
MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Thursday, 12th February, 2015**

The House met at 2.40 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon Hon. members. Let us proceed, Clerk.**NOTICE OF MOTION
TOLL CHARGES FOR TRANSPORTERS****Hon. Felix Ngui:** Thank you Mr. Speaker, Sir. I wish to give a notice motion that this hon. house discusses and resolves that the county government of Machakos charge toll transporters who use our county roads to evade security checks on national roads. Thank you Mr. Speaker sir.**Hon. Speaker:** Let us proceed.**STATEMENTS****Hon. Speaker:** Yes, let us proceed, hon. Dominic, we got your notice. Proceed.**Hon. Dominic Maitha:** Thank you Mr. Speaker, Sir. I wish to seek statements on the following issues:**IMPLEMENTATION REPORT ON DEVELOPMENT REPORTS 2014/15**

1. Mr. Speaker, Sir, I am seeking implementation report on development reports 2014/15. Mr. Speaker, as you are aware, we passed a budget last year, 2014/2015 budget of which we are

serving the third quarter of the financial year and up to now, there is no single development project that this honorable members are aware of that is taking place as per the budget. Mr. Speaker.

Hon. Speaker: Order Hon. Member, you are seeking a statement and you happen to know already.

Hon. Maitha: I am not aware, that is why I am seeking a statement.

Hon. Speaker: Ok, proceed.

Hon. Maitha: Ok with your permission, Mr. Speaker, on the same, to add more weight. As you are aware, when we finished the 2013/2014, we were very much aware of the projects which were to be undertaken on our roads, water, ECDs and this and that. The same applies to the 2014/2015 budget. We are in darkness and serving the last quarter of the year.

BURSARY AWARD REPORT OF 2013/2014

2. Secondly, I seek a statement bursary award report of 2013/2014, Mr. Speaker, because they have stalled and we have no information.

SCHOOL-FEEDING PROGRAMME REPORT

3. I am also seeking a statement on the school-feeding program report for the year ending 2014. I wish to make you aware that during the last exams for standard eight, food was supposed to be supplied in primary schools for those children who were doing their exams. I want to put to your information that it is only in my ward where food was supplied and according to the information from the ministry, millions of shillings were spent to the effect of that. Where did the rest of the food for the 39 wards go?

MSWEB STATUS REPORT 2013/14

4. The fourth statement report that I seek to know is about is the MSWEB status report of 2013/14. Mr. Speaker, we passed a regulation before we proceeded on recess and we were told that in a week's time, two weeks' time, the disbursements will be done. You heard last week, the vice chairperson of that committee resigned and she reiterated issues that resulted in her

resignation: that there is no availability of funds. So we are seeking a result of the same so that we can tell our people, because she was heard in the media.

NON-COMPLIANCE TO HOUSE RESOLUTIONS BY EXECUTIVE

5. The fifth statement is about the Executive non-compliance report to house resolutions. A motion was brought before this house, telling or demanding the executive that it should stop putting up signs which have the Governors portraits in our wards in the projects that we undertake because this contravenes the Public Officers Ethics Act. For the last two months, so many of those portraits are coming. Any single road project any county project, which is done right now is being installed with those portraits. That means the Executive is not complying with what we are saying. We issued a notice of motion which was unanimously passed by this house that we should not buy water tanks. The process is already effected. The resolutions of this house are not being complied to.

PURCHASE OF 40 MOTORCYCLES

6. This assembly passed a motion and gave the clerk a go head 40 motor cycles to facilitate movement and operations in the ward offices. We have not got any communication from the Clerk's office of the same. So those motorcycles where did they go because a motion was passed and we were not told what happened? The seventh statement that I seek-----

Hon. Speaker: Some clarity. You have some certainty when the motion was passed?

Hon. Maitha: Mr. Speaker, these hon. members can prove me right or wrong that we passed a motion in the chamber that we were using as temporary chamber. I think from the HANSARD report we can get the same. Actually the motion was brought by Hon. Manyolo from Matuu, if I am not wrong and it was unanimously passed. So I am seeking a statement because it is more than seven months, nothing has come on forth and there is no communication. We seek that communication from the office of the Clerk.

ECDE CLASSROOMS REPORT OF 2013/2014

7. We need the ECDE classrooms report of 2013/2014. As you are aware this project was supposed to have been completed by the end of June 31st last year. Up to date, giving an example in my ward, nothing has taken place. Not even in my ward, there are same complaints that nothing has taken place. We need a status report on that.

