

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 18th August, 2020

The House met at 2.40 p.m.

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

PRAYERS

(Quorum Bell rung)

NOTICE OF MOTION

Hon. Deputy Speaker: Hon. Members, under this Order, we have one business to be transacted as listed in the appendix by Hon. Irene Mbivya. Hon. Irene Mbivya. Is she there on the outside tent or at the designate?

(The Deputy Speaker consulted with the Clerk at the Table)

Okay. It appears like the Hon. Member who was to give a notice of motion is not around and so Mr. Clerk, proceed to the next motion.

STATEMENT REPLY

DELAYED STIPEND PAYMENT TO COMMUNITY HEALTH VOLUNTEERS

Under this Order, we have one business to be transacted by Hon. Cosmus Masesi. Hon. Cosmus Masesi.

Hon. Masesi: Thank you, Mr. Speaker. Hon. Speaker, a Statement was sought in the House on 2nd July, 2020 on delayed payments of stipend to Community Health Volunteers. The Statement sought to know:

1. What the Department of Health and Emergency Services is doing to ensure that the CHVs are paid their stipend and arrears without delays.
2. Whether the Department of Health and Emergency Services has an existing policy on terms of engagement of the CHVs.

The Statement was referred to the Committee on Health and Emergency Services to consider the matter and report back to the House. This was in line with the provisions of Standing Order 40(3) which states that “where a Member requests for a Statement from a Committee Chairperson relating to matters under the mandate of the Committee, the Speaker may either appoint a day for the

Statement or direct that the Statement be issued on the same day, and the Statement sought must be restricted to matters within the mandate of the Committee and which have been exhaustively dealt with and concluded by the Committee or where the Chairperson is authorized by Members to issue preliminary reports to the House.”

Hon. Speaker, the Committee engaged the Department of Health and Emergency Services and the response was; the County through the Department of Health and Emergency Services engaged 2,530 CHVs in 2019 to work in various Sub-Counties. The CHVs are selected in *barazas* by Community members whereby the minimum qualification is ability to read, write and communicate in both English and Kiswahili.

The CHVs are engaged on voluntary basis meaning that the CHVs volunteer to offer basic health services to communities for free. The Department undertakes the role of mentoring and training them and then supervised by the Community Health Extension Workers. The Department uses the National Government strategy in engaging them but the department is working towards establishing the Community Health Services Bill.

The County Government under the department of health and Emergency services motivates the said CHVs by giving them a stipend of Ksh. 2,500 from the subsistence allowance vote upon availability of funds. However, the Department has proposed a Ksh. 80M budget in the FY 2020/21 to cater for their stipend. (Letter attached)

Hon. Speaker, it is based on this submission that the Committee commits to:

1. Follow up the establishment of the Community Health Services Bill and ensure a working policy for the Community Health Volunteers is included in the proposed Bill.
2. Follow up on inclusion of the proposed Ksh. 80M in the first supplementary budget of FY 2020/2021 so that the Community Health Volunteers can be paid.

Further, the Committee endeavored to know the mode of payment used to pay this stipend allowances and the response was that the Community Health Volunteers are paid via MPESA. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Cosmus Masesi. This is a response to a Statement which was sought earlier on the CHVs. Looking at what the response is, it is talking about that the committee is going to follow up the establishment of the Community Health Services Bill and ensure working policy for the community health volunteers is included in the proposed bill and they are also going to follow up the inclusion of the proposed Ksh. 80 million in the first supplementary budget for the Financial Year 2020/2021 so that the community health volunteers can be paid from this. As it is customary if there is any Member who wants to have a comment on this response on this CHV issue? Hon. Geoffrey Kamulu.

Hon. Kamulu: Thank you, Mr. Speaker. Mr. Speaker, I appreciate the response which has been given to us by the Chair, Health Committee. Mr. Speaker, the CHVs have suffered for a long time. These people have been giving us a lot of trouble in the regions where we come from requesting to know why they have not been paid for so long. For example, in my Ward, the report which I have is that they have not got anything for 17 months. Imagine these workers voluntarily give service to the County, they do not get anything, they have children, they are prone to even to the diseases especially during this time of COVID-19.

Mr. Speaker, when you go to the funerals, when you go to the homes, these workers are ever-present and what they have best of which I have noticed is the uniform that they wear but they lack

the garments which can protect themselves from COVID-19; they do not have gloves, they do not have enough sanitizers, they do not have enough masks and protective gear. So, as we focus on the payment, this one is something which should be taken with a lot of urgency so that we can protect our people because they are likely to acquire the COVID-19 disease then maybe they spread it all over.

Mr. Speaker, I am happy that Ksh. 80 million according to the report is intended to be supplemented during this year. It is our hope this one will be done and these people are paid in arrears so that they do not suffer more because they had been giving voluntary services all over with a lot of commitment.

I am also happy to hear that there is a service Bill that is intended to cater to them. Mr. Speaker, this one will assist in ensuring that despite the fact they will be working voluntarily, whatever they are supposed to get they will get it when it is legally put in writing. Otherwise, there is a need for this Assembly to thank the CHVs for the service which they have been rendering without living despite the fact that they have been suffering a lot. So, Chairman, Health Committee, Hon. Masesi and your committee, you will be doing them a lot of justice if you ensure these people get their dues according to what we have vowed to us because we commend you and your committee as very strong and a concerned committee. You will be saving a lot.

As I speak Mr. Speaker, the CHVs from my ward, Kathiani Sub-County are within the Assembly premises. I think they thought the money will be given by this Assembly today. After this, I will be inviting you to tell them something because they have come since they thought when Hon. Dominic brought the Statement, maybe they are confused that the Assembly will pay them today.

So, Mr. Speaker, you can see the concern; it is not in Kathiani only, this one is affecting the whole County. So, let us adhere to the payment of the same and provide them with protective gear and if it is possible because that one is available within the executive you can source for that so that they can get it as we wait for the Ksh. 80 million issues to be discussed. Otherwise, thank you very much.

Hon. Deputy Speaker: Thank you. Hon. Minority Leader.

Hon. Kamitu: Thank you very much, Hon. Speaker. It is very important that we should find the work that is being done by the voluntary workers in our health centers. They are volunteers but what they are doing to our community is a very important assignment, it is a very important thing they are doing out in the community. Hon. Speaker, on a very frank note, these people, the voluntary health workers in our area, they are some areas like a good example I can talk about Tala Ward; they have been assigned duties in our respective dispensaries and our health centers and again they normally report to our MOH in Matungulu and what happens is that together with the public health officer within our sub-counties and the sense of this report is to inform the Assembly that we should follow in relation to what the report our Hon. Chairperson has said.

It is very important that our voluntary workers get paid something as upkeep because they normally report as I said to those health centers, they are sent into the villages to voluntarily assist our electorate regarding maternity issues, regarding health care of our young children and the elders.

It is a very common Statement; you know a healthy Nation is a wealthy Nation. So, on that matter, this is one of the issues that we as Assembly Members, look into and follow up to ensure that our Voluntary Workers who are also residents within our villages are given something to motivate them because they normally work, they report in the morning, they work throughout the day and sincerely when you walk out of your premises you expect or your family expects in return there is something that you return to them regarding their welfare as a family.

So, you can imagine a person walking from his homestead and going to volunteer to do very important aspects of duties within the village and in return, they go home empty-handed. I think it is high time our Assembly endeavors to ensure that there is something as motivation that our voluntary workers are paid.

A good example again is during the curfew time; some of our health voluntary workers were assigned duties at the security enforcement roadblocks and I said, you can imagine someone reporting very early in the morning at around 6.30 a.m. and goes home again at around 5.30 p.m. empty-handed. It is the duty as Hon. Members we show a humane action by making a follow up on the report that we have been given because it is very important.

Otherwise, I appreciate what our Chairperson has done and as a follow up we should all join hands and ensure that there is something paid as a motivation fee or allowances to the Voluntary Health Workers. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Annastaciah.

Hon. (Ms.) Mutuku: Thank you, Hon. Chair. I stand to support the Statement and I also want to appreciate the Chair, Health committee in a very special way for being in the forefront in fighting to see whether these people can be appreciated through the County Government. So, I think everyone who is elected or not elected understands the job of the CHVs. Actually, I do not know what to say because these people have been working day by day without receiving anything and these are the people that we need to help and see whether they can get support, they can get their stipend, for them to get motivated because when corona struck, I was always meeting with them on the ground when I am walking around somewhere where there are activities like burials or if there is somebody from another County where there are a lot of infections of COVID-19.

So, Hon. Chair, this is the time these people need to be motivated and I would like to request the County Government to assure these people that they will be getting something every month because some of them are mothers and fathers and at the end of the day they need to put food on the table for their children. So, these people need to be appreciated and again let this stipend be sustainable at least something which they can budget for because they take it as a job even if it is not a law but I believe there is a structure.

