holding rooms and washrooms on its wings. The construction of this facility commenced on March, 2018 and was expected to be completed in September, 2020. At the time of the site visit, the completion status was at 95 per cent completion.

County Office Matuu

Hon. Speaker, this building is located in Matuu ward, Yatta Sub-County and is complete. The contractor for the facility was Dannex Engineering and the contract sum was Ksh. 53,089,670.00. In the FY 2019/2020 the contractor was not paid any amount but in the projected allocation for the FY2020/2021, the contractor will be paid Ksh. 6,900,025.00 since the other amounts in the previous financial years. This project commencement in September, 2017 and the project is complete.

External Works (landscaping) - Matuu County Offices

Hon. Speaker, the external works are to be done at the Matuu County offices. The contractor's name is Wellscon Limited with the contract sum being Ksh. 9,866,989.00. In the FY 2019/2020, no money was paid to this project and the projected allocation for the FY 2020/2021 is Ksh. 9,866,989.00 which is the whole amount. This project started in July, 2019 and is to be completed in October, 2020. The completion status of the landscaping works is at 50 per cent.

Guest Houses - Matuu

Hon. Speaker, these houses are located in Matuu ward. The Contractor is Summit Builders and the contract sum is Ksh. 12,545,782.00. In the FY 2019/2020, the contractor was paid Ksh. 7,521,202.20 and the projected allocation for FY2020/21 is Ksh. 5,024,579.80 which is the remaining amount. This project commenced in June, 2019 and was expected to be completed in October, 2020. The current completion status is at 60 per cent. The project comprises of 7 studios apartments.

Boundary Wall Matuu

Hon. Speaker, the boundary wall is being constructed around the Matuu County Offices. The contractor is Summit Builders and the total contract sum for this project is Ksh. 29,506,630.00. No money was paid to this project in the FY 2019/2020. The projected allocation for the FY 2020/2021 is Ksh. 347,440.88 which is the balance amount payment having been paid in the FY 2018/19. The commencement date for this project was March 2017 and is expected to be completed in October, 2020. This project is at 95 per cent completion.

Washrooms-Matuu

Hon. Speaker, these washrooms are being constructed at the Matuu County offices. The contractor for this project is Spata Agencies and the contract sum is Ksh. 2,877,150.00. The projected allocation for this Financial Year is Ksh. 2,877,150.00 which is the contract sum. This project started in July 2020 and is to be complete by October, 2020. The overall progress of the project is 48 per cent completion.

Commercial Development (Mixed Use)

Hon. Speaker, this project is located in the proposed new city around the Machakos people's park area. The contractor for this project is Samba Limited and the contract sum is Ksh. 55,495,943.92. This project commenced in April 2018 but stalled at 10 per cent. As at the time of the site visit, the committee noted that the contractor had abandoned site. The committee was informed that the termination process is ongoing and no money was ever paid out to this project. This project comprised of 2 50m long blocks with walk way between them. Lettable spaces with washrooms on each block.

Community Recreation Centre

Hon. Speaker, this facility is located at the proposed new city around the Machakos people's park. The contractor is Island Homes Developers Limited and the total contract sum is Ksh. 55,435,741.00. No money was paid to this project in the FY 2019/2020. In the current financial the projected allocation is 15,000,000.00. The construction of this facility commenced in April, 2018 and the date of completion date is June, 2021. The current completion status is at 6.5 per cent with it being at the substructure level. This project comprised of public toilets, cyber cafes, and restaurant 1 and 2 and an administration area.

Public Facility

Hon. Speaker, this facility is located at the proposed new city next to the recreation center. The contractor for this facility is Triospan and the total Contract Sum is Ksh. 37,585,666.00. In the FY 2019/2020 Ksh. 3,256,701.00 was paid to this project and the projected allocation for the FY 2020/2021 is Ksh. 11,308,806.00. The commencement date for this facility was April, 2018 and is to be complete in June, 2021. The general completion status is at 40 per cent. This project comprises of a swimming pool, changing rooms, toilet, changing rooms, artificial public beach, Mini Amphitheatre and landscaping.

Office Block 12 Storey (1)

Hon. Speaker, this project is also located in the proposed new city. The Contractor is Africost and the total contract sum is Ksh. 399,999,999.00. In the FY 2019/20, Ksh. 37,119,210.00 was paid to this project and the projected allocation in the FY 2020/2021 is Ksh. 70,000,000.00. This project commenced in April, 2018 and the completion date is September

2021. The current completion status is 30 per cent generally. At the time of the site visit, no work was going on and the project had stalled at reinforced concrete frame at 5th floor and the building is supposed to have 12 floors.

Office Block 12 Storey (2)

Hon. Speaker, this project is also located in the proposed new city. The Contractor's name is QS Files. The total contract sum for this project is Ksh. 394,999,999.00. In the FY 2019/2020 no money was paid to this project but the projected allocation for the FY 2020/2020 is Ksh. 40,000,000.00. This project commenced in April, 2018 and is expected completed in September 2021. The building stalled at 10 per cent completion level with it being at the substructure level.