STATUS REPORT ON THE COUNTY EQUIPMENT

8. We also need a status report on the county equipment, Mr. Speaker. As you are aware we bought some equipment last year and last year but one. We bought graders, low loaders as per the report which was brought by the minister in the committee sitting. We bought some tractors and as per the moment almost 70 per cent of that equipment is grounded. We don't know why? When we seek for graders, we are not able to get them. When we ask for the tractors, we are not able to get them and I wish to acknowledge the request that was made by the honorable member for Ekalakala and the chairman budget to have the tractors reinstated and repaired, be taken back to the wards and do their work. So we seek a statement of on what is happening to this mechanical equipment that we are not getting

HARASSMENT BY INSPECTORATE

9. I am also seeking the county inspectorate operational report, Mr. Speaker. There are so many complains especially from my ward, where Inspectorate guys are harassing, extorting and even going to the extent of demolishing houses that belong to people who do not seem to have complied with their demands. I am seeking a statement on why this is happening and if the ministry is aware what is the ministry doing.

EMERGENCY FOOD PROGRAMME REPORT

The last statement is about the emergency food programme report, Mr. Speaker. As you are aware, almost 70 per cent of Machakos County did not receive reliable rains. Food in our shambas has dried up. There is an acute and looming shortage of food. What is the programme regarding the emergency report from the minister of finance and the minister of special programmes regarding the same because right now we are heading to a disaster in case it doesn't rain? Thank you, Mr. Speaker

Hon. Speaker: Thank you, very much hon. Dominic. I think members, we should appreciate when good work is done. Again, I appreciate your statements. You realize we have raised about ten issues. I will need to sit down with my Clerk and do a communication on who should answer what so give us until about next week, I will do a communication. Thank you.

MOTIONS

TOLL CHARGES FOR TRANSPORTERS

Hon. Ngui: Thank you Mr. Speaker, Sir. I wish to move the following motion. THAT aware

that the County Government of Machakos has invested a lot in upgrading county roads, aware that traders such as transporters ferry goods such as charcoal, miraa from neighboring counties and use our county roads to evade security checks on national roads and aware that most of the vehicles are overloaded, contributing to the damage of the roads. THAT aware that most counties charge vehicles that enter their territories in order to conserve their roads and environment and protect their citizens. Aware that these vehicles could be a security threat and further these vehicles can use the national roads to reach their destination, but prefer our county roads. I wish to move the motion that this vehicles pay toll charges for use of such routes. Thank you Mr. Speaker, Sir. I want to call honorable Dominic Maitha to second the motion.

Hon. Maitha: Thank you Mr. Speaker. The motion before us is an important motion. I think the chairman is really aligned to my thinking that this county, unless we institute proper mechanisms and measures of increasing our revenue, we will never move forward. This motion has come at the best time. I want to give a practical example, of what is happening within my ward. Those trucks that are ferrying ballast from the quarries in Katani, pay a minimum of Ksh. 600 to the County Government of Machakos. The moment they are getting into Nairobi County, they are charged a minimum of Ksh. 800. That one does not amount to double charging it amounts to raising revenue through the right mechanisms.

Those trucks that are ferrying construction materials for Nairobi, majorly construction blocks and they are getting into my wards, there is totally nothing that the government of Machakos is charging those people. We are losing millions of shillings through the same. I have spoken to the minister of Finance, directorate of Finance, Mavoko, but they seem not to be taking any measures.

Here is another motion that has been brought to the floor of the house to try and increase charges. I am in total support but what we need is the implementation part of it. I support this motion in totality but we need to be guided such that we might not go ahead and may be incur what we call double charging. This is because in case they are paying to the national government, we just need to be guided on the legal way where in case we start this procedure, we might not have double charges and avoid conflicts with this people.

I strongly believe most of these trucks are coming away from Mombasa, may be going to Kitui. Coming to Machakos and they are using Kenya National Highways Authority (KenHA) road network. So we need to be guided on how to charge them on those roads. We going to be double charging them or if we are going to be charging them, on the roads that lie within the county government, whether there is going to be any problem.

Because Mr. Speaker, we need to raise the revenue. This is one of the best motions we have had at the beginning of this season and I am in total support of it and I would request honorable members to pass this motion but we discuss it knowing that we need to be guided further to ensure that in case we adopt the measures, we don't over charge people or go ahead and contravene against the National

Transport and Safety Authority (NTSA) regulations. Thank you, Mr. Speaker. I am in total support of this motion.