We also request the County Government to have meetings with them so that they can also express their challenges because sometimes they have a lot of requests to the Hon. Members who are elected and I understand every one of us who is elected has that information. Let them also get some gloves and gears to prevent themselves. So, it is very important for this Statement to go through and National Government through the County Government because I understand that is the chain to make sure these people are getting something at the end of the day or at the end of the month. Otherwise, I stand to support it. Thank you, Hon. Chair.

Hon. Deputy Speaker: Thank you. Hon. Musau then Hon. Steve then Hon. Angela.

Hon. Musau: Thank you, Hon. Speaker. I would wish to first thank the Chair, Health committee for the swift reaction and action to bring the response to this Hon. House and observe that Mr. Speaker, it is a very good response and it has just created hope, it has not given an answer to the problem facing the CHVs.

Mr. Speaker, it is unfortunate to hear 17 months down the line, the CHVs have earned nothing. I do remember these CHVs in my Ward were trained and when they were trained it was put

into their minds on the issue of the stipend of Ksh. 2,500. Whoever put to them from the authorities above them, knew there was that money or there was that source.

Mr. Speaker, when we say, they shall be paid if we have donations, that is conditional; it means no donations, no payments despite having been assured they shall be given Ksh. 2,500 per month. When we say we shall factor is a Government in the supplementary budget, it means if the supplementary comes next year, then the whole of this year, these CHVs will get nothing. Unfortunately, this was quoted as a voluntary job, not a contractual job where you can sue and be paid for the services rendered.

I do pity and sympathize with these CHVs if you see how they work or volunteer their services, then there must be something to compensate, to say thank you, you have helped the community. See the health-based data when needed from the community, they are the ones being used. It would have cost this County, this Government of Kenya a lot of millions of shillings to collect that data.

They are used to collect the data and provide the data back to the health facilities and despite having done all that, 17 months down the line, there is nothing to show for their efforts. Mr. Speaker, this is justice delayed, it is justice delayed because during their training they were told that they will be given Ksh. 2,500 per month, they were assured and now being told they wait for a donor, they wait for a supplementary budget; this actually demoralizes them and very soon probably by the end of this year, you may see them opting out because the two levels of Government are not committed to paying them their stipend then they cannot continue committing them to offer such much-needed services to the community and the health department and the health ministry at large.

My urge, my view, my opinion, and my observation; let our health department as quickly as it can see what it can do to the CHVs in appreciation of the good work that they do. As *Mheshimiwa* has put it, it disturbs when you see these CHVs come and knock at your gate saying *Mheshimiwa*, for all these months *hatujapata chochote, tafadhali* and it complicates itself Mr. Speaker. For how long can we sustain this as *waheshimiwa*? Probably once, twice, and then you also give up but we have an arm that cannot give up, an arm that can appreciate and appreciate every monthly Ksh. 2,500 per CHV called the County Government.

Mr. Speaker, I would urge the CECM health, during their meetings, their briefings, weekly Monday briefings to bring forward this issue to the executive and see what they can do as soon as they can even it is to bring the supplementary budget tomorrow they bring it so that our people, the CHVs can earn what they were assured. Thank you, Mr. Speaker, thank you, Hon. Members.

Hon. Deputy Speaker: Thank you. Hon. Steve.

Hon. Mwanthi: Thank you, Hon. Speaker. I believe this is a Statement that has come not only on time but I feel I we are to some extent late because this has been a very thorny issue amongst our people. People have been trained, who are called they spent more than a week being trained, they were promised some stipend which in fact I believe they have never been getting that. If you go through our health facilities you will find those people have done a lot of work just voluntarily without being forced.

They have their specific day that they meet and make sure our health facilities are clean, they clean and to some extent sometimes even without gloves, they are people who have not been provided with those protective gears for the work that they are doing. They are helping our people and yet they were promised to be given something that does not come forthwith.

Hon. Speaker, if I try to imagine; if the executive is saying that they are waiting for supplementary budget yet we had a budget just the other day. They knew those people have been there, they sent trainers to them in fact the same, same month we were passing that budget is when they were being trained, and yet somebody says it is now when we are thinking of those people I think that should not be the spirit for our people. I believe their issue should be treated Hon. Speaker as an urgent people and we see how best the executive can do at least to make sure the community health workers volunteers get what they are demanding.

I believe paying or giving them Ksh. 2500 it is not too much, in fact, it is not paying, we cannot call that paying, it is too little compared to what they are doing to our people. So, Hon. Speaker, I think that if the issue is taken seriously we would want to see those people at least even being supplied or given also things like these masks because they are meeting with our people some of the people could be sick and so they need masks, they need the sanitizers and so their stipend to allow them, some of them even are saying that they can buy the protective gears themselves if given those stipends but now you see they don't have the protective gear, they don't have the money and they are still volunteering themselves. So Hon. Speaker, as a matter of urgency let that issue be followed and see those people at least getting what they are supposed to get Hon. Speaker.

Hon. Speaker, when I was doing some calculations here I once met with my volunteers from my ward and I believe they are demanding more than 10 months right now and if tried to calculate that Ksh. 80 million that is being supplemented, it shows that it is even money enough for one year,. To me believing that, it is as if they just want to be paid as from now and then not pay them their arrears.

Hon. Speaker, that should be looked at and see how they will be compensated what they have lost because they have been working, they were engaged by the government and they have been working for the government. I don't think a serious government can tell its people a lie, so if they were promised to be given something, let it be calculated from when they were lastly paid up to date and also we need to have a plan of how they will continue getting what is theirs, Hon. Speaker. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Steve. Hon. Angela.

Hon. (Ms.) Munyasya: Thank you, Hon. Speaker. Talking of the community health volunteers, Mr. Speaker, it is a beautiful name, community health volunteer. When these young man or lady wakes up in the morning, they tell their children, I am going to work, I am a community health volunteer, then they go and community health volunteer, come home the next day they volunteer they come home a month goes, another month goes ten months go and there is no stipend for the volunteer.

Hon. Speaker, to call a spade a spade, when these volunteers offer themselves to be volunteers in the community health sector, definitely they expect at some day they will be assimilated in the government and get employment. A year goes, no employment, a year goes, no stipend. These young people have children, they have families, and some have rented houses where the landlord is still knocking like they will knock in my house and any other Hon. Member house here to ask for the monthly rent, they don't have that.

All they do is live with the hope that one day this government, our Machakos County Government will consider assimilating them and employing them on a monthly basis. Talking of the Ksh. 80 million, Hon. Speaker, still amounts to the Ksh. 2,500; how much can Kenyan person do

with Ksh. 2,500? That is little money Hon. Speaker, it is very little money even the people that are employed as casuals---

Hon. Deputy Speaker: Point of information from the Chair health committee.

Hon. Masesi: Thank you, Mr. Speaker. Mr. Speaker, we all feel for these community health volunteers but we need to agree as members that the amount and the terms of employment for these members is that they are going to volunteer; those are the terms of employment. So, unless Mr. Speaker, we go down and see whether we can change the terms of employment and agree on another basis of employment and this will change this thing all of it and, Mr. Speaker remember during the budget, I personally made that request to factor the issue of the CHVs but again it was said that there is no that vote head for that kind of budget and it is when we followed up and the department said that the only way out is to factor something within our supplementary budget which must be coming to this House soonest for we all know that even the supplementary budget which we passed towards the lapsing of the year, we all know that we have to supplement so as to be able to use those funds.

So, Mr. Speaker I am very sure that very soon we will be getting the supplementary budget and maybe the fair thing that this House can do is to make sure that we change the terms of employment to these persons. Otherwise Mr. Speaker, the executive still maintains that the terms of employment is on voluntary basis.

Hon. Deputy Speaker: Hon. Angela, you may conclude remember this is just a Statement I want us to move to the next.

Hon. (Ms.) Munyasya: Thank you, Hon. Speaker. I feel our Hon. Chair sentiments, I do agree with the Hon chair that these are volunteers but when I ask how much you can do with Ksh. 2,500, I just want to put emphasis into this House that Ksh. 2,500 is not too much to give to volunteers; it is still very little so even if they were given that two thousand Ksh. 2,500 legally but regularly on a monthly basis it will make more sense that just having it on paper and discussing it over and over again and letting those people offering their services free of charge without a little stipend.

What I want to say Hon. Speaker, is that; these people volunteered alright but I am sudden they volunteered with the hope that someday they will be assimilated as employees of the county government. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Angela. Hon Jacqueline Nziva.

Hon. (Ms.) Nziva: Thank you, Mr. Speaker, Sir. I wish to thank the member who has brought the Statement in the House; I think this has come the second time, the Statement of the CHVs. really I am a member of the Health Committee and we met with the Hon. CECM health and deliberated much on the CHVs stipend. Really when we had that process I met my people that is my CHVs from Ikombe ward and they really expressed disappointment because they have around 16 months without pay and really we can't say that is pay, we can say it is just stipend.

