

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FOURTH SESSION

Tuesday, 11th August, 2020

House met in the Main Chamber at 02:30 p.m.

(The Speaker (Hon. Elisha Jack Oraro) in the Chair)

PRAYERS

The Speaker (Hon. Oraro): Good afternoon Hon. Member? Mr. Clerk, please take us through the business of the day?

The Speaker (Hon. Oraro): Next order!

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, welcome to this session after a short recess from the month of July. I believe all the Members had time to interact with the constituents and as a matter of our Standing Order, we need prepare our calendar and we normally go for recess on such times as was the case on 7th July, 2020. We are back today and I want to request that let us come back with vigor because the tray is full.

I also want to make the following communication. One, the COVID-19 Pandemic is still with us and as you realized, the curve for Kisumu is growing day by day and I want to take this opportunity to request and urge Members to be vigilant and to continue sensitizing the community on the importance of handwashing, putting mask in public places and sanitizing your hands whenever there is no water and soap but above all keeping social distance. For us as an

Assembly we have made a number of steps and measures. At the entrance of each gate to the precincts of the Assembly there is a booth. You shall be required that as you enter you go through the booth for sanitization. When you enter the Assembly, you shall have to sanitize your hands first and when you look at the arrangements of the desk and the chairs, you realize that there is at least 1.5 meter distance between you and your fellow colleague.

On the same note, we have made a number of changes with the staff which I have to communicate. The office space that we acquired at Mega Plaza is operational and a number of our staff including Procurement, Human Resource and Audit among others have gone to that space. We are having a Boardroom there that we shall be using whenever we want to meet in large number. At the same time there is a holding office for the Speaker and the Clerk. We shall be arranging for the sitting space for all the Chairpersons of House Committees in the Education House where we have been hosting the Clerk and other spaces. I really apologize for the inconveniences but I know you will get used to the changes as the time goes by.

In the main chambers here, there are attempts to install the communication devices and I think a number of them are complete and please use the microphone in front of you. The button on the right-hand side is for power and the left-hand side is for volume. I believe in the next few weeks on days, all the microphones shall be connected and if you look at the wall, we are trying to work on the screens and whenever we are having Zoom we shall be able to see everybody online on the screens as appropriate or any other communication.

We have also tried to equip the IT and Hansard Section and our camera persons are in the Fourth Estate Gallery. So as per our Standing Orders No. 226, we shall be taking live coverage in the next few weeks consequently, we shall be going live on our You Tube and Facebook. I want to encourage our Members that please visit our website, you will find the link to the two platforms I have mentioned. Like it. Comment so that we promote the good image of the Kisumu County Assembly.

The other issue is on COVID-19 and our staff. Staff members shall be having job cards and as per the circular of the Ministry of Health, we shall not be allowing walk-in visitors to the Assembly precincts without prior appointment. This is for the purposes of your safety and I want to urge Members that even as you come in with your Drivers and Security Officers, please ensure that there is no walking-ins. Your drivers shall be given the identity cards so that the Security Personnel at the gate shall be able to identify who a strange is and who the driver is. I want you to take this very positively because it is for the purposes of ensuring that we are all secure and we are able to know who comes in and who goes out. Records shall be taken on any visitor who comes to the Assembly for the purposes of creating the manifest.

On issues of the Assembly attendance, we shall still be using the Zoom and the list that we had created remains the same until we make changes. We shall be divided into three groups as we did initially. Each group is consisting of at least sixteen Members. Those who shall not be in a

particular list on a particular day, you are encouraged to attend the session online. Our online details remain the same. Otherwise, I shall be communicating a day for “kamukunji” and we shall be able to deliberate on a number of things before we make them as formal communication in the Assembly. I welcome you back all and please let us take our work seriously especially the Oversight Role owing to the fact that the budget has just been passed and the next thing is to ensure that we have an implementation plan. We want to ensure that this time round by the second quarter of this Financial Year at least Kisumu County should have absorbed its Development Budget by not less than 30% as opposed to what we have been seeing of 6% and below. This can only be achieved if we as Members of the Assembly take our work seriously and that is the work of oversight. We shall be receiving a lot of legislative requirements and if any of them falls within your committee, please take it up seriously. Let us work cordially and with a lot of effort.

Next order!

PAPER

LIAISON COMMITTEE REPORT ON THE APPORTIONMENT OF HOUSE COMMITTEE ANNUAL OPERATIONS BUDGET FOR FY 2020-2021

BY

HON. JOACHIM OKETCH OMIENO

LIAISON COMMITTEE CHAIRPERSON

The Speaker (Hon. Oraro): Yes Hon. Steve Owiti.

Hon. Steve: Thank you Mr. Speaker. On behalf of the Liaison Committee Chair and pursuant to the provisions of the Standing Order 182 (6) of the County Assembly of Kisumu, I wish to table today, Tuesday 11th August, 2020, Liaison Committee Report on the Apportionment of House Committee Annual Operations Budget for FY 2020-2021. Thank you.

The Speaker (Hon. Oraro): Honourable Members, I confirm the receipt of Liaison Committee Report on the Apportionment of House Committee Annual Operations Budget for FY 2020-2021 I hereby commit it to the House Business Committee to schedule it for discussion.

The Speaker (Hon. Oraro): Next order!

NOTICE OF MOTION

LIAISON COMMITTEE REPORT ON THE APPORTIONMENT OF HOUSE COMMITTEE ANNUAL OPERATIONS BUDGET FOR FY 2020-2021

BY

HON. JOACHIM OKETCH OMIENO

LIAISON COMMITTEE CHAIRPERSON

The Speaker (Hon. Oraro): Yes Hon. Steve Owiti.

Hon. Steve: Thank you Mr. Speaker. On behalf of the Liaison Committee Chairperson and pursuant to the provisions of the County Assembly Standing Order No. 45, I wish to give a notice of motion for Liaison Committee Report on the Apportionment of House Committee Annual Operations Budget for FY 2020-2021. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Thank you. Next order!

STATEMENTS

The Speaker (Hon. Oraro): Yes, Leader of Majority.