Hon. Speaker: Honorable members, I would request the chairman to elaborate on some issues that have been brought up. When you were coming up with this motion, did you engage all the stakeholders including the national government to secure a position in the way of double taxation?

Hon. Ngui: Mr. Speaker, Sir, when we thought of this motion as a committee on transport, I think you are aware that the county government is mandated to come up with the charges like the fees the trucks are supposed to pay when they are coming up to our county. I don't think there would be any harm coming up with the charges without consulting the national government because the national government doesn't collect taxes on trucks within the county.

This is mainly trucks which will be using the county roads not the highways like Mombasa road. The county roads like the Makutano ma Mwala Kithimani road that we made the other day. Thank you, Mr. Speaker.

Hon. Speaker: Let me hear contribution of this member.

Hon. Bernadetta Mueni: Thank you Mr. Speaker, Sir. Mine is to say that we were at Mavoko as the finance committee but when we went from the -----(*inaudible*)-----the roads are so bad. They need to make those roads. The trucks coming from Mombasa, we were told by the officer who is in Mavoko, they are not paying. They are issuing the receipts which they come with from Mombasa. So they cannot pay twice. Thank you, Mr. Speaker. I don't know whether you have heard me because you were talking.

Laughter

Hon. Speaker: I have heard you. I assure you hon. Mueni I have heard you. The Clerk was disturbing me but I have heard you. Let us hear this member and then we go to Hon. Muthuka.

Minority Leader (Hon. Kasoa): Thank you, Mr. Speaker. I would like the mover of the motion, may be, to clarify what he is talking about the heavy commercial vehicles. He should also talk about the tonnage because we understand that last year, we increased fees and charges and some of the owners of the lorries went to court. So he should give us details on when he is talking about the heavy commercial vehicles. Which one is he talking about? Thank you, Mr. Speaker

Hon. Speaker: I want the house to understand that this is a motion. He is only expressing an intention. It will still have its moment within the Committee and then members will contribute on the exact-----*inaudible*-----Oh, sorry we have Hon. Muthuka at the back.

Hon. Muthuka: Thank you Mr. Speaker and the house at large. The idea of collection of revenue is actually the best that the motion is trying to support. According to hon. Maitha this is a one way that our county can get to increase revenue, which will also translate to the services that we give to our people. But also we need to be guided because we know we already have sand harvesting in our areas. We have been having cess which we have been collecting per trip. Also we know that that the transporters have been paying for permit yearly or even monthly which is why two weeks ago we confronted four ministers along Mombasa road trying to inspect the same and most of the lorries were taken to Mavoko police station so that they can be able to compelled to pay the same.

Before we can talk about how we can charge for our roads, first of all we must know the status of our roads. We are talking about county roads. We must classify what these county roads are. This is because if a lorry is coming from Ndalani, it may pass through Thika highway; it may pass through Kitui or use the Kithimani-Makutano road. Initially it is expected for that lorry to pay cess at the Ndalani area. This cess belongs to the county. Are we going to charge each and every road from each and every junction? I think first of all we should get the status report of our roads so that we can identify what particular roads. This is because we have made one particular road, Makutano-Kithimani road.

Even before the motion has come here, there was a disclaimer or there was a motion brought here that the heavy commercials could not use that road yet we are using the same lorries to make the dispensaries at Mwala. You find that the materials are coming somewhere from Ndalani but the lorries are forced to use the Kitui road all the way so that they can go to Mwala. What I want to know from the chairman, first, is to get the status of the roads then from there we can see which roads we are talking about.

How busy is that road. What kind of vehicles use that road? Because the ones we are talking about only charcoal from Kitui only pass in that place all the way to Thika and Nairobi. So please I don't want to support the motion at the moment because I think the motion is not well thought out. We might take some time through the committee to think about this motion and give us the report first. We debate the report and then classify our roads. From there we will be able to be guided to impose any charges or fees to, may be, any other vehicle that is passing through that road. Thank you.

Hon. Speaker: So if I heard you Hon. Muthuka, you are basically saying that, may be, the motion may be referred to the committee and then a report is properly filed to the house?

Hon. Muthuka: Absolutely, Mr. Speaker.

Hon. Magdalene Ndawa: Thank you, Mr. Speaker, I believe that this is a noble idea but this motion is not mature because, one, I don't want to repeat what hon. Muthuka has said, as we speak at the moment, we don't know the status of our roads. Most of our roads are in a pathetic situation. For example when we go to Europe where we have toll charges, we have to pay to use the highways. As we go to Germany and France, you pay for using the high way. This is because the highways are well done. This is because the services given to those roads are worth to be paid for.