When we met with the CECM Health, he said there is some money that is Ksh. 80 million for the CHVs and I believe that will be just stipends but Hon. Members going forward I am asking kindly that we have a policy so that we can help these people of ours because Ksh. 2,500 will just be a stipend but when we come with a policy, I think we will come with... most of the members will have

good ideas on how we can help our people. They really started with 20 households, but now they are doing more than 100 households, they are doing more than even some jobs which nurses even do because they usually look for some patients and even give information our nurses.

So, these people really do a lot of work so Hon. Members kindly, when that will come on the floor of the House, the policy lets deliberate on it and see how we can help our people. When the supplementary comes on the floor of the House also kindly can we support that our people be paid because I believe supplementary is just on the door since I am a Budget member, our Deputy Speaker is also a budget committee member, I believe we will make sure that money is in the budget and we will deliberate on it and see how we can help these people. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you, Hon. Jacqueline Nziva. I would like before I... to just appreciate that at the gallery we do have the CHVs from Kathiani who are with us, who have joined us this afternoon to proceed on the sitting and I believe we also have Hon. Members from Kathiani around, so welcome very much, feel very much welcome to follow the proceedings this afternoon concerning the Statement which was sought concerning your stipends and your payments.

In the outside extended chamber, I have Hon. Dominic Ndambuki and then Hon. Jeremiah who would like to comment on this. Hon. Dominic Ndambuki is the MCA for Kathiani so Hon. Dominic Ndambuki, go ahead please.

Hon. Ndambuki: Thank you, Hon. Speaker for the opportunity to contribute to the debate on the Statement that I sought before the floor of the House regarding the CHVs. Hon. Speaker, I will allude to the debate and contributions that have been made before Hon. Speaker and me it is worth noting that community health volunteers do what they do on voluntary basis and on their own volition. However, Hon. Speaker, these people devote much of their time into serving our community.

Therefore, it goes without saying that since they support our medics and we have health sector being devolved, that the county government should at least compensate them for the time lost and their resources that they put towards supporting our medics and ensuring that they keep our communities safe. Hon. Speaker, community health volunteers do a lot of work; they get data from the villages concerning health status of our people, they share this with medics, they devote their time at least twice a week to meet with medics and give report back to sub county medical superintendents.

Hon. Speaker, looking at the amount of money that these people get at the end of the month, that is Ksh. 2,500 and this is very little money; even our house managers don't get this amount of money. Hon. Speaker, it is my plea that the department of health absorbs these community health volunteers even on temporary basis or as casuals but they raise on their stipends, Hon. Speaker. These are parents who have people who depend on them and Hon. Speaker, looking at the amount of money they get, it is too little for them to be able to feed their families.

Hon. Speaker again, we are now combating Covid 19 pandemic. These group of people have been on the frontline helping our medics in getting data, contact tracing, doing follow ups, doing disease surveillance and doing other things. They are exposed to the virus, and Hon Speaker, I doubt whether they are provided with PPEs. Other than getting good salary Hon. Speaker they should also be equipped with PPEs. I doubt whether they are also given masks and therefore Hon. Speaker, it goes without saying that since they are doing much work that we could say that they are assistants to our nurses or doctors, they need to be well-equipped and well salaried so that they can be able to

execute the job that they have volunteered to do. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Lastly let us have Hon. Jeremiah from the extended Chamber. Hon. Jeremiah.

Hon. Munguti: Thank you, Hon. Speaker. First, I would like to applaud the Hon. Member who has brought the Statement; it is timely and members of this Assembly you will bear me witness that our people down there have done quite a commendable job. Our health volunteers have been traversing our wards and they are giving services which are required so that they may ensure that our people are well taken of as pertains to health.

Nevertheless Mr. Speaker, I would also like to congratulate the health sector for appointing the CHVs; it was an opportunity for them to engage in matters health and they have gotten the experience and my appeal to the health sector through the department of the COs and the CECs so that in case these people are serving our people and in case we have chances that will have people needed for employment, my request is that they consider the CHVs first.

Secondly, Mr. Speaker, is that the government has tried especially the county government of Machakos giving out Ksh. 80 million which is supposed to be dispersed to the CHVs; that is a move and a great one. What we can say is that let the monies be given out so that they can be disbursed to our people who are doing the volunteer work. One thing I want to request the monitoring and the surveillance team for the county is to request the Covid-19 team so that they can at least also share the amount which has been given down to the counties to the CHVs because these are people who are traversing our wards, they are in contact with people who are suffering with Covid-19 and in one way or the other, these people can be infected. Sometimes they walk to the homesteads and they have no PPEs.

So my humble request is that to the county government so that they can give out the money which was allocated for them and after that then I think our people will be in good terms with what they get because I want to understand stipend is just something to push them as they continue doing the volunteer work. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Jeremiah and thank you for the member who was on the floor, the chair health Hon. Cosmus Masesi and the recommendations which have been given by the committee on following up the establishment of the community health services Bill and ensure a working policy for the community health volunteers is included in the proposed Bill; that needs to be done as proposed, follow up the inclusion of the proposed Ksh. 80 million in the first supplementary budget for the financial year 2020/2021 so that the community health volunteers can be paid.

Further, the Committee endeavored to know the mode of payment used to pay this stipend allowances and the response that the Community Health Volunteers are paid via MPESA that is the response you got. So, follow up on these two issues. I think one Hon. Member here highlighted on the fact that we have just come past a main budget and we are already talking about giving Ksh. 80 million for a supplementary budget. When I look at this letter, it says clearly that the department had proposed Ksh. 80 million budget in the FY 2020/2021 to cater for their stipend and this document is dated 10th July, 2020 which is 10 days after we had passed the main budget.

So, if they had already requested for these funds then there is also a need for the committee to find out why these funds were not included in the main budget for the current year if the department had already submitted the request, then there is need to find out why the Ksh. 80 million now needs

to be supplemented when we just finished a budget about a month or so ago. So there is, need to follow up on that.

The other issue is the things which have been raised here are important that yes, they are volunteers and key to it is that they volunteered to come and do community health services as the Chair has said but with an hope of whatever chances, what I would personally be talking about is that a proper scheme of process needs to be put in place to ensure that whatever opportunities occur in the health department or in any other department, then those opportunities are offered to the volunteers first before they are offered to anybody else.

If somebody can volunteer to work for you for free and you just give them a stipend which you are not even giving them, then the first opportunities which come in employment anywhere else at the County Public Service Board, then they would need to consider them first.

On the issue of Covid 19, it is a critical to the Chair to look at; we have funds which were channeled towards Covid 19 and which have come to this county for Covid 19. If you are not channeling some of the funds to these CHVs who are going to be very much involved in taking care of our people when the Covid 19 strikes, then where are we channeling the funds? Because the first area where we need to channel our funds is on resources and CHVs are offering resources for following up with people and they are already trained as community health volunteers.

So, we need to find out whether there is an allocation, when we look at the Ksh. 80 million which is being put in the budget, sourcing of funds for that one you will need to look at the Covid funding and see whether part of this can be funded through the Covid funds which have come to this county. Provision of PPEs is critical; they cannot be expected obviously to handle people who are sick or suspected to be sick without proper gear, without personal protective equipment. So, that again Chair of Health committee you may need to look at it so that we can be able to ensure that we get this issue of CHVs sorted out. Thank you very much.

MOTION

REPORT ON CASA AND EALASCA GAMES 2019

Hon. Deputy Speaker: Hon. Members, under this order we have one report to be done by the Hon. Daniel Kiilu, Chairperson, *ad hoc* Committee, CASA and EALASCA games 2019 and also the chairperson of education committee. Hon Daniel Kiilu.

Hon. Kiilu: Thank you, Hon. Speaker.

Hon. Speaker, that aware that Sports have been perceived by many as a tool of socialization and reflection of the culture of the people; Further aware that, Paragraph 4(h) of Part 2 of the Fourth Schedule of the Constitution, gives one of the functions and powers of the County Governments as cultural activities, public entertainment and public amenities, including among others; sports and cultural activities and facilities; Informed that on 3rd July, 2019, through the communication of the Speaker and pursuant to Section 14 (1) (b) of the County Governments Act 2012, an *ad hoc* committee comprising of seven Hon. Members was read in the House; Remembering that the second edition of CASA games was held from 26th September to 6th October, 2019 in Eldoret, Uasin Gishu County the theme of the sports being ‘sports and culture as a means to national cohesion;’

Aware that the the *ad hoc* committee was tasked to oversee the full implementation of the CASA program for 2019 including team practice, budgeting, provision of equipment and the actual competition of the various teams;

Cognizant that the committee facilitated the full implementation of the CASA and EALASCA games as tasked by the House and subsequently compiled a report;

I wish to move the Motion that this Hon. House discusses and approves the report of *ad hoc* committee on CASA and EALASCA games 2019.

Thank you, Hon. Speaker. I hereby request Hon. Mbili Ndawa to second the report.