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Allow me also to take this opportunity to welcome the Honourable Members to the Fourth Session of this Assembly. I do hope that Members had a good time with their constituents and they have come back now more energized so that the businesses of this Assembly can move forward. I also want to reiterate what you said in your communication that indeed it will be very important that we take our work very seriously and especially our oversight role.

Mr. Speaker, I would wish to encourage various committees and more specifically the Implementation Committee to give us a roadmap which will then verify the extent to which various Development Projects have been accomplished in various Wards. I believe that is paramount so that we really understand whether indeed we are moving to the right direction. I also want to appreciate the ...

Hon. Okiri: On a Point of Order. Thank you, Mr. Speaker. When you look at the sequence of the Order Paper from Prayers, Administration of Oaths, Communication from the Chair, we should be under the Papers and the Liaison Chair has tabled a report. I expected that when the Leader of Majority stood up, he was to table it instead rather than also welcoming Members back from recess. Kindly give directions on whether or not the Leader of Majority is in Order, thank you.

The Speaker (Hon. Oraro): Senior Member Paul Okiri I want to rule you out of order because I had called on the next Order which is Statements but not Papers. Kindly carry on Leader of Majority.

The Leader of Majority (Hon. Onyango): (*Laughter*) Mr. Speaker, he is pulling me down so I will skip what I wanted to say. Nevertheless, I am so grateful to the Department of ICT for the changes we are seeing as it is a momentous time in our Assembly because professionalism is

being put to play. Mr. Speaker this is the kind of seriousness that we expect going forward. The message being sent from this gesture is that this Assembly professionalism oriented institution and I applaud everybody that has ensured this happens. I urge everybody to take note of what is going on so that we are encouraged to pull up our socks in our areas of weaknesses by exercising responsibility and seriousness because the tone is already in play. Otherwise thank you very much.

The Speaker (Hon. Oraro): Yes Hon. Steve Owiti.

Hon. Owiti: Thank you Mr. Speaker, I stand to make a statement with regards to the Budget Making Process. As the Chairperson of the Budget and Appropriation Committee, I want to remind the Members of this House that the Executive has started on the compilation process of the Annual Development Plan moving from one village to the other. I want to urge our Members that as that process is on-going, we also ensure that the right mobilization is done. My reason for saying this Mr. Speaker is because it has become a norm whereby when we can't handle the ADP process as required, later on I should be looking for the Budget of the next FY, which becomes an unnecessary tussle. As a committee we have a lot on our hands; one of them being the ADP and the Finance Bill which is also coming up very soon, so as we begin this session I want to urge Members to continue in the same spirit of genuine consultations they had in the last session so that we can deliver our mandate as an Assembly. In addition, it will enable us to take the level of our debates a notch higher as we move forward on our finally journey of this Second Parliament of this County of Kisumu.

Mr. Speaker, I want to congratulate the Management for what we have seen not only inside the Assembly but also within the premises. As we were moving around we have seen offices put in place and organized in various departments. My belief is that if we put similar effort in what we are doing, it will earn us much respect. I want to urge those involved in the connections of gargets in this House to speed up the process so that we no longer have to use the portable microphones unless it deems necessary. Otherwise thank you very much Mr. Speaker.

The Speaker (Hon. Oraro): Yes Hon. Omoro!

Hon. Omoro: *(Through Zoom App)*. Thank you Mr. Speaker, I want to take this chance to say that I am happy to be part of the Assembly through this new technology and want to welcome everybody back from recess. We thank God that we are alive amidst this COVID-19 Pandemic. Consequently, I want to congratulate you and the entire team for being a good example to other places in terms of management of this pandemic. Kisumu County is ensuring safety measures are observed in helping curb the spread of the COVID-19 virus as low infection rates are observed and zero fatalities. I want to urge everybody that we should be very united as we strive to achieve a great legacy as we near our end of term. So far, we are pleased with your leadership as well as the leadership of the entire Assembly and would want you to continue with the same spirit, thank you.

The Speaker (Hon. Oraro): Yes Hon. Genga.

Hon. Genga: *(Through Zoom App)*. Thank you Hon. Speaker I do not have any comment at the moment but I will be following the debate, thank you.

The Speaker (Hon. Oraro): Next Order Mr. Clerk!

MOTION

REPORT ON THE IMPLEMENTATION OF STATUS OF PROJECTS AT THE
DEPARTMENT OF EDUCATION, ICT AND HUMAN CAPACITY DEVELOPMENT IN
KISUMU COUNTY IN THE FY 2019/2020

PRESENTED BY;

HON. ERICK OTIENO AGOLLA CHAIRPERSON COMMITTEE FOR IMPLEMENTATION

The Speaker (Hon. Oraro): Yes Hon. Erick Agolla.

Hon. Agolla: Thank you Mr. Speaker, allow me to thank the almighty God for taking care of you and the Members as well as the staff of this Assembly. We have been away for quite some time; a period of one month, during our recess and without the ability and grace of the almighty God we wouldn't have been here today. It is my humble opportunity pursuant to the Standing Order No. 185 (3), and a section of the County Government Act 2012 read together with the Standing Order No. 191 and 195 of Kisumu County Assembly Standing Orders.

PREAMBLE

Mr. Speaker and Hon. Members,

PURSUANT to Article 185 (3) and Section 8 of the County Governments Act, 2012 read in tandem with Standing Order No. 191 and 195 of the Kisumu County Assembly Standing Orders, in the proceedings of the House Business Committee on 6th April, 2020 in part (iv) of Minute No. CAK/HBC/06/04/2020 , the members of the House Business Committee resolved that the Committee on Implementation and Committee on General Oversight shall form a Joint Committee to conduct investigations on the Status of devolved projects budgeted for in the FY 2019/2020 of Kisumu County and cause a report on the same.

Consequently the Office of the Clerk, issued a Memorandum dated 9th April, 2020 to all members of the Assembly and Staff informing them on the schedule for this investigations which began on the 14th day of April, 2020 to 20th April, 2020.

MANDATE/LEGAL FRAMEWORK

Honourable Speaker,

The Committee on Implementation derives its mandates from County Assembly Standing Orders No. 191 which stipulates that;

Committee on Implementation

191. (1) there shall be a select Committee to be known as the Committee on Implementation comprising the Chairperson and not less than eight and not more than ten other Members.
- (2) The Committee shall scrutinize the resolutions of the County Assembly (including adopted Committee reports), Petitions and the undertakings given by the County Executive Committee and examine –
- (a) Whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and
 - (b) Whether or not legislation passed by the County Assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.
- (3) The Committee may propose to the County Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on implementation status of projects and programs under his or her docket without justifiable reasons.