In Machakos, for example, the first financial year we had budgeted for each ward at least 50 million. Mr. Speaker, we never did our roads. How do we start charging for our county roads if the roads are not done? Honestly, I would urge the Hon. member for Katangi to sit down with his committee, the ministry for transport and see if that ministry has done anything worthy to the people of Machakos to be added another tax, to be added another luggage.

Because, this same people who are using the same roads, come from Machakos County. So far we have not used those services delivered by the ministry of roads in Machakos County. Thank you.

Hon. Joseph Itumo: Thank you Mr. Speaker. First I take this chance to recognize you, my Speaker. As far as the motion.....sorry I must fast start by introducing myself. I am Joseph Kilonzo Itumo, Hon. Member for Kangundo. The hon. member who has just come up with the motion is a good friend of mine and my good learned friend. I am not going to support this motion. The facts are well laid in this house by the members who have just spoken. As you have heard our roads are in pathetic conditions.

By charging the toll charges, it is like charging a patient who the doctor has not treated. Our roads are not worth to be called roads and Mr. Speaker, I would urge you one day to just have a different tour of this county and believe me, and you will have backache because the roads are corrugated. I would urge first to ask the committee of roads and public works to consider and see how they can pressurize on how the roads are being done.

This is because the roads are impassable and we cannot go on charging big lorries. This is because you remember sometimes back, when I was with you and the others in Israel, the roads are in good conditions, very slippery because I almost died there after sliding, if you can remember. I urge

this house not to support this motion at all costs unless our roads have been brought to a good condition. Thank you, Mr. Speaker, Sir.

Hon. Michael Mutuku: Thank you Mr. Speaker, Sir for granting me this opportunity. First and foremost let me applaud the chair of the roads committee for the motion. First of all, the chairman was very specific because he had said we have county roads and highway roads. The major issue is we have the heavy commercial vehicles which are damaging the house. Hon. house, it is just the other day the house spent a whooping Ksh. 230 million to construct Mavoko-Athi River roads. As we talk right now, the roads are damaged because of heavy vehicles which normally use those roads. Those vehicles carry materials to the companies around. That is a case example.

We also have a case example of Kithimani-Makutano road. That road was not built for heavy commercial vehicles. If we allow heavy commercial vehicles to use those roads that are not of that purpose, definitely it will be a matter of before the end of this year, the road will be extremely damaged. The issue here is about the heavy commercial vehicles. This is because the road is constructed class A, class B, C among others.

I think it will be in order if we make controls particularly that we can mitigate the damaging of those county roads. I think when we are saying county roads we are not talking about those highways like Machakos-Kitui roads, we are not mentioning about Mombasa road. We are mentioning the roads which maintained by the county government of Machakos. Having said that, it is also another method of Machakos county to collect revenue or to increase revenue for the Government. So hon. members, we should not dismiss the motion as if it is not helping the Machakos County. It adds some sense in it. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. I think that a little bit more should be done on this motion. The appropriate word is to have it referred back to the committee then they will file a thorough report and kindly interrogate with the stake holders even including the national regime. Thank you very much. Let us proceed with the next item. We have the report? Let us go to the report.

Hon. Ngui: Thank you Mr. Speaker, Sir. I wish to move a motion, that aware the committee of transport roads and public works and housing, received the status report on face one roads projects, financial year 2013/14 and took thorough survey on some of the same roads, further aware that roads play a core role in an economic development of an area, for example movement of people goods and services. Pursuant to Standing Order No. 190 (5), the transport and public works, housing committee, conducted a survey to some roads and came up with a report and recommendation regarding the same. Mr. Speaker, Sir, I wish to move the motion that this honorable house discusses and approves the

transport roads public works and housing committee report on status of Phase 1 roads project financial year 2013/14. Thank you, Mr. Speaker, Sir. I wish to call upon Hon. Dominic Maitha to second my motion.

Hon. Speaker: Let us hear this Hon. Dominic, you don't disturb a mover when he is on the floor.

Hon. Maitha: Thank you Mr. Speaker. I stand to support this motion and kindly as the hon. members and this house, let us discuss the report with a lot of keenness and outline the issues that each member feels may not be adequate enough. This is because as a member of that committee, we have sat down and discussed the same. This report that is being brought on the floor of this House-----

Points of order

Hon. Speaker: You are protected continue.