Hon. Ndawa seconded.

Hon. Deputy Speaker: Go ahead and read the report

Hon. Kiilu: Thank you, Hon. Speaker. We have the introduction and committee mandate and I don't think there is need of going through that because we have always been doing that.

3.0 COMMITTEE COMPOSITION

Hon. Speaker, the committee comprised of the following members namely:

- | | |
|--------------------------|----------------|
| 1. Hon. Daniel Kiilu | - Chairperson |
| 2. Hon. Judas Ndawa | -V/Chairperson |
| 3. Hon. Paul Museku | -Member |
| 4. Hon. Johana Munyao | -Member |
| 5. Hon. Betty Nzioki | -Member |
| 6. Hon. Fredrick Muthoka | -Member |
| 7. Hon. Irene Mbivya | -Member |

5.0 THE PROCUREMENT PROCESS OF SPORTS UNIFORM AND EQUIPMENT

Hon. Speaker, the committee adopted and forwarded a proposed budget of Ksh. 3.6 million for sports items (uniforms and equipment) to the office of the Clerk on 10th July 2019. A requisition of the items required for the CASA games 2019 was forwarded to the Assembly department of supply chain management on the same day.

An external advertisement was placed in the Standard newspaper on 6th August, 2019 inviting interested and eligible bidders to apply for the tender (Tender No. MCA/ONT/01/2019/2020), where 17 bidders submitted their bids. The bids were opened on 20th August 2019 at 10.00 a.m. at the Assembly precincts. The Clerk of the County Assembly, pursuant to Section 46(1) of the Public Procurement and Disposal Act, 2015 which states that 'an Accounting officer shall ensure that an *ad hoc* evaluation committee is established in accordance with this Act and Regulations made thereunder and from within the members of staff, with the relevant expertise, appointed the following persons to conduct the tender evaluation.

- | | |
|--------------------|-------------|
| 1. Herman Wanyoike | - Chair |
| 2. David Musyoki | - Secretary |
| 3. Mercy Maithya | |
| 4. Mercy Ndambuki | |
| 5. Mary Nzembi | |

Pursuant to Section 80(6) of the Public Procurement and Disposal Act, 2015, the evaluation was required to be undertaken within a maximum period of 30 days. Despite the limited time that was available, the evaluation exercise was successfully completed as required.

TENDER EVALUATION REPORT FOR SUPPLY AND DELIVERY OF SPORTS UNIFORM AND EQUIPMENT-MCA/ONT/01/2019/2020

Hon. Speaker, a total of 17 bids were received. The particulars are as shown below.

NO.	NAME OF THE BIDDER	ADDRESS	AMOUNT QUOTED (KSH)	BID BOND
1.	Antoren Investments	92606. MSA	2,577,920	Ksh50,000 from Family Bank.
2.	Datony Agency	10684.Nrb	2,514,680	Not attached
3.	Milka Trading Ltd	18432Nrb	3,967,450	Ksh 100,000 from GA Insurance
4.	Chelssy Enterprises	421 Mks	2,417,960	Ksh 100,000 from resolution insurance
5.	Remmy enterprises	307mks	2,574,790	Ksh 100,000 from resolution insurance
6.	Muh-talk co.ltd	6697.Nrb	3,501,765	Not attached
7.	Sai Sports Wear &Uniform ltd	78125 Nrb	2,710,990	Ksh 54,219 from Prime bank
8.	Evernda Investment ltd	180 Mks	2,355,160	Ksh 62,000 from Sidian bank.
9.	Fralyn Investment Ltd	3277 Mks	2,436,240	Ksh 58,000 from Sidian Bank
10.	Nadin Investments Ltd	2019 Mks	2,683,740	Ksh 100,000 from resolution insurance
11.	Rycan Multipurpose	100429Nrb	3,374,600	Not attached
12.	Azad Agencies Ltd	41611 Nrb	4,166,150	Ksh 100,000 from GAinsurance
13.	Stephcon Suppliers	6697Nrb	3,430,585	Not attached
14.	Safeguard Ltd	40776-Nrb	3,000,000	Not attached
15.	Virant Enterprises	9349Nrb	2,202,550	Not attached
16.	VijanaTrading ltd	1155-Nrb	4,148,700	Ksh 100,000 from GAinsurance
17.	Jumbo Commodities ltd	18734 Nrb	4,356,550	Ksh 100,000 from GAinsurance

PRELIMINARY EVALUATION (REGULATORY DOCUMENTATION)-(COMPLIANCE – YES/NO)(10 Marks)

Hon. Speaker, the following parameters were considered as outlined in the tender document.

- i) Certificate of incorporation.

- ii) Tax compliance certificate.
- iii) KRA PIN certificate.
- iv) Valid Single Business Permit.
- v) Pagination and serialization of the tender document.
- vi) Tender security/ bid bond.

See Annexure 1 on Preliminary Evaluation Matrix

Hon. Speaker, Section 79(1) of the Public Procurement and Disposal Act, 2015 stipulates that a tender is responsive if it conforms to all the eligibility and other mandatory requirements in the tender documents. At this point the following bidders shown in the table below were disqualified for failing to attach the indicated mandatory requirements as per the stated provision of Public Procurement and Disposal Act 2015 as in the table shown.

NO.	BIDDER	REQUIREMENT NOT MET/PROVIDED
1.	Datony Agency	Tender security/ bid bond
2.	Muh-talk co.ltd	Pagination/serialization of the document Tender security/ bid bond
3.	Sai Sports Wear &Uniform Ltd	Pagination/serialization of the document
4.	Fralyn Investment Ltd	Pagination/serialization of the document
5.	Rycan Multipurpose	Pagination/serialization of the document Tender security/ bid bond Tax compliance
6	Stephcon Suppliers	Pagination/serialization of the document Tender security/ bid bond
7	Safeguard Ltd	Pagination/serialization of the document Tender security/ bid bond
8	Virant Enterprises	Pagination/serialization of the document Tender security/ bid bond

TECHNICAL EVALUATION

Hon. Speaker, evaluation committee considered the following criteria as laid down in the tender document:

- i) Past experience (T1) -30 points
- ii) Number of years in business (T2) -10 points
- iii) Managerial and key personnel competence (T3) -20 points
- iv) Confidential business questionnaire (T4) -10 points
- v) Financial capacity (T5) -20 points

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NOTE: At this level Suppliers were supposed to attain a minimum of 75 marks to proceed to financial evaluation. *See Annexure 2 on Technical Evaluation Matrix*

Hon. Speaker, at this point 5 bidders were disqualified since they didn't meet the minimum set mandatory and technical points of 75. The following were the bidders;

1. Antoren Investments
2. Milka Trading Ltd
3. Azad Agencies Ltd
4. Vijana Trading Ltd
5. Jumbo Commodities Ltd

FINANCIAL EVALUATION

Hon. Speaker, Section 82, of the Public Procurement and Asset Disposal Act 2015 states that, 'the tender sum as submitted and read out during the tender opening shall be absolute and final and shall not be the subject of correction, adjustment or amendment in any way by any person or entity.' It was noted that, the price schedule for Nadin Investment Limited totaled to Ksh. 2,677,440 against the quoted price in the form of tender as read in the tender opening of Ksh. 2,683,740.

In addition the unit price of table tennis sneakers quoted was the same as the total price of the item at Ksh. 1,700 on unit cost and Ksh. 1700 for the 10 units. Due to the above reasons, the bidder was disqualified at this stage barring him from proceeding to next stage of evaluation.

FINANCIAL EVALUATION MATRIX

Hon. Speaker, the remaining 3 bidders who scored above 75 marks were ranked as follows;

SUPPLIER	TOTAL PRICE	RANKINGS
REMMY ENTERPRISES	2,574,790	3
CHELSSY ENTERPRISES	2,417,960	2
EVERNDA INVESTMENT LTD	2,355,160	1

Hon. Speaker, Section 86(1) of the Public Procurement and Disposal Act 2015 provides that the successful tender shall be the one who meets any one of the following as specified in the tender document:

- (a) The tender with the lowest evaluated price;
- (b) The responsive proposal with the highest score determined by the procuring entity by combining, for each proposal, in accordance with the procedures and criteria set out in the request for proposals, the scores assigned to the technical and financial proposals where Request for Proposals method is used;
- (c) The tender with the lowest evaluated total cost of ownership; or
- (d) The tender with the highest technical score, where a tender is to be evaluated based on procedures regulated by an Act of Parliament which provides guidelines for arriving at applicable professional charges.

Hon. Speaker, given that the procurement was through open tender and that the contract was for supply of goods, the evaluation committee recommended that the tender for supply and delivery of sports uniform and equipment be awarded to EVERNDA INVESTMENT LTD for being the

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lowest evaluated bidder at their quoted price of Kenya shillings two million, three hundred and fifty five thousand, one hundred and sixty (Ksh. 2,355,160) pursuant to Section 86(1)(a) of the Public Procurement and Asset Disposal Act, 2015.