Joint sitting of Committees of the County Assembly

Pursuant to the provisions of Standing Orders No. 185 which states that;

185. (1) Two or more Committees of the County Assembly considering similar matters may, with the approval by Speaker, hold joint sittings.
- (2) The Chairperson of a joint sitting of such Committees shall be based on the ranking order set out under paragraph (3) of Standing Order 3 (*Proceedings on assembly of a new County Assembly*) the second ranking Member of the other Committee shall deputize.
- (3) The quorum of a joint sitting of two or more Committees shall be the number obtained by adding the respective quorum of each Committee, excluding the Chairpersons.
- (4) The report of a joint sitting of two or more Committees shall not be adopted unless supported by a resolution of a majority of the total Membership of the Committees.

Composition

PURSUANT to Standing Order No. 195 of the Kisumu County Assembly Standing Orders, the Committee on General Oversight is composed of ALL the forty seven (47) members of the County Assembly of Kisumu.

ACKNOWLEDGEMENTS

Mr. Speaker and Hon. Members.

I would like to express my special thanks of gratitude to all members of the Committee on General Oversight for their valuable contributions during this investigation that ensured that due diligence was undertaken in determining the extent of development within the devolved units and that the recommendations emanating therefrom are the true picture of what should be done to improve the state of the projects within the wards.

The Committee also extends special thanks to the offices of the Speaker and Clerk of the Assembly for their support in the entire duration of the investigation.

I therefore humbly submit this Report for consideration by the House on behalf of the Committee on General Oversight.

COMMITTEE FINDINGS

Mr. Speaker and Honourable Members, the table below summarizes findings and the implementation status report of various projects within the County as observed by the General Oversight/Implementation committee on the oversight program.

MUHORONI SUBCOUNTY SUB COUNTY**OMBEYI WARD**

PROJECT	STATUS	F/Y	LAPSES
CONSTRUCTION OF OBIAYO ECD	COMPLETE	2017/2018	Construction done to lintel.
CONSTRUCTION OF ECD AT WAGAI PRIMARY SCHOOL.	NOT COMPLETE	2019/2020	No construction done.
COMPLETION OF ECD AT YAWO PRIMARY SCHOOL.	NOT COMPLETE	2028/2019	Construction done to lintel.
RECLAMATION OF KIGOCHIE VTC BY BUILDING DYKES AND DRAINAGES.	COMPLETE	2018/2019	Was allocated Kshs. 2 million Contractor completed it and it's now in use.

MIWANI WEST WARD

PROJECT	STATUS	F/Y	LAPSES
CONSTRUCTION OF ECD AT NUBIAN PRIMARY SCHOOL.	COMPLETE	2018/2019	The project was allocated Kshs. 1 million. Construction done to roofing.

CHEMELIL WARD

PROJECT	STATUS	F/Y	LAPSES
COMPLETION OF GUL YAGO ECD.	NOT COMPLETE	2018/2019	The project was allocated Kshs. 1 million. Construction has not begun to date.
MASHAMBANI ECD	NOT COMPLETE	2018/2019	Construction has not begun to date
COMPLETION OF MAKINDU ECD	NOT COMPLETE	2018/2019	The project has not been completed
COMPLETION OF ONENONAM ECD		2018/2019	The project had an allocation of Kshs. 1000,000.00 for the completion

MASOGO/NYANGOMA WARD

PROJECT	STATUS	F/Y	LAPSES
CONSTRUCTION OF ECD AT NYALENDA PRIMARY SCHOOL.	ONGOING	2018/2019	The project was allocated Kshs. 1 million. Construction done to roofing.
SANDA ECD	COMPLETE	2018/2019	Done effectively.
WAMBI ECD	NOT COMPLETE	2018/2019	The project has not been started.

KISUMU EAST SUB COUNTY

KOLWA CENTRAL WARD

PROJECT	STATUS	F/Y	LAPSES
CONSTRUCTION OF ECD AT OYOLA	COMPLETE	2018/2019	The classroom is in use.
CONSTRUCTION OF ECD AT MBEME	NOT COMPLETE	2018/2019	Phase two has not been done.
CONSTRUCTION OF ECD AT	COMPLETE	2018/2019	The classroom is in use.

KUNYA			
CONSTRUCTION OF ECD RAGUMO	COMPLETE	2018/2019	The classroom is in use.

KOLWA EAST WARD

PROJECT	STATUS	F/Y	LAPSES
CONSTRUCTION OF ECD AT BUNGU PRIMARY	INCOMPLETE	2019/2020	Incomplete.
CONSTRUCTION OF ECD AT ANYWANG PIMARY	NOT COMPLETE	2019/2020	The work that had been done was about 60%.
CONSTRUCTION OF ECD AT NYAIMBO PRIMARY	STALLED	2019/2020	The school was inaccessible hence the contractor could not access the site.

NYALENDA A WARD

PROJECT	STATUS	F/Y	LAPSES
PURCHASING OF ECD LEARNING MATERIALS/EQUIPMENT AT KASAGAM AND ST. MARKS PRIMARY SCHOOL	COMPLETED		The learning materials were given to the two ECDs.
CONSTRUCTION OF ECD CLASSES AT DAGO PRIMARY SCHOOL	COMPLETED		Phase completed
PURCHASE OF LEARNING MATERIALS FOR DAGO NURSERY SCHOOL	COMPLETED		Materials given to the school.
CONSTRUCTION OF TOILET AT KA'BUKA, MOVED TO ONUNGA SCHOOL FOR THE DEAF	ONGOING		<ul style="list-style-type: none"> The construction of the toilet was moved to Onunga School for the Deaf, because there were land issues surrounding the land.