Hon. Maitha: -----This report which is brought in this house-----thank you for your protection, Mr. Speaker. We have discussed this report and gone through it and what we have requested, Mr. Speaker, is that we have pertinent issues that one or two, three wards may be facing after the report has been tabled. So we are agreed as a committee when the report is tabled, so that we might not hold other members hostage.

Any member who has pertinent issues regarding his or her roads which was not done as per the report indicates, and then they can transfer the report to your office, through the office of the Clerk, and the committee of transport because there are some roads that have been done poorly and we need to get that report. Instead of having to table a report yet it is only three or four wards Mr. Speaker, that have got pertinent issues that we want to handle. I want to request the members to go through a bill of quantities that we are given on those roads.

I will be very honest. Most of the bills of quantities that were given for our roads were not stipulated or well-drawn as per the expectations of the members. Inasmuch as this house can go round and round and even decide to go to court, the BQs outline clearly what the contractor was supposed to do and that is where our problems have began. So, I would request this honorable house to ask the chairman to bring a motion that this house passes that no works at all should be done in our wards without the hon. members being supplied with the bill of quantities, authenticate them, go through them and authorize the works that need to be done.

Because according to the BQs, some works were given about Ksh. 5 million only to do bush clearing, spot improvement yet most of the members were growing and new to road construction and this and that. So, I wish to request members to support this report. This report does not mean that when supported and adopted, it is closing out members' submissions and proposals and complaints of whatever was not done to the house.

I request them to actually forward their complaints as immediately as possible so that the committee on transport can handle them, finish the Phase I projects and implement and then we can move to the second Phase. Bearing in mind this were projects that we supposed to be accomplished by 31st June, 2014, we are now talking about 2015. So if we dilly dally, we will not be able to outline issues and follow up the Phase II and III implementation of 2013/14 and the projects for 2014/15. Thank you, Mr. Speaker. I stand to support this motion.

Hon. Ndawa: Thank you Mr. Speaker. I would request you to guide this house. The two hon. members are misleading the house. How do you bring a motion to adopt a report that members do not have? We have not seen this report. We have not gone through it, then a motion is brought before the report is brought to the house. Mr. Speaker-----

Hon. Speaker: Wait hon. Ndawa. You need to be informed and I think the information is there. Just have your seat. We got a notice of this motion yesterday.

Hon. Maitha: Mr. Speaker, I think it is prudent enough that hon. Ndawa can-----

Hon. Speaker: Hon. Ndawa can you take your seat.

Hon. Maitha: -----get about the house and proceedings and the way we are supposed to act on the business of the house. Yesterday, Hon. Peninah said that she was going to present a report before this house and the house adopted that. The report will be tabled today and is the normal procedure, the chairman as he is reading through the report, members will be supplied with the copies of the report and they can go scrutinize the report. When we get this report and go through it, I have said it very clearly, it does not lock out any member who feels dissatisfied with the information that is contained in that report thank you.

Hon. Speaker: Let us hear Hon. Ndawa.

Hon. Ndawa: Mr. Speaker, I believe that this honorable house will agree with me. We cannot adopt a report without going through it. What will we be adopting? Honestly we have issues in our wards. The report has just been issued to us.

Hon. Speaker: Hon. Ndawa, we have not adopted the report.

Hon. Ndawa: But the motion is for us to adopt the report.

Hon. Speaker: It is not yet done. It has not been argued. If you want time to go through the report, you would rather say so. Yes, any other contribution. Now the motion is before the house, if there is discomfort, I think every member has a copy of the report and I would urge the chair to go through the report and perhaps if you want to go through the report as the chair presents it, then we can adjourn and give you time to go through it. But ordinarily, we needed to go through the report with the chairman. Where is the problem?

Hon. Festus Ndeto: I think, Mr. Speaker, sometimes we may fail to understand or we may understand. Actually, I don't understand these. A report is first tabled, we discuss the report then we move to a motion. We can't discuss a motion over a report which has not been tabled and we have gone through. It is not-----

Hon. Speaker: Hon. Festus Ndeto, the notice of this motion was given yesterday. What might be erroneous is the motion being reintroduced. We need to go through the report. If members need time to go through the report, then we still have time. We can defer this report and go through it on our next sitting. That is right.

Hon. Ndeto: OK, thank you.