6.0 SUPPLY AND DELIVERY OF TRADITIONAL ATTIRE AND EQUIPMENT-MCA/RFQ/19/20/018

Hon. Speaker, Section 106(2)(d) of the same Act provides that at least three persons shall submit their quotations prior to evaluation. Three quotations were received from the following business entities:

1. Pedith Enterprises
2. Anamak Agencies
3. Mwota Enterprises

FINANCIAL EVALUATION

Hon. Speaker, the evaluation committee looked at;

1. Price quoted as the factor for consideration

See Annexure 3 on Financial Evaluation Matrix for supply of Traditional Attires and Equipment

Hon. Speaker, from the above analysis the evaluation committee recommended the above tender to be awarded to Mwota Enterprises at total cost of Ksh. 703,950 being the lowest evaluated bidder pursuant to Section 106(3) of Public Procurement and Disposal Act, 2015 that states 'the successful quotation shall be the quotation with the lowest price that meets the requirements set out in the request for quotations.'

7.0 INSPECTION AND ACCEPTANCE REPORT

The Assembly had received 80 per cent of the items procured for the purpose of CASA games before 26th September, 2019. Most of the common uniforms for MCAs and staff were received and issued before the flagging off ceremony. Whereas, majority of the items had been received before the travelling day, some equipment were however delivered at the venue of competitions while some others like the table tennis board and pool cues were delivered after the competitions had been held.

The value of contract for the supply of sports uniform and equipment awarded to Evernda Investments Ltd was Ksh. 2,355,160. However the value of the items delivered and accepted was Ksh. 2,270,160 as shown in the table below.

See Annexure 4 on Supply of Sports Uniform and Equipment

All the items quoted by Mwota Enterprise on traditional attires were delivered and accepted as per the quotation. The value for the traditional attires delivered and accepted was Kenya shillings seven hundred and three thousand, nine hundred and fifty (Ksh. 703,950).

8.0 THE 2019 CASA/EALASCA GAMES COMPETITION BUDGET

Hon. Speaker, the following was the approved budget for the CASA games;

CASA	Ksh.12,000,000
Uniform and equipment	Ksh. 4,000,000
Total	Ksh. <u>16,000,000</u>

Expenditure

S.No	Item	Budget proposed (Ksh.)	Actual Expenditure(Ksh.)
1	Sports equipment and uniform	3,692,774	2,882,370
2	Repairs of equipment	20,000	33,600
3	CASA subscription	300,000	300,000
4	CASA discipline fees	15,000	15,000
5	Training fees	350,000	554,000
6	Purchase of samples	100,000	63350
7	CASA games preparation logistics	210,000	245,080
8	CASA MCAs allowances	6,921,000	6,963,000
9	CASA Staff allowances	7,455,000	7,351,500
10	EALASCA trials (allowances and logistics)	-	1,067,600
11	EALASCA MCAs allowance	-	4,756,608
12	EALASCA Games (staff allowance and logistics)	-	2,756,528
	Total	19,063,774	26,988,636
	Deficit (16,000,000-26,988,636)		(10,988,636)

Hon. Speaker it is important to note that the total actual expenditure of Ksh. 26,988,636 excluding the expenses by the CASA *ad hoc* committee on sitting allowance.

9.0 CASA GAMES COMPETITIONS

Hon. Speaker, The competitions were attended by 45 out of the 47 County Assemblies. The County Assembly teams were flagged off by the Hon. Speaker in a ceremony held at the precincts of the Assembly on 25th September, 2019 in the afternoon. The teams comprised of both Hon. Members and staff.

In order to be cleared to participate in the competitions it was mandatory for any participating Assembly to submit their annual CAF subscription to enable CASA to draw the participation fee of Ksh. 300,000. In addition Assemblies were required to pay Ksh. 1,000 for every discipline they intended to participate. The County Assembly of Machakos was the second to be issued with a clearance certificate to participate in the competitions for having made the requisite payments in good time.

9.1 Participation and Performance

The Assembly participated in a total of 14 disciplines. The participants from the Assembly demonstrated a spirit of teamwork and sportsmanship throughout the competition period.

Darts

The darts team had 15 participants who had registered to play in the concluded CASA games. A team consists of four men and one woman making it five in order to participate. The team played at the group stages and managed to play the semi-finals where they lost to Nyandarua. The team later played the playoffs where they lost to Kirinyaga County Assembly. The team emerged position four

and improvement from position 24 last year and had three of its players selected for trials for selection of Kenya team to represent Kenya in the EALASCA games.

Ajua

This was the first time for the Assembly to register and participate in this discipline. A team requires 5 participants. Despite being a new discipline to be introduced in the Assembly, the game attracted 14 participants who demonstrated the zeal and willingness to learn. The team emerged position three in the competitions.

Field Events

The athletics team comprised of 5 participants. The team participated in 400m and 200m both men and women. The discipline attracted the least number of participants.

Sitting paravolley ball

This discipline was composed of Hon Members living with disability from all County Assemblies. The County Assembly of Machakos was represented by Hon Jacinta Luka.

Music and dance

The Assembly participated in folksong own composition, cultural dance own composition and borrowed dance. The performance was as follows:

1. Folk song- position 3
2. Baganda- position 3
3. Cultural Dance- position 9

Table tennis

The Assembly team comprised five MCAs and five staff members. The team faced challenges such as lack of a trainer to shape the playing techniques and that Bats/rackets were provided on the day the competition started. In this case, the participants had no time to get accustomed to their speed, weight and control.

Tug of war women

Tug of war is a sport that puts two teams against each other in a test of strength. The teams pull on opposite ends of a rope, with the goal being to bring the rope a certain distance in one direction against the force of the opposing team.

Awards

The Assembly was awarded with four trophies and three medals for its performance in various disciplines. The trophies are a property of CASA and shall be returned after one year before the next competition. The medals worn by the athletics team are however personal and have therefore been handed to the individual participants.

The performance of each of the teams was as shown in table below.

Summary of performance and award

S.No.	Discipline	Performance	Remarks
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1	Track and field events	Position 1 in 400m women	Awarded one gold medal
		Position 2 in 200m women	Awarded one silver medal
		Position 3 in 200m men	Awarded one bronze medal
2	Draughts	Position 2	Awarded a trophy and a Certificate
3	Folksong (own)	Position 3	Awarded a trophy and a Certificate
4	Folksong borrowed	Position 3	Awarded a trophy and a Certificate The team was advised to do more research on Baganda dance
5	Cultural dance own	Position 9	No award
6	Ajua	Position 3	Awarded a trophy and a Certificate
7	8ball pool	Position 4	No award
8	Darts	Position 4	No award Most improved team from position 24 last year
9	Football men	Lost at preliminaries	No award
10	Volleyball men	Lost at preliminaries	No award
11	Netball ladies	Lost at preliminaries	No award
12	Tug of war ladies	Lost at preliminaries	No award
13	Table tennis	Lost at preliminaries	No award
14	Scrabble	Lost at preliminaries	No award

10.0 THE CASA TRIALS

Hon. Speaker, the County Assemblies Sports Association (CASA) trials for Team Kenya selected to represent Kenya in EALASCA games were held at the Baraton University in Kapsabet-Nandi County from 28th October, 2019 to 2nd November, 2019.

The following six Hon. Members and 11 staff were invited and facilitated to participate:

1. Hon Daniel Kiilu -Vice Chairperson CASA
2. Hon Geoffrey Kamulu -Chair Sports Committee
3. Hon Paul Museku -Player pool table
4. Hon Joseph Mutiso -Player Draughts
5. Hon Jacinta Luka -Player Sitting paravolley
6. Hon Justus Katumo -Player Sitting paravolley
7. Dalmas Masila -Sports Coordinator
8. Jonathan Muli -Player Draughts
9. Joseph Mutiso -Player Darts
10. Susan Kanini - Player Darts
11. Lilian Mutisya -Player Netball and Athletics
12. Mercy Maithya -Player Netball
13. Stephen Munyao -Player pool table

- | | |
|------------------------|---------------|
| 14. Ezekiel Kyalo | -Player Darts |
| 15. Christopher Nzimbi | -Player Ajua |
| 16. Evelyn Ndambuki | -Player Ajua |
| 17. Cynthia Watuka | -Player Ajua |

The Assembly team did their best which saw the team being selected alongside teams from other Counties to represent Kenya in EALASCA games held in Kampala City in Uganda from 1st to 8th December, 2019.

11.0 THE EALASCA GAMES COMPETITIONS

Hon. Speaker, the County Assemblies Sports Association (CASA) invited representatives from County Assembly of Machakos to be part of the team that was scouted to form the team that would represent Kenya in East Africa Local Authorities Sports and Cultural Association (EALASCA). The competitions were held in Kampala City from 1st December to 8th December, 2019 at Star times Lugogo stadium and the Mandela National Stadium.