KAJULU WARD

PROJECT	STATUS	F/Y	LAPSES
CONSTRUCTION OF RAE KAJULU ECD	COMPLETED	2018/2019	operational

CONSTRUCTION OF OBWOLO POLYTECHNIC	INCOMPLETE		The administration block is complete. However the classrooms are yet to be completed.
CONSTRUCTION OF KIANJA POLYTECHNIC	INCOMPLETE		The classrooms have been completed; however the administration block is yet to be completed.
CONSTRUCTION OF KINDU KAJULU ECD	NOT DONE		Has not been started, yet it was budgeted for.
CONSTRUCTION OF ALANGO ECD	COMPLETED		Phase one done
CONSTRUCTION OF ONGA'DI ECD	ONGOING		50% of the work done so far. The project was allocated Kshs. 1.5 million

MANYATTA B WARD

PROJECT	STATUS	F/Y	LAPSES
WANDIEGI ECD	POORLY DONE Toilet not constructed	2018/2019	The issue was raised to the contractor who has already been paid. -Would like to know the amount that was paid to the contractor as construction of the toilet was included in the budget but it hasn't been constructed.

KISUMU WEST SUB COUNTY

CENTRAL KISUMU WARD

PROJECT	STATUS	F/Y	LAPSES
OKORE OGONDA ECD	ONGOING	2018/2019	Phase one is done.
OKORE OGONDA FENCING AND GATE	COMPLETE	2019/2020	The first phase is complete.
TIENGRE ECD COMPLETION	NOT YET STARTED	2020/2021	To be done in the financial

WEST KISUMU WARD.

PROJECT	STATUS	F/Y	LAPSES
COMPLETION OF SINYOLO RESOURCE CENTER.	INCOMPLETE	2017/2018	The project is not complete.

			Water tank not installed.
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NYAKACH SUB COUNTY SUB COUNTY

WEST NYAKACH WARD

PROJECT	STATUS	F/Y	LAPSES
CONSTRUCTION OF RACHIER ECD	COMPLETE	2019/2020	The contractor who was awarded the contract in FY 2015/2016 did not do complete the scope of work as was stipulated in the BQ. The contractor was paid and couldn't be traced later. In FY 2017/2018, the project was allocated Kshs. 1 million. The contractor did up to the lintel level. In FY 2019/2020, the project was allocated 700,000. The work was completed and ready for use.
CONSTRUCTION OF ECD AT SANGO BURU PRIMARY SCHOOL.	NOT COMPLETE	2017/2018	The contractor was awarded to the first contractor in 2016/2017 with an allocation of Kshs. 700,000. The work was done up to foundation level. The project was allocated Kshs. 1.6 million in 2017/2018 for the completion and the classroom is not yet complete and the contractor abandoned the site.
ANDINGO OPANGAGA ECD	NOT COMPLETE	2019/2020	It was allocated Kshs. 1 million. The work was poorly done and left at the lintel level.

CENTRAL NYAKACH WARD

PROJECT	STATUS	F/Y	LAPSES
CONSTRUCTION OF BUGO ECD	NOT COMPLETE	2015/2016	The contractor who was awarded the contract in FY 2015/2016 did up to the foundation and abandoned the site after being paid full amount.

NORTH NYAKACH WARD

PROJECT	STATUS	F/Y	LAPSES
CONSTRUCTION OF	NOT	2015/2016	The contractor did up to the lintel

DORMITORY AT KATITO VTC.	COMPLETE		level. The committee agreed to find out if the contractor was fully paid.
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SOUTH EAST MYAKACH WARD

PROJECT	STATUS	F/Y	LAPSES
PAP NDEGE ECD	INCOMPLETE.	2017/2018	The contractor who was awarded the contract in FY 2017/2018 did up to foundation level and abandoned the project.
COSTRUCTION OF HOLO/NGEGE RESOURCE CENTER.	NOT COMPLETE	2017/2018	The contractor was awarded to the first contractor in 2017/2018. Contractor reported on site and hasn't returned to date.
KEYO ECD	COMPLETE	2018/2019	Work done well and the facility is in use.

SEME SUB COUNTY
SEME EAST WARD

PROJECT	STATUS	F/Y	LAPSES
NGOP NGESO ECD.	NOT COMPLETE	2018/2019	Not done to the standards as was expected.

NORTH SEME WARD.

PROJECT	STATUS	F/Y	LAPSES
ATOYA ECD.	NOT COMPLETE	2017/2018	The project was allocated Kshs. 2.2 million. The part of work done has been done poorly by the contractor.

NYANDO SUBCOUNTY
EAST KANO WAWIDHI WARD

PROJECT	STATUS	F/Y	LAPSES
COMPLETION OF KATOLO ECD	COMPLETE	2018/2019	The project was allocated Kshs. 1 million
ECD CLASSROOM AT YOGO		2018/2019	Was allocated Kshs. 1,385,999

PRIMARY			
ECD CLASSROOM AT NYACHODA		2018/2019	Was allocated Kshs. 1,385,99

AHERO WARD

PROJECT	STATUS	F/Y	LAPSES
CONSTRUCTION OF OBUGI ECD	COMPLETE	2018/2019	The project was allocated Kshs. 1,500,000
COMPLETION OF OKANJA ECD		2018/2019	Was allocated Kshs. 1,500,000
COMPLETION OF KOCHOGO VTC		2018/2019	The project was allocated Kshs. 1,500,000

KABONYO/KANYAGWAL WARD

PROJECT	STATUS	F/Y	LAPSES
CONSTRUCTION OF ECD AT KOWANA.	COMPLETE	2018/2019	The project was allocated Kshs. 1 millions.
PURCHASE ECD DESK AT AROMBO, WITHUR, NDURU AND OGENYA		2018/2019	Was allocated Kshs. 2 million.

AWASI/ONJIKO WARD

PROJECT	STATUS	F/Y	LAPSES
COMPLETION OF MBEGA ECD	INCOMPLETE	2018/2019	The project is about 70% done. The project was allocated Kshs. 1,500,00
COMPLETION OF KAROMBE ECD	INCOMPLETE	2018/2019	The project was allocated Kshs. 1,500,000. The project is incomplete.