Hon. Speaker: But we had a notice of this motion yesterday but if members are in favour that we need to go through the report, then we don't have a problem with that. Then, hon. members, we can give the chairman sometime to table his report then we will have our leave to go study it and debate it next week. Chairman, proceed.

Hon. Ngui: Thank you Mr. Speaker, Sir. Report on the committee on Transport Roads and public works and housing. The task was status of the roads Phase one project, financial year 2014/2015 as presented by myself, today the 12th February, 2015. Preamble, committee's mandate, department done oversight, subject covered, committee composition, the matter under consideration,

contractors' scope of work as per the BQs, total road length and budget allocation, data and observation, comments and analysis, recommendations and conclusion.

PREAMBLE

Mr. Speaker, Sir, development of roads and transport infrastructure is a key priority area for realization of sustainable development. This can be done by understanding stakeholders' needs, running business with excellence and adapting to ever-changing industrial expectations. In accordance with the Constitution of Kenya, every County Assembly is expected to ensure efficiency, effectiveness, transparency and accountability in the utilization of public funds and other financial resources.

Mr. Speaker, Sir, during FY 2013/14, the Department of Transport, Roads, Public Works and Housing contracted upgrading of roads across the Machakos County, a project referred to as Phase 1 road project.

COMMITTEE'S MANDATE

Mr. Speaker, Sir, Pursuant to S.O 190 (5) (a) and (5) (g), the Committee on Transport is mandated to investigate, report, recommend and even propose legislation under its mandate.

DEPARTMENT UNDER OVERSIGHT

Department of Transport, Roads, Public Works and Housing.

SUBJECT COVERED

The status of Phase 1 road projects FY 2013/14

COMMITTEE COMPOSITION

1. Hon. Felix Ngui - Chairman
2. Hon. Penina Kaluki - Vice Chairperson
3. Hon. Timothy Kilonzo
4. Hon. Rachael Nduku
5. Hon. Michael Mutuku
6. Hon. Isaac Muinde
7. Hon. Dominic Maitha
8. Hon. Nathaniel Nganga

9. Hon. Joseph Kalunde
10. Hon. Oliver N. Munyaka
11. Hon. Thomas Kasoa
12. Hon. Christine Mutune
13. Hon. Jacqueline Nziva

COMMITTEE CLERKS

1. Mwikali Mwaniki – Senior Clerk Assistant
2. Luke Maingi – Senior Clerk Assistant (2)

THE MATTER UNDER CONSIDERATION

a) BACKGROUND

Mr. Speaker, the committee for Transport, Public Works and Housing had occasionally received complaints from the public and some members of the Machakos County Assembly that the road works contracted were unsatisfactory, and do not match the BOQ'S and also not equivalent to the budget allocation. Further, Mr. Speaker, on 22nd October, 2014, a letter on Implementation of Ward roads Phase 2 and 3 from the Department of Transport, Roads, Public Works and Housing was received in the office of the Clerk of the County Assembly and forwarded to the committee on Transport. This prompted the committee to investigate the status of Phase 1 road projects for the necessary action before Phase 2 and 3 began.

b) COMMITTEE MEETING

Mr. Speaker, in view of the above, the Committee convened a sitting on 16th October, 2014 and resolved to patrol some wards for the purpose of investigation and evaluation of the said work (*attached see a copy of the minutes – Min.5/TRPW/16.10.014*). Mr. Speaker, Sir, from 21st to 24th October, 2014 the members carried out a thorough survey on some sampled roads under Phase 1 to verify the complaints. This survey was done in Machakos, Mavoko, Kangundo and Matungulu Sub-Counties.

CONTRACTOR'S SCOPE OF WORK AS PER THE BOQ'S

Mr. Speaker, description of work as per the BQ was to upgrade all the roads identified and this upgrading involved the following activities.

1. Road excavation and shaping.
2. Pouring of murrum, spreading and compacting.
3. Drainage works.

4. Building of culverts in designated areas.
5. Building of drifts across some specified areas.
6. Bush clearing.

TOTAL ROAD LENGTH AND BUDGET ALLOCATION

Mr. Speaker, 42 roads with total length of 268.8km and total contract sum of Ksh. 204,064,166 was budgeted for Phase 1 road projects and the work was programmed to end by June, 2014.