The event which is an annual event aimed at consolidating integration through sports and culture by bringing together the technical staff (commonly known as the technocrats) and political leaders of the East Africa Community. The event began with a welcoming cocktail hosted by the Lord Mayor of Kampala at the Mayor's Garden-City Hall.

In addition to participating in the games competition, the team had a privilege of participating in community work that involved cleaning one of the informal settlements called Kamwokya which is located within Kampala City. The event was organized by the Kampala Capital City Authority (KCCA) in collaboration with EALASCA governing council.

Machakos team demonstrated team work and bonded well with participants from not only Kenya but also from Uganda. The participation in the EALASCA games motivated players from Machakos County Assembly a great deal. The participants resolved to work extra hard to have more participants selected to form team Kenya from Machakos in the coming edition. The participants were awarded medals and certificates donated by KCCA. The 12th edition of the EALASCA games will be held in Uasin Gishu County in Kenya.

12.0 GENERAL OBSERVATIONS BY THE COMMITTEE

1. The budgeted amount of Kenya shillings 16 million was not sufficient since the actual expenditure for both CASA and EALASCA games was Ksh. 26,988,636.
2. Due to budgetary constraints, the Assembly teams lacked adequate exposure to tournaments and friendly matches.
3. There was a marked improvement in performance by Assembly teams compared with previous years. Specifically, darts, pool table, netball and volley ball teams showed an improvement in performance compared to past years.
4. The tug of war men did not participate citing poor quality of the shoes that had been delivered.
5. Only minor injuries which were manageable were witnessed during the 2019 competition period.
6. CASA rules demand that most of the teams to have 50-50 participation by both Honorable members and staff. This was lacking in most of the teams from our Assembly.

7. Some disciplines like Tug of war women have realized decline in the number of players. Our team had a total weight of 530kg. The team requires a minimum of six participants and a maximum of 650kg of body weight.
8. The field and truck events attracted few players.
9. Inadequate space for practicing area for indoor games.
10. All the teams from our Assembly demonstrated a high level of discipline during the competitions.

13.0 RECOMMENDATIONS

1. The budget for CASA and EALASCA games to be increased from the Ksh 16million allocated in previous budgets to Ksh.27 million to adequately cater for CASA and EALASCA games.
2. In order to improve performance, there is need to enhance the Assembly budget on CASA vote to ensure teams participate in tournaments/friendly matches throughout the year. The committee recommends that at least Ksh.5 million be allocated in the budget to cater for tournaments and inter-county competitions.
3. In order to ensure timely and quality supply of sports items, the allocation for purchase of sports equipment and uniform should be factored in the supplementary budget in the financial year preceding the CASA games competitions. This will give ample time to source for quality sports equipment and uniform. At least Ksh 4 million should be factored in the supplementary budget to ensure early procurement of sports items which will be revised subject to prevailing market prices.
4. The Assembly should consider purchasing more sports equipment to enable teams have adequate equipment for practice.
5. There is need for the Assembly to register more participants in the track and field events to exploit the potential of talents in Honorable members and staff.
6. The Assembly should also consider budgeting for training fees for the Coaches for the various disciplines in order to improve performance.
7. The Assembly should identify practicing areas for indoor games to ensure adequate practice.

14.0 CONCLUSION AND ACKNOWLEDGEMENT

Hon. Speaker, on behalf of the CASA *ad hoc* committee, I wish to sincerely thank the Hon. Speaker, for both moral support and leadership throughout the competitions. I wish also to acknowledge the County Assembly Service Board for availing the resources needed to ensure the Assembly participated in the Second edition of CASA games. The presence of all the Members of CASB in the field to cheer teams as they played is worth mentioning. I would also like to appreciate the *ad hoc* committee and its secretariat for their sacrifice to ensure the success of the games competitions.

I would also like to commend the Clerk for his advice and goodwill to ensure the competitions ran smoothly. Finally I would like to thank all the Hon. Members and staff for participating in the various disciplines during the competitions. May the Almighty God bless you all and reward your efforts. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Daniel Kiilu for that report on CASA games well read.

(Question proposed)

Hon. Members, you may participate on the motion now. Hon. Moses Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker, for the opportunity to contribute towards this report by our chairman Hon. Kiilu. Hon. Speaker, I first want to applaud him for the energy; in fact I was a bit hesitant I was almost raising on a point of order to request for the members to be allowed to go through the report and contribute afterwards but I have realized that he is still fresh, you know he is a trained teacher. So thank you, chairman. I also want to applaud the committee for the report they have done Hon. Speaker, issues to do with CASA games have been thorny ever since we came to this Assembly Hon. Speaker, especially on the preparations both from our side as Hon. Members and from the procurement department we have had shortcomings Hon. Speaker, and I can quote that comparing with the previous report which was very divisive, this is better it is improved and I can only recommend the team which worked on it.

However, Hon. Speaker, we had some shortcomings especially from the side of the suppliers. Up to date, Hon. Speaker, we have teams which are yet to receive their uniforms Hon. Speaker. When he was going through the report, you noticed when he reached the category of tug of war other than explaining what tag of war is there was nothing beyond that issue meaning that team did not participate and yet we had a team which was capable of may be bring trophies in this Assembly, Hon. Speaker.

I go back again to the issue of procurement Hon. Speaker, it is either we do not have qualified people to do procurement Hon. Speaker, because it cannot be the same problem every year Hon. Speaker. Delays in delivery of uniforms, delays in delivery of facilities to be used during games. I was in the football team Hon. Speaker, and whenever we got injured we could only be helped by other counties for emergencies because we lacked; in fact I do not know whether we had this emergency kit because I remember getting assistance from either Bomet or Narok counties which we were playing against because in fact we did not even have someone to offer first aid to injured players Hon. Speaker, which is very risky.

It takes me back again the previous year when one of our colleagues Hon. Mbevi got injured I thought we would improve on that but unfortunately again we were back to the same problem, Hon. Speaker. I am not pointing at anyone but we need to reshuffle that department of procurement because if they cannot adhere to the right measures which we expect them to do then there is no need of them being kept there in those offices Hon. Speaker.

Secondly, I have just checked on the cost of the shoe, Ksh. 3,800 and something and when you look at the quality of the shoes which we received, Hon. Speaker, it could not even be in the excess of Ksh. 1,500. So Ksh. 3,800 you get a quality shoe. In fact, Hon. Speaker, it is very clear after the games most of the Hon. Members would not want to wear those shoes again.

Same thing with uniforms Hon. Speaker; we took measurements but someone like me the jacket which I got was oversize and then there was no room for changing because they waited in fact we were receiving these things too late when there was no room for change. Hon. Speaker, planning is the best. At the beginning of the year we know very well if there are no challenges like the ones we are facing currently we know very well in the month of September we have CASA games so we start procurement process early enough so that we have time to make corrections.

When we look at the issue of branding of our material it is not the best. We are experts in printing. This thing they are calling screen printing is very poor. So we are not getting quality of our monies and I take it back again to the department of procurement which is in charge of procuring these materials. I think the biggest challenge Hon. Speaker, the biggest challenge they are not involving members of this Assembly in the process. They want to do those things a lone there and yet we are the end consumers Hon. Speaker.

I think from the word go as much as we know there is a law which does not allow us to interact with money or procurement process but we need to have an oversight team which goes hand in hand in that process from A to Z. We do not need to have people who are procuring services to this assembly simply because they are the lowest bidders Hon. Speaker. Yes, they are the lowest bidders but giving poor quality. We would rather look for a quality firm better then we get service for the goods which are supplied to Hon. Members. Thank you, Hon. Speaker, I cannot blame the team, I support the report because as I said it is an improvement from the previous report. Thank you.

Hon. Deputy Speaker: Hon. Judas Ndawa. Thank you, Hon. Moses Mitaa.

Hon. Ndawa: Thank you, Mr. Speaker, Sir. Mr. Speaker, I want to also give my input to this, Mr. Speaker, I happen to be a member of that *ad hoc* committee and the vice chair. Mr. Speaker, I want to commend the committee for the good work they did and the efforts they have shown. Mr. Speaker, we did a lot of work to ensure that we give the best to our teams but Mr. Speaker, if you have gone through the report as it was being read there are two terms used here. You will hear of the committee and you will also hear of the evaluation team.

So Mr. Speaker, as a member of this committee, I am supporting the report but with what we call disclaimer. A disclaimer means we are not totally party to what is contained in this report. Why am I saying so, Mr. Speaker? I do not know what the s Standing Orders say and what the constitution says about the issue of *ad hoc* committees. Mr. Speaker, when we came to this Assembly, I want to site an example of the previous *ad hoc* committee.

Mr. Speaker, that committee was sacrificed by this House because of giving poor quality. Another committee is here and I am very sure after this we might be also sacrificed maybe because we did not meet the expectations of the Hon. Members and the teams which were participating. The reason why I am saying we are giving the report with disclaimer is because us as Hon. Members we do not take part in the issue of procurement.