KOBURA WARD

PROJECT	STATUS	F/Y	LAPSES
CONSTRUCTION OF KUOYO ECD	COMPLETE	2018/2019	The contractor did up to the lintel level. The project was allocated Kshs. 700,000.
COMPLETION OF OREN ECD	COMPLETE	2018/2019	Operational

KISUMU CENTRAL
KONDELE WARD

PROJECT	STATUS	F/Y	LAPSES
COMPLETION OF OBINJU ECD	COMPLETE	2018/2019	The project was allocated Kshs. 2 million. Operational

NYALENDA A WARD

PROJECT	STATUS	F/Y	LAPSES
CONSTRUCTION OF DAGO ECD	COMPLETE	2018/2019	The Project was allocated Kshs. 2,771,997

RAWAYS WARD

PROJECT	STATUS	F/Y	LAPSES
CONSTRUCTION OF ST. PAUL ANYAKWAR ECD	INCOMPLETE	2018/2019	The Project was allocated Kshs. 2,500,000. The contractor abandoned the work at lintel level.
COMPLETION OF OBUNGA ECD	INCOMPLETE	2018/2019	The project is not complete. Project was allocated Kshs. 1000,000.

MARKET MILIMANI WARD

PROJECT	STATUS	F/Y	LAPSES
CONSTRUCTION OF KISUMU UNION ECD	COMPLETE	2018/2019	The Project was allocated Kshs. 1,500,000.
COMPLETION OF VICTORIA ECD	COMPLETE	2018/2019	The project is not complete. Project was allocated Kshs. 1,500,000.
CONSTRUCTION OF ECD BLOC AT XAVERIAN PRIMARY.	COMPLETE	2018/2019	Was allocated Kshs.929,992. Operational

OBSERVATIONS

Mr. Speaker and Honourable members,

The following observations were made from various projects.

- a) Some of these contractors have already been paid yet the projects they were supposed to do lie abandoned.
- b) Some projects have been done poorly by the contractors who were awarded contracts.

RECOMMENDATIONS

Mr. Speaker and Hon. Members,

The following the consideration of the Implementation status of the above projects, the committee recommends that the House resolves as follows;

- i. The County education department should update the County Assembly on the implementation status of all projects on a timely basis, pursuant to the provisions of Standing Orders No. 184 which stipulates that; *‘Within sixty days of a resolution of the County Assembly or adoption of a report of a select Committee, the relevant member of the County Executive Committee under whose portfolio the implementation of the resolution falls shall provide a report to the relevant Committee of the County Assembly in accordance with Article 153(4)(b) of the Constitution’* and in accordance with Article 39 of the County Government Act, 2012.
- ii. The members recommended that these project be fast-tracked being that some of them are projects that are extremely overdue as goes as far as financial years that began in 2017.
- iii. That the companies, which were awarded the contracts but have not honored the contract, be recalled to do the contracts as per the agreement.
- iv. That Pursuant to the Adoption of this Report by the HON. House the committee recommends, invitation of the CEC Member for Finance to show cause as to why contractors were paid for work not done.

CONCLUSION

Mr. Speaker and Hon. Members,

Following the above findings, the committee members concluded that the Members of County Assembly for respective wards to follow up with the clerk of the County Assembly of Kisumu to ensure that the stated recommendations are met and actions taken against the respective contractors found unnecessarily stalling the projects as stipulated in the respective contracts of agreement as their actions are sabotaging development of our great County.

Once again Mr. Speaker, allow me to send my sincere gratitude to everyone who came together to make this entire exercise a success. Please allow me to call upon Hon. Steve Owiti to second this report?

The Speaker (Hon. Oraro): Yes Hon. Steve Owiti.

Hon. Owiti: Thank you Mr. Speaker, allow me to second the motion on the Report on “THE IMPLEMENTATION OF STATUS OF PROJECTS IN THE DEPARTMENT OF EDUCATION, ICT AND HUMAN CAPACITY DEVELOPMENT IN KISUMU COUNTY IN THE FY 2019/2020” for adoption in this August House.

Mr. Speaker, I would also want to thank the Members of the Committee for Implementation as well as all the Members of this County Assembly for having taken their time to look at the projects which had been budgeted for in the Education Department. The report that has been presented today clearly highlights the nature of our projects in the Department of Education, which has failed this County largely.

Mr. Speaker, we often see several projects that have been budgeted for, those that have never been implemented at all and some that have been implemented but not to the satisfaction of the electorates we represent. When you look across the 35 wards you will realize that there are a number of ECD classrooms which were started but are stalled or were never implemented. This paints a terrible picture of the County Government. To the ordinary citizen they know that the funds intended for such projects had been released but not used as expected simply because of some officers sleeping on their jobs. It is the duty of this Assembly to ensure that we implement projects that have been identified by the people. I want to appeal to Members of this House that we support the recommendations that have been given by the Committee for Implementation so that this House can take action against those members of the Executive who were given the opportunity to implement these projects but have failed us.

Consequently, we have realized that there are notorious contractors who after being awarded contracts, they have abandoned their projects yet they continue to be awarded more projects that are still left undone. I recommend that such contractors should be blacklisted and their contracts terminated so that we take against these people who drag the County behind as well as the interest of our children who we construct these ECD classrooms for, otherwise thank you.

The Speaker (Hon. Oraro): Thank you Hon. Members. Now that the Report on the Status of Projects on various Wards in the Department of Education, ICT and Human Capacity Development in Kisumu County in the FY 2019/2020 has been presented by the Chairperson of the Implementation Committee and ably seconded by Hon. Steve Owiti, Chairperson Budget Committee, I want to propose a question that the Report is open for debate.

The Speaker (Hon. Oraro): Yes Hon. Paul Okiri.

Hon. Okiri: Thank you Mr. Speaker, I stand to support this Report by the Committee for Implementation and that of Oversight and congratulate them on the job well done. However, looking through the Report also brings some shame to me as an MCA of this House and the County as a whole because clearly the Education Department has greatly failed from the Procurement to the Finance section. Kindly allow me to briefly refer Members to page 12 of the Report which is a project in South-East Ward in Nyakach of the construction of Holo-Ngege Resource Centre. This is a project that was done in FY 2017/2018 then we had both FY 2018/2019 and FY 2019/2020 go by and now we are in 2020/2021 and yet it is indicated that the contractor just reported on site but was never seen to date. Those are three Fiscal Years wasted and we can never be comfortably seated in the House with such atrocities going on in our areas of representation.