DATA AND OBSERVATION

S/NO	WORK DESCRIPTION	WARD	TEL	ENGINEERS ESTIMATES (KSH.)	CONTRACTOR
1.	Upgrading of Kivandini-Wetaa-Makutano market road	Mwala/Makuta no	0722214068	4,847,940	Norbit Enterprise
<p>OBSERVATION</p> <p>Some tiny culverts were found at some sections, murrum thinly spread at some points not the whole road, incomplete gabions were recorded, road not well shaped and fair drainage work was done. Generally 40 per cent of the work was done. Status report indicates that the road is complete.</p>					
2.	Upgrading of Mbaani S.A – Masii police station road	Masii Ward	0722865657	4,970,500	Endroof Contractors
<p>OBSERVATION</p> <p>The road was graded, no murrum was spread, shaping not done, no culverts and the road is not as per the standard width. The work was therefore rated 30 per cent. Status report indicates that the road is complete.</p>					
3.	Upgrading of Nzololo-Kwangotho-Kituneni road	Mbiuni Ward	0721733390	4,972,587.50	Masco Construction LTD

OBSERVATION

The road was graded, enough murrum was spread, in some sections the murrum was not compacted, 3 culverts were identified, shaping was fairly done. The work done was rated 80 per cent. Status report indicates that the road is complete.

4.	Upgrading of Kathithyamaa – Mbilini – Kikambuani – Maiuni road	Kangundo North	0722510170	6,014,350	Stepal Builders
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OBSERVATION

The road is halfway done. The contractor reported that money allocated was not enough. The part which is done, murrum was put, some culverts were built, a drift was sited although it is thin, and drainage work was fairly done. 50 per cent of the work was done. Status report indicates that the road is complete.

5.	Upgrading of Kawethei – Syananue – Kakuyuni road.	Kangundo West Ward	0722711238	5,108,200	Lathemacs Logistics
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OBSERVATION

Work had not started.
Status report indicates that the road is incomplete.

6.	Upgrading of Manyatta- Kithuiani – Miu – Kaseveni road	Kangundo East Ward	0722762354	4,991,150	Ndaisi General Merchants LTD
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OBSERVATIONS

The road is generally in good condition, culverts were constructed, the drifts proposed were built but murrum was halfway spread. Status report indicates that the road is complete.

7.	Upgrading of Kisukioni – Nguluni – Koma – Kithuiani – Mukukuni road.	Matungulu West	0721725272	5,003,000	Kangundo Builders
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OBSERVATIONS

The road was cut but it is impassable with a lot of wide, deep pot holes. No murram was put. At Kithuiani river, the contractor constructed a water barrier not a drift. The structure is not well fitted in the river bank hence river water would easily pass on the sides and cause a lot of erosion and still wash it away. This contractor only did 20 per cent of the work. Status report indicates that the road is complete.

8.	Upgrading of Tala-Katine-Syanthi road.	Tala Ward	0728999334	4,999,000	Dannex LTD
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OBSERVATIONS

From Tala market the road is well graded and shaped. At Kyamulendu AIC no murram was put. At Kwakaseu area, the contractor tried by building 2 good culverts. At Kwamusyimi no murram was put. At KwaKiviu Mweu, no culverts were put to channel the water away causing blockage. A major challenge observed was that the topography of the area is flat. There was a possibility that on rainy seasons, the river water would just flood the road making it impassable. At Syanthi market, the road looked good, some murram was spread but the road is thin. Some buildings were sited built on road reserve. Generally, about 45 per cent of work was done. Status reports indicate that the road is complete.

9.	Upgrading of Kituluni - Githurahi – Damiano road	Kyeleni Ward	0721228754	4,870,000	Sonata Construction LTD
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OBSERVATIONS

The major challenge in this area is the soil type – the black clay soil which is slippery hence causing havoc during rainy season. The road was graded, murram is in place in some parts, the road is flat and

not shaped, drainage was not factored well, and one culvert was seen. Generally the work done is 40 per cent. Status report indicates that the road is complete.					
10.	Upgrading of Mbuuni – Kithayoni – Kaani – Mwenyea – Kathuni road	Lower Kaewa Ward	0723721952	4,996,000	Gukem Construction Company
<p>OBSERVATIONS</p> <p>The road seemed very narrow in size, murrum was not spread, one drift was well build and the culverts found were extremely thin. The work done was rated 45 per cent. Status report indicates that the road is complete.</p>					
11.	Upgrading of Ngoleni- KwaKimondo – Janazeria road	Kathiani Central Ward	0722748225	4,780,211.72	Country Cross Logistics
<p>OBSERVATIONS</p> <p>Culverts and gabion work was done well, murrum was put, shaping of the road was not well done and no culverts were seen. In Ngoleni town, a house was noted having been built on road reserve thus obstructing road work. About 60 per cent of the work was done. Status report indicates that the road is complete.</p>					
12.	Upgrading of Kalumoni – Kitulu - road	MuvutiKiimaKi mwe	0722778271	4,397,399.45	Timax Building General Contractors
<p>OBSERVATIONS</p> <p>Murrum was spread and compacted, road seemed wide enough as per standard, culverts were not built, at Wondeni river, the drift to be done was not built. Generally 60 per cent of work was done. Status report indicates that the road is complete.</p>					
13.	Upgrading of Kinoi pr. School road	Kalama Ward	0723255905	5,021,900	Pamona Construction