Mr. Speaker, there is a term used in military; marching time. Mr. Speaker, if you have a patient, a malaria patient in your house either your wife, your son or your parent you take that patient to the hospital he or she is treated he becomes better and you take him/her home. After two days the same malaria comes back, you take the patient again to the again to the hospital; Mr. Speaker, I am advising the third time you should not take that patient to the hospital because you will be doing what we call mark timing.

You will hear the commanding officer commanding the forces; by the left, by the right matching time then you will see them marching left, right. No moving forward or backward and that is exactly that is what we are going to be doing in this House unless we change the system the *ad hoc* committee operates. Mr. Speaker, members of this procurement team are employees of this County Assembly and whenever they want to pass a decision they will need to first of all go and consult their bosses and maybe the boss has his own interest also. So Mr. Speaker, I will request this Hon. House and I humbly request please if you want us to give the best service, let us sack the procurement team not the members of the County Assembly.

Mr. Speaker, I will request if you can order for the minutes that the *ad hoc* committee used to pass because I sat in those meetings. Mr. Speaker, when we were sending people when we were saying we go and identify the uniform or the quality of the uniform we had said that let the *ad hoc* committee because we are only seven let two members go to Kirinyaga or river road where we have so many dealers of this. Let two other members go to Eastleigh let two other members go to another area then we get different samples so that we can compare and get the best.

Mr. Speaker, that never happened. When we were requested we were told we cannot fund the whole committee to go to Nairobi. Mr. Speaker, CASA games has a budget approved by this Hon. House. CASA committee is put in place to ensure that the members of the Assembly including the staff have what they require in those games so that they can perform better, Mr. Speaker.

This is an issue which needs to be addressed properly and the recommendation we are giving is; if it is amending the Standing Orders let us do it so that at least we can have two members from the MCAs at least two representatives in that evaluation committee. Mr. Speaker, in the report we are given sections; I want to cite an example of section 86 of the public procurement act which has been given in this report. Mr. Speaker, I am requesting you to order the Clerk at the Table to read for us that section because the evaluation committee is saying we are supposed to go to the lowest bidder. And I am very sure the section does not say so.

So Mr. Speaker, I request if you can order or you can instruct the Clerk at the Table to take us through that small section. I know it will not take time to confirm whether what is written here is correct. There is nowhere in the constitution or the procurement act which says the lowest bidder must be given the job---

Hon. Deputy Speaker: Hon. Member I think you have quoted the section and Hon. Members will be able to go through it and will be able to make a decision for themselves. The report as indicated and submitted here and also quoted a specific requirement of the Act which says we need to award to...if you read what the recommendations was there if I am not wrong it says that...let me just go to the report so that we can be able to be on the same...which page? If you look at page 7, it says Section 86(1) of the Public Procurement and Asset Disposal Act 2015 provides that the successful tender shall be the one who meets any one of the following specified in the tender document; the tender with the lowest price, a responsive proposal with the highest score determined by the procuring entity by combining which proposal, the tender with the lowest evaluated total cost of ownership or the tender with the highest technical score.

Hon. Ndawa: Thank you, Mr. Speaker, Sir. On the same, Mr. Speaker, the evaluation committee based their argument to justify awarding this contractor this job on the issue of having quoted the least amount. Mr. Speaker, according to me both the contractors who were given, according to me both the contractors do not have capacity to do the job and the reason why I am saying they do not have the capacity is because the Hon. Members of this Assembly and also the staff measurements were taken, we were given a communication to avail ourselves so that measurements could be taken.

Measurements were taken and you have heard what Hon. Moses Mitaa has said; the uniform he got was not of his size and yet the measurements were taken. So what was the use of these measurements? Mr. Speaker, I would request and advise if it is possible let us allow every participant to source for his/her own uniform because you know your size, you know the design you like then after sourcing we can claim on reimbursements of funds so that we can avoid this issue of uniform is not fitting me.

Mr. Speaker, another reason why I am saying the contractor did not have the capacity is because he did not deliver the items in good time as it was agreed.

Hon. Deputy Speaker: Maybe if I can just give guidance on that. The issue has already being raised by Hon. Moses Mitaa and you are raising it also that there is need to look at the procurement process as it was done and analyze how those people did their procurement because when you look at the technical evaluation on page 6 and at the top there No. 5 is financial capacity had a total score of 20 points so on what basis were they marking somebody who did not have the financial capacity as having financial capacity for them to be able to qualify.

So, you can see the queries you are reading financial capacity are also part of the technical evaluation. Which brings us to the question the Hon. Member raised and you are raising that there is need to review how that technical evaluation or the tendering process was done as far as the evaluation is concerned. I am in agreement with you so maybe you may conclude?

Hon. Ndawa: Thank you, the other point I want to raise Mr. Speaker, is that the issue of past experience should not be used as a measure to measure whether somebody has capacity because if we use that as a base it is going to deter these new entrants those new people who want to enter into business they will never have chance to be given or to tender for these because of this and you can see it is given 30 marks that is very high.

So Mr. Speaker, to conclude my submission I will request the House to pass the report as it is because we have made it clear that we are passing or tabling it with disclaimer then I would propose Mr. Speaker, because we normally have a budget and we have seen that we had a budget of about Ksh. 16 million and we went up to Ksh. 26 million so that means that members spent their *katumo* on CASA games which was not what we had agreed upon.

Mr. Speaker, it is very embarrassing for also members of staff who travelled all the way to Kampala to part in the event up to date they have not been paid their monies. Honestly, it is not fair. If Hon. Members were paid were these members of staff not paid? Because they took part, they spent their money to travel all the way to Kampala, they spent a lot of their money for upkeep in Kampala and coming back. Maybe some borrowed money from somewhere. Mr. Speaker, we need to be very serious and very fair to our staff and it is a way and if we do not pay them it means we are demoralizing them and they may not wish to take part in the forthcoming CASA games.

Lastly, Mr. Speaker, I have said and I am requesting let the *ad hoc* committee also remain in office until maybe next year then we change the evaluation committee because it is the one which is making the *ad hoc* committee to be seen as a failure because the same evaluation committee is the one which made the other committee to be sacrificed and now it is making this other committee to be sacrificed. If we do not sack it and unless we bring Jesus here I am very sure we will never get fruits. So my advice is that we deal with the evaluation committee and spare the other members of the county assembly. Thank you, very much Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you, I would like to go to the members who are outside; we have Hon. Kisini.

Hon. Kisini: Thank you, Mr. Speaker. I want first to congratulate the chairman and the committee for such a good report which was very elaborate. It touched on many areas and I want to say it was well presented. However Mr. Speaker, we cannot fail to raise a few points; I said in

recommendations No. 5, I was supposed to be in the event of tug of war with the other Members and we went there ready but then we were disqualified because we lacked the boots.

Before we went, Mr. Speaker you remember we took the uniform from this place, we were told we will get the uniforms there. So, when we went, this boots where not there, I even wonder when we say they were of poor quality. So that was a big shame, to be called upon and when we were all there, we lacked that very vital uniform.

The other thing is about those sports shoes which were talked of by our Hon. Whip, they were of very poor quality and going by the price which was quoted there. Mr. Speaker, we also see that there was overspending, the budget was Ksh. 16 Million and headed up adding Ksh. 6 Million on top.

Lastly but not the least, I did not hear the Chairman commend on the Men volleyball team which really gave a sweat to the competitors and they really tried. When we missed the tug of war event we cheered for our women and we also cheered the volleyball team. I wish to suggest that this mishap comes in because we normally get our uniforms two or three days before travelling. Mr. Speaker, I want to ask if it is possible that we be supplied with the uniform two weeks before or a week before so that we can fit and we avoid going without the uniform and grappling for them while there while you cannot get another one. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kisini, Hon. Irene Mbivya

Hon. (Ms.) Mwende: Thank you, Mr. Speaker. Sorry I missed laying of my Paper because there was some confusion earlier because I thought I would be able to lay it next week. So I missed on that portion and I am sorry for that. Going back to the report, I must commend the Committee and the good work they have done and you must appreciate that the Committee was able to purchase majority of the equipment unlike the previous years.

I would also like to commend on the budget on CASA games because you realize that we had a budget of about Ksh. 12 million that was not sufficient to purchase everything and to run the whole process. So I recommend in future that we enhance the vote to about Ksh. 27 million so that the same can be able to cater for the sports activities and run smoothly.

On the same, if we have enough budget, we will also be able to send our teams to participate in tournaments and in the end we will have improved skills on the part of our players.

Thirdly Mr. Speaker, one of the requirements is 50-50 players from the membership; from the Members and staff, so I would recommend that we are given enough time to practice. For example, right now is 4.45 p.m; if you tell me to wait and practice for the games and I need to drive to my place of stay, I may not be willing to stay. So, we need adequate for Members and even the staff practice so that we can have efficiency in what we do.