Going to Seme East Ward on the same page, the remarks are that the project has been done but not to the intended expectation. Whose expectation is referred in this case? We must never criticize everything but rather applause where it is due as the project is actually completed but not abandoned as the first case. In this regard, we therefore needed an engineer...

The Speaker (Hon. Oraro): What is it Hon. Steve Owiti?

Hon. Owiti: *(On a point of information)* Mr. Speaker, I want to inform the Senior Member Paul.

The Speaker (Hon. Oraro): Hon. Okiri, Hon. Owiti wants to inform you.

Hon Okiri: I will not shy away from engagements of this House so allow him to put his point of information.

Hon. Owiti: When the General Oversight and Implementation Committees visited these Wards, there were areas and issues that were raised about the manner in which some of the projects were done. When you say 'below the satisfaction of the Members' it is not based within the standards that any person can see and doesn't require rocket science to know that some of these projects are done below standards. It is not just a matter of criticizing but some of the things that have out in this report are issues that were raised not only by the Members but also members of the public at the Wards. For instance, Mr. Speaker, Sir, I want to inform the Honourable Member that in my Ward, there is Construction of Anywang ECD which had been started in 2017/2018 and when we went to the site with the Engineers, whatever had been done was rejected because of poor standards.

This is a common thing that is cutting across projects in the Wards. We also have such challenges with contractors doing roads, health among other areas. I believe that, we should, if possible, denounce such characters and take action against them. I therefore inform Hon. Okiri that that is not a hearsay. It is factual and the committee went to the ground. What is stated in this document cannot be wished away. It is a reality that there is no value for money.

The Speaker (Hon. Oraro): Yes, Hon. Okiri, Senior Member

Hon. Okiri: Thank you Mr. Speaker. This is an Assembly where lies are discouraged. Mr. Speaker, Hon. Owiti has said that when we had a problem, he went with the Engineers to ascertain whether the projects were satisfactorily done. My question is: when this committee was going there, was there an Engineer to accompany them? No! I do not want to take you to that direction. Mr. Speaker, I will be going to Central Nyakach Ward. The Construction of Bugo ECD was a project of FY 2015/ 2016. The contractor did up to foundation then abandoned the project after being paid the full amount. I am referring Members to page 11 under Central Nyakach Ward represented by Hon. Ojuok.

The contract was awarded the tender in 2015/2016 and the contractor fully paid. Who paid this contractor? Who signed the completion certificate? Who inspected this project? There is now the time for Hon. Maureen Otiang', the Chair of Public Investments Committee/ Public Accounts Committee (PIC/PAC) to act. Mr. Speaker, if we are for example talking about East Kano Wawidhi Ward, there is completion of Katolo ECD which was complete in 2018/2019. The project was allocated Kshs. 1,000,000.00. This committee has failed to justify whether Yago ECD is complete or not. The only thing they are telling us is that it was allocated Kshs. 1, 300,000.00. Is it complete or not? Why was this information omitted? The same goes to Nyachoda in East Kano.

Mr. Speaker, I fail to understand why you cannot tell whether or a project is complete yet money was allocated to the tune of Kshs. 1.3 Million? Lastly, Mr. Speaker, if you go to Ombeyi Ward, Reclamation of Kigoche VTC was a project for the FY 2018/2019 and allocated Kshs. 2,000,000.00. The contractor completed it and it is now in use. I want to emphasize this because good contractors will never be allowed to get contracts in this County. A good contractor will always do a good job. You can do a comparative study of contactors and arrive at a conclusion. Such good contractors should be recommended by this House and this should be known to the Executive as well.

Let us avoid briefcase contractors who only come to collect money and fail to complete assigned work. You will notice them come in motor cycles pretending to be checking the site and you will never see them in subsequent days. With those many remarks Mr. Speaker, I call upon this House to take this matter seriously and refer it to PIC/PAC for further investigations. Thank you.

The Speaker (Hon. Oraro): Because of seniority, let me give Hon. Oiko Pete, the Leader of Minority. I have noticed you Hon. Otura and Hon. Muga. Let me allow Hon. Pete to make his contribution.

The Leader of Minority (Hon. Pete): Thank you Mr. Speaker. The report on the Department of Education, ICT and Human Resource and Development is highlighting the projects in this Department. These are the ECD and Youth Polytechnic Projects. It is our surprise that these are

devolved projects in the County Government of Kisumu and since inception of devolution, good work has not been done. The children are crying because they are sitting under trees, they do not have good classrooms yet allocations are made in very Financial Year. You wonder what is happening.

Mr. Speaker, It is true that the parent department, that is of Education, in conjunction with the Public Works Department, there is poor coordination when it comes to implementation of projects. The projects have been lagging behind and the Department of Education at times is not aware of its projects, the completed or the ongoing ones. When you want to know a lot about this, they will refer you to the Public Works Department. The latter will also refer you to Education Department. It is high time they took their work seriously.

The big problem has been the unit cost of building an ECD in Kisumu County. The figure has never been uniform or specific. It has been varying from two million shillings and above. When you question this, you will be given a lot of stories. I remember when such a question was raised on the Floor of this House last year, a Statement was issued to the Director Public Works. His response was just stories; he never gave a specific amount for building an ECD in Kisumu County. When the House rejected that, we expected a more formalized and a specific figure that we could depend on. It took almost a year to get that figure.

Mr. Speaker, I think it is early this year when the department came up with a figure of one million, six hundred and fifty thousand (Kshs. 1,650,000.00) as a unit cost of building ECD in Kisumu Country. This also made it difficult for the Honourable Members to know what to do with that figure and the specifications of ECD classes to be constructed in their Wards. However, it is my hope that now with the stipulated figure, the work will be done and our children will be proud that the government is considerate of them. In today's world, when you still make children to study under trees or in the hot sun, they become despaired. Let us pay good attention to this so that our children enjoy the fruits of Devolution and our independence.

Mr. Speaker, I will give you another problem killing this department: poor payment system by the County Government. Contractors work but when it comes to payment, it is hell. This discourages the contractors from doing work. The tender documents, award letter, and LSO are at times issued very late at the end of a Financial Year. When contractors realize this, they decline to execute some of the projects awarded to them. This is also a thorny issue. Once this happens, the balance carried forward and the projects rolled over are never taken care of in this government. Therefore, we have some ECDs that have not been done yet money was allocated for them. Contractors gave up because of the last-minute way of doing things.