OBSERVATIONS

Grading was partly done, drifts were not installed, culverts were installed though not up to standard, no murrum was spread but the status report indicates it is complete.

14	Upgrading of Mutituni – Musilili –Kasaini road	Mutituni Ward	0722251700	4,781,600	Multi-Link LTD
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OBSERVATIONS

Excavation work was well done, murrum was poured, leveled and compacted. In some zones drainage work needed to be re-done and culverts were installed. Generally 80 per cent of work was done. Status report indicates that the road is complete.

15	Upgrading of Nyambura-Slota-Njoguini road	Athi River Ward	0735594982	6,565,300	Continental CO. LTD
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OBSERVATIONS

Excavation work was done halfway, no murrum was spread, no culverts, the road seemed very flat hence no shaping was done, the road is impassable at the event of little showers of rain. About 30 per cent of work was done. Status report indicate road complete.

16.	Upgrading of Gossip – Ngwata – CDF hospital road	Syokimau/Mlolongo Ward	0727237949	5,029,000	Sinai Construction LTD
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OBSERVATION

The excavation work was well done, no murrum was put. Status report indicates that the road is incomplete. The contractor was terminated and given to HAWI CO. LTD

17	Upgrading of Katetani – Kyambuko road	Machakos Central Ward	0720275919	4,565,930	Jaspher Ventures LTD
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OBSERVATIONS

Excavation work and shaping was done, the road is thin hence substandard size, sacks filled with soil were piled across waterways as a substitute for gabions, and red soil was poured instead of murrum. 40 per cent of work was done. Status reports indicate that the road is complete.

18	Upgrading of Utawala – Katani – Githunguri road	Muthwani Ward	0721290583	4,990,500	Motivators Link LTD
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OBSERVATIONS

The road was in pathetic situation, very big pot holes, the road was graded halfway, no murrum at all, members of public occasionally pour rough soil on the road to make it passable, vehicles use public land adjacent to the road, driving speed is 20km/hr. Status report indicate that the road is incomplete but now work is going on at an advanced stage.

COMMENTS AND ANALYSIS

Mr. Speaker, the intention of the committee was to visit all the 42 roads identified for grading in Phase 1 in order to have a data that is representative. Unfortunately, within the time allocated it was impossible but the general picture of work performance is reflected in those few.

1. That the work done does not match the budget allocation.
2. That the needs and expectations of road users who are the taxpayers were not properly addressed and this discourages their economic efforts.
3. That the status report forwarded to the Assembly contradicts the reality.
4. That poor supervision is evident in the whole exercise.
5. That the mission of facilitating provision and maintenance of quality infrastructure is yet to be realized.

RECOMMENDATIONS

Mr. Speaker, for the purpose of effective oversight that satisfies the demands of the public, we as a committee hereby recommend the following:

1. Before payment is done to a contractor, members of this committee should be involved to evaluate and value the work after which they either authorize release of funds or repetition of work.
2. Technical expertise of Engineers to accompany the Hon. members when doing road inspection to ascertain if work is done as per Bill of Quantities (BOQs).
3. Frequent monitoring of work in each road, if possible on monthly basis, until the end of contract work.
4. Contractors to strictly stick to time lines beyond which the contract is terminated and re-allocated.

CONCLUSION

Mr. Speaker, it is clear that the Department of Transport, Roads, Public Works and Housing budgeted and implemented Phase 1 road projects. The work output indicates a lapse in the monitoring and implementation process, a scenario that should not be repeated during the implementation of Phase 2 and 3, hence the belt of oversight needs tightening. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you, Hon. Ngui. Hon. members the report is now with us. We will have a moment to look at it and to form the basis of our next debate. I hope we don't have any other business and with that the house adjourns.

The house rose at 3.47 p.m.