Cabro Making Factory

Hon. Speaker, this factory is located next to NTSA offices on the way to Machakos people's park. The contractor for this project is Stepal Builders and the total contract sum is Ksh. 19,270,280.00. In the FY 2019/2020, Ksh. 6,785,647.00 was paid to the contractor and the projected allocation for the FY 2020/2021 is Ksh. 12,484,633.00. The project comprises of offices, perimeter wall, cabro works, main manufacturing shed, drying shed and public washrooms.

This project commencement in July, 2019 and the project is to be completed in October, 2020. At the time of the site visit, work was ongoing. The equipment for the operation of the plant was being assembled and the completion status was 75 per cent.

Office Block at the Department of Transport, Roads and Public Works

Hon. Speaker, this project is located at the current offices of the Transport, Roads and Public Works Department. The contractor for this project is Summit Builders and the contract sum is Ksh. 21,984,476.00. In the FY 2019/20 no money was paid to this project. In the FY 2020/21, the projected allocation is Ksh. 21,984,476.00. The commencement date for this project was April 2014 but the first contract was terminated since the contractor was not able to perform and it was again awarded to the current contractor in 2019. The completion date for this project is November, 2020. At the time of the site visit the completion status was 60 per cent complete.

Intended Use and Benefits

Hon. Speaker, the Committee engaged the Department of Public works on the intended use of the projects and the benefits they will accrue to the County. The Department provided the following as the use and benefits of the various projects.

Commercial Development, Public Facility Area, Community Recreational Centre and the Conference Facility

Hon. Speaker, the Committee was informed that the County Government had an ambitious plan to uplift the face of the County through envisioned Machakos New City which is proposed to be adjacent to Machakos town. To be able to actualize this, these four projects are located in the same area as pilot programmes around the park (new city). The buildings will all work together to provide supportive facilities to the existing park.

The benefits include:

- i. Providing display areas to showcase our heritage as a County which will attract tourists and provide revenue to the County.
- ii. Providing gathering places for families and social groups as well as residents of all ages and economic status, regardless of their ability to pay for access.
- iii. Providing great spaces for events and for people to engage in recreational activities. For example picnic, concerts, weddings and various indoors events (conference facility).
- iv. These facilities will increase business in the County by attracting investors to the County like homebuyers and increase property value.

Cabro Making Plant

Hon. Speaker, the core mandate for the County Department of Transport, Roads and Public works is to develop and maintain sustainable transport and infrastructure facilities. The main benefit is that the cabro making plant will ensure sustainable and cheap construction of the county roads since most of the materials used to produce the cabros can be found locally within the county. The typical areas of use would be driveways, pavement around our markets, hospital grounds, town centres, and pedestrian precincts and more commonly in roads surfacing in and out of towns.

Hon. Speaker, Cabro blocks are more beneficial over other materials in that individual blocks can later be lifted up and replaced. In addition to cabro production, the plant is also expected to produce culverts, IBDs, road channels, paving blocks all which are essential in construction of access roads in villages in the County. This plant was expected to be commissioned in September 2020 but due to lack of funds, the project is not yet complete.

Matuu Office block

Hon. Speaker, the Committee was informed that the office block at Matuu is mainly aimed at enhancing accessible service delivery to residents at the sub county level. In practice this office is being completed to become an administrative/ operational office occasionally providing to visiting state guests and reception on national level.

The residents of the surrounding Masinga and Yatta sub counties will not have to travel to Machakos Sub County to access Government services.

Machakos County Office (Governor's Office) and office block at the Transport, Roads and Public Works department

Hon. Speaker, staff productivity is determined by various key environmental and social work environment considerations that is actual office space, parking space, access to local amenities etc. These offices will provide conducive work spaces and environment for employees of the County Government. This will in turn enhance productivity and service delivery to the residents of Machakos County. For instance, the Department of Transport, Roads and Public work has over 25 key personnel stationed in Machakos Sub County who have no office space and thus work under congested spaces.

COMMITTEE OBSERVATIONS

Hon. Speaker, the Committee made the following observations;

1. The department required a total of Ksh. 311,808,348.08 in the FY 2020/21 to complete these projects but was allocated Ksh.198, 725,949 for the projects. This will cause a deficit of Ksh. 113,082,399 to be budgeted for payment in the FY 2021/22.
2. That some of the projects have stalled for a long time and at the time of the Committee's site visit, there were no contractors on site. These stalled projects include:
 - i. Office Block 12 storey (1) which stalled at the 5th floor,
 - ii. Office Block 12 storey (2) which stalled at the foundation level,
 - iii. Commercial Development (Mixed Use) which stalled at 10per cent
 - iv. Community recreation center which stalled at the substructure level.
3. The Department is in the process of terminating a contract for the Commercial Development (Mixed Use) which stalled at 10per cent. The committee was informed that the contractor abandoned the site. The committee noted that the contractor had not been paid any certificate for works done.
4. Most of the projects have a completion date of October 2020. Due to financial constrains experienced in the County after the outbreak of the Covid 19 pandemic, the projects are not yet complete as per the expected dates.
5. The total contract sum for all the projects is Ksh. 1,588,950,458.64.
6. The contracts were awarded mainly to a few contractors. For instance, one contractor being awarded four projects out of the 17 projects.
7. The Machakos conference facility has been well done and if properly utilized it can generate a lot of revenue to the County Government.