Lastly, on Section 86(1)(a) that we have been taken through about the successful bidder, Mr. Speaker you realize that the lowest bidder may not always provide quality. So maybe we need to change that Clause because sometimes cheap is expensive. If we award to the lowest bidder, they will bring anything because that is what they can afford according to their budget. So maybe that is a part we need to amend so that we can have efficiency and effectiveness in what we do. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you; Hon. Moffat Maitha,

Hon. Maitha: Thank you, Mr. Speaker. I want to commend the Chairman and the entire committee for bringing such an elaborate report to this Assembly. I want to comment on two or three

items; one is on the procurement department. Mr. Speaker, if we are to do better in sports, let us get the uniforms early enough and be made to do training and practice for many days because sometimes we were ambushed. The games are next month and we are told to start practicing this month, it will not bring good results Mr. Speaker.

The procurement department, as some Members have said, might be they have interests in the procurement process and that is why we end up getting such. They say the lowest bidder but who is the poor of all; because like the uniforms which we got Mr. Speaker, like myself I did not get shoes and I know they must have been budgeted for. Where did that money go up to now and I have not gotten the shoes.

You hear the Whip talking of the uniforms of the entire team having not been brought; where did that money go and I hope it has been paid for Mr. Speaker. Let us have transparency in that department and the uniform we got was not the best; in fact Mr. Speaker, the attire we are given for weekends wear; I was ashamed when I went to Kisumu that other time when we had a meeting there; the Members of County Assemblies who were before me had a better attire than the ones Machakos team had.

Therefore Mr. Speaker, let us get the best. Sometimes I am also ashamed to wear them at home because when I go to the local market there are people with better shirts than me and I am an Hon. Member of the County Assembly. So, let us take note of that one.

Lastly, Mr. Speaker, it is about the payment of the staff. I commend the staff who participated in the games. If you saw Lilian running and you hear for example she has not been compensated for the money she used to travel to Uganda and other staff of our Assembly; it is not good Mr. Speaker.

We would wish the Committee to go further and know why the staff- Mr. Chairman you should go further and know why they have not been reimbursed, because the money was there. Where has the money gone up to now and we are saying they have not been paid. If the Hon. Members are paid, let also the staff be paid. Let us not have differences in the staff and MCAs we are all one Machakos County Assembly. I rest my case. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Jacqueline Nziva.

Hon. (Ms.) Nziva: Thank you Mr. Speaker and Hon. Members present. I wish to applaud the mover of the CASA games report. Time and again complaining of how uniform is not quality or how the Members are paid or this or that. I think Mr. Speaker, going forward as Hon. Mbivya has said because it was the point I wanted to raise; we need to enhance our budget because---

(Hon. Mueni answered a telephone call)

Hon. Deputy Speaker: Hon. Mueni, have you picked your phone while inside the chamber?

Hon. (Ms.) Nziva: What I was saying is, we should enhance our budget going forward because people have complained every now and then. You realize when we were supposed to go to Rwanda sometimes back our CEO of this Assembly claimed that money was not available for Members to go to Rwanda. So going forward, kindly Members can we enhance our budget and members also need quality uniform and quality equipment. So without proper budget I do not think all this can be realized. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Let the mover of the motion respond please.

Hon. Kiilu: Thank you, Hon. Speaker. One, it pains when you hear that the team that went to Uganda up to now they have not received their payment. I wanted to leave it at that particular point so that I could comment after the Members have ventilated on the same and actually they have been asking me frequently on the payment. It bids justice when the Hon. Members have received their payment and those who cannot fight for their payment they are not given. Let us be very sincere because the budget was there; let them be paid and that is a humble request.

Two, I do not know the reason why we are having one problem year in year out. It means that the source of the problem is not addressed and definitely this is the procurement.

From the word go, as what Hon. Ndawa has said I remember in 2018, the team that was succeeded by the current *ad hoc* Committee was found to be incompetent and it was not. But they were not given the facts that they had requested for and that is why immediately the when we sat down, the first time we said that we needed to know the inside of the procurement process. We need on or two of the Hon. Members to know how they are selecting; not to be part of them during decision making, but to see and know what they are doing.

Thirdly, we had requested to know who the directors where; we had requested to know, out of these suppliers who the directors where and we are yet to get that information. So, Hon. Speaker, as Members have requested, next time can we start by addressing the procurement issue because that is where the problem lies.

Again I do not know what is wrong with us purchasing a very excellent uniform. Why don't we get the best track suits? In 2018 I got an oversized one and I am the Chair; Last year I got an undersize it could not fit me. When I went to Uganda, I was forced to buy my own tracksuit simply because I am the Chair and I could not make noise. So I watched as things happened. So if we address the issue of the procurement team I think most of the problems will have been solved.

Hon Speaker, what Hon. Maitha has said, we have so many things that are not open to us from the procurement team. We must know, like in 2018 I think the supply was a bit better to me because once the supplier brought the items the Committee was there to certify what we asked for had been delivered and the deficit but this time round, they used the captains so we could not know what was supplied and what was not. That is the reason why last year and I was even asking the procurement team; 2018 we procured caps for Hon. Members and all the other staff whole carton, red in color and and none of the Members was given. Where did the whole carton go? Or is it in the store? The committee does not know. So, these are some of the issues that should be addressed.

Hon. Speaker, I am pleading and I know the budget is there; is it impossible for this Committee to be given a go ahead and we start procuring uniforms waiting for invitation for these activities and even if we are not invited, why don't we get the best tracksuits now that we have enough time. If that is addressed Hon. Speaker I want to tell you we will be on the right track. So let me rest my case and thank the Members for supporting the report. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you very much Hon. Kiilu, Chair CASA and EALASCA games committee.

(Question put and agreed to)

I would want to put one comment and before I comment, I have an announcement that we are going to have the GHRIS training which had earlier been communicated to us. This is the

government HR information system training on how you can be able to access it. So we had been requested to come with our payslips so that we can get the personal number and be shown how you can go in the system and access your payslips. This will be trained to you at the tent as soon as we are through with this Assembly.

Issues concerning CASA games, the recommendations which have been made by this Committee, if they are followed, then we are going to get good games and kits going forward. Chief of this is that we need to be buying uniforms in March or April; we need to be putting the money in the supplementary budget for the year preceding the games so that whoever is advised to provide the things, he is given the tender in April. They will have April to July for us to get the items, look at them and see if they are not good, tell him to go back and bring the correct thing.

One of the things Hon. Ndawa which I wanted to highlight for you is that we get a sample and each supplier is given a sample of what we want supplied. That is the reason why they go by the lowest bidder but it should be the lowest bidder based on a quality sample given to that person. So if he does not bring that quality person then the team which is receiving those items has changed goal posts.

If you are the highest bidder and I ask you to bring me this iPad and A quotes Ksh. 10, if he quotes Ksh. 10 and gives me this; that is what the procurement law entails. That gives the person with the lowest but ensure they supply that quality. If they change on quality, then you have changed goal posts and that is what the procurement team is doing they are changing the goal posts which should not be the case.

The other item is the staff payment for Uganda; that has come to me as a shock we should not have staff members who travelled all the way to Uganda and up to date they have not been reimbursed. I think luckily we have the Deputy Clerk with us here and the Clerks at the the Table and that is information which we need to find out Mr. Mutisya, so that we can report back to this House on why those Members of staff have not been reimbursed for the expenses they incurred.

Why be invited in the first place. If they were invited, because they cannot travel from here to Uganda without invitation, if they were invited to go for those games then they have to be compensated for what they spent in Uganda. I believe that needs to be handled and we will follow it up through together with the Chair to ensure it is done.

Finally, I always wonder why we cannot do pre-qualification of suppliers. We know the people who supply uniforms in this Country; Nairobi Sports House, another company sport house. These people deal with nothing other than sporting equipment. Why don't we pre-qualify those instead of opening to everybody; an individual gets this with his small company and now starts running all over the place to the same Nairobi Sports House and other places to get cheaper and better deal and come and supply you.

That is why we are not getting the proper quality. One of the things I asked, because one of the counties which had very good uniform was Bomet; they had very good tracksuits and they told us they use pre-qualified suppliers. They are supplied by the Uniform suppliers and you know in the Rift Valley sports is the in thing so they know the people who bring it and they are given the best. When you open the tender to everybody, then everyone will come in and try to supply even if they are not professionals in supplying it and that is how we end up getting shoddy things for the Hon. Members.

Let it be looked upon and if we can be able to get pre-qualification of suppliers for these things and it will be able to assist us in dealing with the problems which we have.

ADJOURNMENT

Hon. Deputy Speaker: Thank you very much Hon. Members, the House is adjourned to 25th August, 2020 at 10 am. Enjoy the rest of the week and remember to stay safe. Thank you.

The House rose at 5.04 p.m.