Furthermore, the roll-over of these projects is also never done because it is a practice in Kisumu County that once a project has not been done, it disappears into the thin air. We would look into this and demand the Closing and Opening Balance and the projects assigned to them. This way, we may help some projects not to disappear.

Let me give an example in my Ward which is appearing in this record: Orwana ECD which started in FY 2017/2018. In that FY, the allocation was Kshs. 780,000.00. This amount only did the foundation. In FY 2018/2019, another one million (Kshs. 1,000,000,00) was allocated. Out of this, the construction was only done up to lintel. When I tried to follow up, I appeared like a fool in the department. Until now, the department cannot explain what one million shillings did.

The Speaker (Hon. Oraro): Hon. Oiko, I want you to summarize because we have a number of Members waiting to contribute.

The Leader of Minority (Hon. Oiko): Another seven hundred thousand (Kshs. 700,000) was allocated, it is now that the roof has been done and the project is not yet completed. Let us be serious with this work and let us take the department to task so that our people can see value for money. Thank you.

The Speaker (Hon. Oraro): Let me consider gender and give Hon. Muga first followed by Hon. Otura. Hon. Linet Muga

Hon. Muga: Thank you Mr. Speaker, Sir. I want to fully support this report and commend the Implementation Committee for the good work they are doing. It is true that when you look at this report, you may not be pleased. You will sympathize with community members or the public whose funds are being misused. I am saying this because most of the projects have stalled from FYs 2017-2020. To confirm this, I would refer you Members, to page 7. We start with page 6. Construction of Obiayo ECDE; you will find that the construction started in the year 2017 and the money was in the FY 2017/2018 Budget Estimates. The construction is up to the lintel. Really, from those years up to 2020, don't you see the Construction of the ECDEs is condemned? In the same page, Construction of Wagayi Primary School; no construction is done. Who can confirm to us whether the contractor was given money or not? In page 7, Construction of Guliago ECDE in Chemelil Ward; the project was allocated Ksh1 million. Construction has not begun to date, way from 2019. The Assembly being in charge of oversight, I am very worried. Were it not for the Implementation Committee, these issues would not have been brought to this House. As representatives of the people and coming from the wards, the issues ought to have been brought to the Assembly. I wish to commend the work of the Implementation Committee headed by Hon. Erick Agolla.

On the same note in Chemelil ward, I want to bring to the attention of the House that the Implementation Committee did not discover the two polytechnics – Guliago and Kibigori which have also stalled. Construction of ECDE at Nyalenda Primary School is ongoing. The project was allocated Ksh1 million; construction done to roofing. I fail to understand when these stalled constructions will be completed. There are possibilities that some contractors have pulled out. If we want to help this county to succeed, then we need to stop new projects and complete the stalled ones first. I fear public funds are being wasted by starting new projects while the money

that should be used for these stalled constructions are forgotten. I support this report because it is an eye opener to us. We are now getting what is happening in all wards. Thank you.

The Speaker (Hon. Oraro): Hon. Vitalis Otura.

Hon. Otura: Thank you Mr. Speaker. First, I wish to take this opportunity to thank the Committee on Implementation together with the Committee of General Oversight for bringing up this report.

Mr. Speaker, I represent Ombeyi Ward. I appreciate that Hon. Muga has pointed an accusing finger at the ward representatives. I want to make it clear that, this is a report of the General Oversight Committee and the Implementation Committee. In the General Oversight Committee, all ward representatives participate in coming up with the report. What is important at the moment however is what actions the House will take in order to see these questions answered? It is important to note that we only do oversight, but there are those who are in charge of implementation of these projects. If you take the Construction of Yao ECDE which is indicated as not completed and construction done up to the lintel, the figure is not indicated. However, it was awarded Kshs 3.5 million. So perhaps it has stalled because the money is not there. As ably put by the Chair Implementation, in some instances, the status is indicated incomplete; others are awarded less amounts, others done below the standard. It is really a big shame to the county. Do tax payers' get value for their money? Truth be told, there is serious laxity in this Department of Education. This report exposes everything. As we sit here, the next course of action is what is important. If you open page 15, a whopping Kshs 2.5 million is allocated for Construction of St. Paul Kanyakwar ECDE yet the work is abandoned at lintel. I conclude by saying we have got work to do. Let's do it. Thank you.

The Speaker (Hon. Oraro): Yes, Hon. Beatrice Odongo.

Hon. Beatrice Odongo: Thank you Mr. Speaker. Allow me to support the report and commend the Committee for the work well done. This report will enable the House to do its oversight work more effectively. Many Members are complaining about the status of the projects. This can only be answered by the contractors because we don't know how the agreement was signed. This report has given us a better opportunity to look at all the departments on how the constructions are being done, the scope of the work and we need to work closely with Engineers on those departments in order to understand the scope of work. I want to encourage that we use this report to...

The Speaker (Hon. Oraro): Who do you want to inform, Hon. Muga?

Hon. Muga: I want to inform the House that this report is brought before the House by the Members of the Committee on Implementation who went to the ground. So I don't understand why a Hon. Member can stand before the House and begin telling us of the Engineers. They did not see the Engineers but they were to see the projects and how they were done, if complete or

not. How would they be looking for Engineers if projects meant for the 2017/2018 have still stalled? Are we not on the right track to ask why, when, how and by who? After discussing this report, I would request that you direct the authorities to appear before a committee of the House to explain the situation. Thank you.

The Speaker (Hon. Oraro): Hon. Beatrice.

Hon. Odongo: Thank you. I think the Hon. Member is out of order because she is not an Engineer by profession and I think I was very clear in my remarks by stating that we have to involve the Engineers of the county to help us know why the projects stalled at a given stage and again as a member of the Budget Committee I want to inform the House that the theme of our last budget was that we complete existing projects. We are yet to know whether these uncompleted projects are in the budget. Through this report, the Assembly should come out and do its oversight role. Oversight does not mean you have the professional qualifications that are needed to do the work but you work with the Engineers and you engage the Department so that we can know where the problem is and what can be done for us to help the county government to succeed. Thank you.