COMMITTEE RECOMMENDATIONS

The committee makes the following recommendations;

1. The Department of Public Works should ensure that the Ksh. 198, 725,949 allocated to the 18 projects in the FY 2020/2021 is utilized for that purpose without re-allocation.
2. The Department should ensure the deficit of Ksh. 113,082,399 for these projects is factored for in the FY 2021/2022 budget.
3. The Department should in the future ensure that they plan for projects that can be completed within one financial year. This will do away with projects that run for more than one year.
4. The Department should fast track termination of contracts of the projects that have stalled and re-issue the contracts to other contractors according to the law.
5. The Department should also ensure that when awarding contracts, awards are to contractors who have the capacity to deliver. The Department should also ensure that the same contractor is not awarded most of the contracts at a given time period.

CONCLUSION AND ACKNOWLEDGEMENT

Hon. Speaker, the Committee is grateful to the Office of the Speaker and that of the Clerk of the County Assembly for the support accorded during the committee sittings. I wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in the Committee activities and preparation of this report.

Hon. Speaker, it is therefore my privilege and duty on behalf of the Transport, Roads and Public Works Committee to table this report on the floor of this Honorable House for consideration and approval. Thank you, Hon. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Cosmus Masesi for the report which you have well read.

(Question proposed)

You may comment on the report. Hon. Moses.

Hon. Mitaa: Thank you, Hon. Speaker, for granting me the opportunity. Hon. Speaker, mine is first to appreciate Hon. Cosmus Masesi for duly playing the task which has been bestowed to him by the chairman of transport committee. I also want to applaud the committee for a very elaborative report which they have brought to this House, it is a lengthy one and I must admit that my colleague must have been fully prepared for going through the report.

Hon. Speaker, the recommendations are clear, the findings are clear and what I can urge maybe the department and the finance department is to ensure that the remaining months for this Government, we embark and have these projects, the ones which are not yet complete to be completed so that we will be proud to be associated with the development which happened during our tenure and it will also mean that resources have been utilized as per the planned way so that the projects may serve the purpose which had been intended. So, I support and I thank the committee for the good work they have done. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Alex Kamitu.

Hon. Kamitu: Thank you very much, Hon. Speaker. Hon. Speaker, going through this report, it is a clear indication that the committee really did a well-done job and in the report that is from page eight, it is clearly indicated the intention and the use and the benefits of the buildings as per the committee report. Again, Hon. Speaker, you have also heard from our Hon. Majority Whip, Hon. Moses and I support that the task now of the committee is to ensure that the stalled buildings are completed so that the intended use and benefit that is going to give to Machakos people are completed.

So, Hon. Speaker, I stand to support this report and also ensure the awarding department as per the recommendations should also ensure that contractors should also be given few assignments so that they may finish the work they have been accorded for. So, I stand to support this report. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Okay. May the mover of the report respond please?

Hon. Masesi: Thank you, Mr. Speaker and I would like to appreciate contribution by the Members and Mr. Speaker, it is a wide project and as per the report I want to assure Members that the total sum of the projects was Ksh. 1.5 Billion and I urge the county executive that when

we are budgeting for the county projects, let the executive budget also for the ward projects at least Mr. Speaker whereby Members will have something at their awards ongoing.

Mr. Speaker, again, which is very key is that when we are awarding projects to contractors, No. 5 is very strong we need to look for prior achievements for these contractors to avoid termination of these projects at some stage whereby will alter the scope of these projects and that is also the timelines cannot make to achieve them.

Mr. Speaker, we have got like four projects which have stalled and so we are asking the executives to move with speed, terminate these projects and reward new to make sure that since their projections and budgets for this financial year 2020/2021, let those monies not be diverted. Let us complete the good dream and how I wish that at one given time we could be around when we have this city with in us in Machakos County.

Otherwise, Mr. Speaker, these are big brains which were at work to have these projects kicked and they are ongoing. Most of the projects as per the report are at above 80 per cent which is not very bad thus we urge the department of transport to stay on toes with the contractors on site. Thank you, Mr. Speaker.

(Question put and agreed)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, the House stands adjourned to Tuesday the 17th day of November, 2020 at 10.00 a.m. Enjoy the rest of your day.

The House rose at 4.03 p.m.