The Speaker (Hon. Oraro): Yes, Hon. Ojuok.

Hon. Ojuok: Thank you Hon. Speaker. I want to take this opportunity to support the report. Looking at this report and even going into our wards, the amounts that are put into the projects within the Education Department are massive. In your own wisdom, we would like to get hold of the number of a contractor who has ever been awarded tenders then abandons.

Mr. Speaker, I would want to find a way in your own wisdom in which we can be able to get hold of the number of contractors who have ever been awarded a contract and abandoned yet they are still been given contracts. In fact we want to trace in the point of not just the company but that particular person. Once we are able to do that then, we will be able to get these particular things done. It gives the MCAs a lot of work and in fact it is like the Executive have forgotten about supervision. It is the MCA who know that this person is at this particular point. There is the Contract Management where you find that it is stated on three months management; somebody is given that period but you find that he has not done it and at the end of that financial year they are awarded contact extension. I believe that, if we can be able to engage and get this level of contract management and then going forward we should be able to include the details in our report on the implementation status of projects whereby we state the scope of the projects. I know that there is something that we will learn when we come up with those reports so that we state the scope and the amount. The report should be in a form that we can be able to compare. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Obonyo.

Hon. Obonyo: Thank you Mr. Speaker, I wish to call upon the mover to reply.

The Speaker (Hon. Oraro): Hon. Agolla.

Hon. Agolla: Thank you Mr. Speaker. Allow me to respond or to answer the concerns of the Hon. Members as the mover of the motion. I would want to commend the contributions of the Members for taking their time to peruse the report and to have their views and concerns which is very much in order because we are representatives of the great people of Kisumu.

Mr. Speaker, I wish to begin with the concerns of Hon. Okiri. I want to say that the work of the Assembly is to do oversight and if we can do oversight on the Governor who is the engineer; I would like to inform Hon. Okiri that the work of the General Oversight Committee of the Assembly is to see to it that the engineer do his work accordingly. You remember in our report we realized that some contracts were paid. Ordinarily there is no way a contractor can be paid without the certificates from the engineer which means the engineer colluded with the entire system for payment and he/she authorized the payments on the contractor in question without considering the completion of the project. I also want to inform Hon. Okiri that the committee also managed to meet the PMC. There are things that they expected that is the quality, workmanship, the scope and that is why the committee report that it was not done to its satisfactory.

Mr. Speaker I also want to call upon Hon. Members to wake up and make sure that they do their work properly. Why am I saying this? Mr. Speaker I can remember vividly well when you still represented North Kisumu Ward, you tabled your concerns as a Member representing North Kisumu Ward that some roads were not done as expected. I can remember Hon. Ogendo did table concerns from his constituents and his personal concern as a representative of the people and we took time as a Committee of Roads and Public Works to go and investigate the concerns of the Hon. Member. So I want to urge the Hon. Members from various wards to take up their work seriously so that they don't just give a responsibility of Oversight and Representation to the Implementation Committee. I am shocked to hear the contributions of some Hon. Members who I respect. I want to tell us that we must come up to support this government by ensuring that implementation is done to the letter.

Mr. Speaker allow me to report to this House that as we are speaking here as a Member elected representing South West Kisumu Ward; in this said department, I only had 2 projects; one in Bara ECD which had an allocation of 1.5 million and another one in Mboti Sunrise ECD which had an allocation of 1 million. As we speak to date those contractors have not gone on site. By the time you are going round and compiling this report we thought that they could go to site. Mr. Speaker this is a disease that is affecting all wards and I want to call upon this Assembly for us to ensure that implementation is done. I want to support the proposal of Hon. Okiri who said that even PIC/PAC Committee should be roped in; if I ask this House if funds were allocated in the FY 2015/2016 to date and these projects have not been implemented. Where is that money? Yet we stand here to say that we are doing oversight.

Hon. Otura did retaliate that he as a Member representing Ombeyi Ward, he wanted to proper clarification on how the money allocated was enough. I also want to challenge the Hon. Members that before we allocate particular money we should know through consultations with the engineer on the scope and amount which will be sufficient to complete the work. Mr. Speaker you will realize that an ECD classroom has been allocated funds in three consecutive financial years.

Mr. Speaker, I don't want to go beyond that but would like to say that our recommendations are very clear and Mr. Speaker we did pass a resolution in this House when we were tackling the Agriculture report and we did invite the CEC for Agriculture yet he did not turn up. I want to urge you and the office of the Clerk to kindly invite the CEC for Education as soon as possible so that we meet and we know the consequences and the actions that this Assembly will take against the aid CEC for Agriculture who did not turn up so that we see our road map and destiny as a County because without implementation this government is no more, without implementation, the famous quote 'tich tire' is nowhere to be seen again. May God bless you as I urge this Hon. House to consider and adopt this report for implementation? Thank you.

The Speaker (Hon. Oraro): Hon. Members now that the report on the status of implementation of ICT, Education and Human Capacity Development projects has been presented on the floor of the House on behalf of the Implementation Committee and the General Oversight Committee by Hon. Erick Agolla, seconded by Hon. Steve Owiti and debated upon. I therefore want to put a question on the adoption of the same.

(Question put and agreed to)

The Speaker (Hon. Oraro): The report on the Status of Implementation of ICT, Education and Human Capacity Development Projects is hereby adopted today Tuesday 11th August 2020 at 1639 hours and I do direct that the necessary communication and recommendations be presented appropriately.

The Speaker (Hon. Oraro): Next Order!

ADJOURNMENT

The Speaker (Hon. Oraro): There being no any other business to transact, the House stands adjourned to tomorrow Wednesday 12th August 2020 at 2.30 p.m.

(House rose at 4.42 p.m.)

Addendum

Hansard Team

<i>Zablon Otiende</i>	-	<i>In-charge, Reporter</i>
<i>Edward Odanga</i>	-	<i>Reporter</i>
<i>Fanuel Okode</i>	-	<i>Reporter</i>
<i>Patrick Okoyo</i>	-	<i>Reporter</i>
<i>Jesca Otieno</i>	-	<i>Reporter</i>
<i>Dennis Onyango</i>	-	<i>Reporter</i>
<i>Jacklyne Otieno</i>	-	<i>Reporter</i>