COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – SIXTH SESSION

Thursday, 02nd June, 2022

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

(The Temporary Speaker (Hon. Inviolate Adhiambo) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Inviolate): Good afternoon Honourable Members. Please allow me to invoke the provisions of County Assembly Standing Orders No. 32 (2) and order that the quorum bell be rung for the first five minutes.

(Quorum Bell rung for five minutes)

The Temporary Speaker (Hon. Inviolate): Honourable Members, I can see that we have not attainted the required quorum. I again order that the quorum bell be rung for a further five minutes.

(Quorum Bell rung for a further five minutes)

The Temporary Speaker (Hon. Inviolate): Madam Clerk, please take us through the business of this afternoon.

The Temporary Speaker (Hon. Inviolate): Next order!!

PAPER LAID

The Temporary Speaker (Hon. Inviolate): Yes Hon. Okiri.

The Temporary Speaker (Hon. Inviolate): Since the Chair of Finance Committee is not in the House, any other Member of the Finance Committee.

REPORT FROM THE STANDING COMMITTEE OF COOPERATIVE FINANCE, TRADE AND ENTERPRISE DEVELOPMENT ON ITS CONSIDERATION OF THE COUNTY EXECUTIVE QUARTERLY REPORT AND FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31ST MARCH, 2022.

BY.

HON. PAUL OKIRI, MCA, WEST KISUMU

(CHAIRPERSON, COOPERATIVE FINANCE AND ENTERPRISE SCOMMITTEE)

The Temporary Speaker (Hon. Inviolate): Yes Hon. Erick Agolla.

Hon. Agolla: Thank you Madam Speaker. If you permit me on behalf of Hon. Paul Okiri and for the importance of the contents contained in this report, please allow me to table this report on behalf of the Chairperson, Cooperative, Finance, Trade and Enterprise Development Committee.

The Temporary Speaker (Hon. Inviolate): Honourable Members, please proceed.

Hon. Agolla: Thank you Madam Speaker. Pursuant to the provisions of County Assembly of Kisumu Standing Orders No. 182 (6), I wish to table today Thursday, 02nd June, 2022 a Report from the Standing Committee of Cooperative, Finance, Trade and Enterprise Development on its consideration of the of the Quarterly Report and Financial Statement of the Kisumu County Executive for the period ended 31st March, 2022. I beg to lay. Thank you.

(Hon. Agolla lays the report before the House for consideration)

The Temporary Speaker (Hon. Inviolate): Honourable Members, I wish to acknowledge receipt of a Report from the Standing Committee of Cooperative, Finance, Trade and Enterprise Development on its consideration of the of the Quarterly Report and Financial Statement of the Kisumu County Executive for the period ended 31st March, 2022. This report is tabled by Hon. Agolla on behalf of the Chairperson, Hon. Paul Okiri.

Honourable Members, I request that the report be taken to the Select Committee of House Business for scheduling it for discussion before this House. Thank you.

The Temporary Speaker (Hon. Inviolate): Next order!!

NOTICE OF MOTION

The Temporary Speaker (Hon. Inviolate): Yes Hon. Erick Agolla.

Hon. Agolla: Thank you Madam Speaker. Once more, on behalf of the Chairperson of Finance Committee Hon. Paul Okiri and pursuant to the provisions of County Assembly of Kisumu Standing Orders No. 45 (1), I wish to give a Notice of Motion on a Report from the Standing Committee of Cooperative, Finance, Trade and Enterprise Development on its consideration of the of the Quarterly Report and Financial Statement of the Kisumu County Executive for the period ended 31st March, 2022. I beg to move. Thank you.

The Temporary Speaker (Hon. Inviolate): Next order!!

MOTION

REPORT FROM THE SELECT COMMITTEE ON IMPLEMENTATION ON ITS CONSIDERAION OF THE KISUMU COUNTY PROJECT IMPLEMETATION AND MANAGEMENT BILL, 2021.

(KENYA GAZETTE SUPPLEMENT NO. 13 (KISUMU COUNTY BILL NO. 9)

BY.

HON. ERICK AOLLA, MCA, SOUTH WEST KISUMU.

(CHAIRPERSON, COMMITTEE ON IMPLEMENTATION).

The Temporary Speaker (Hon. Inviolate): Hon. Erick Agolla, Chairperson, Committee on Implementation.

(Hon. Caren Muga the Speakers' Panelist relieves Hon. Inviolate)

Hon. Agolla: Thank you Madam Speaker and Honourable Members. The Kisumu County Project Implementation and Management Bill, 2021 was introduced to the distinguished House on Wednesday, 8th December, 2021 at 1430Hours and pursuant to the Kisumu County Assembly Standing Order No. 123 (6, a) committed to Implementation Committee for legislative processing including without limitations to the public participation process which is a requirement of any rule of statute. The legislative proposal makes provisions for effective and efficient planning, implementation and management of County Government projects. The prime objectives of the bill is to provide for; (i) principles, procedures and standards in management of county government projects, (ii) a platform for harmonization and equity in the implementation of the county development projects and services; and (iii) to further devolve the functions and resources of the County Government and to ensure participation and involvement of the county citizenry in management of projects. Though not expressly mentioned in the legislative proposal, these objectives are embedded in Articles 176(2), &185, of the Constitution of Kenya 2010[i], and Sections 91 & 115 (2) of the County Governments Act No.17 of 2012[ii].

The bill is a Private Member Bill sponsored by Hon. Erick Agolla.

Pursuant to Article 196 of the Constitution of Kenya and Sections 3 (f) and Sect. 115 of the County Governments Act No.17 of 2012, the committee spearheaded public participation on the Bill in the 35 wards across the county. An in-depth analysis of the bill was also conducted as well as consultations with various stakeholders including the County departments of; Finance and Economic Planning; Governance & Administration & Office of the County Attorney. Pursuant to Standing Order No. 123 (4) of the Kisumu County Assembly Standing Orders, the committee has herein produced this report for tabling, discussions and considerations by the August House.

Committee Mandates

Madam Speaker and Honourable Members, the Committee on Implementation is established pursuant to Standing Order No. 191 of the Kisumu County Assembly Standing Orders which states that: There shall be a select committee to be known as the committee on Implementation;

(1) The Committee shall scrutinize the resolutions of the County Assembly (including adopted committee reports), petition, and 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;
    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;

(2) The committee may propose to the County Assembly, sanctions against any member of the County Executive Committee who fails to report before it on Implementation status without justifiable reasons.

Committee Membership

Madam Speaker and Honourable Members. The Committee on Implementation as is currently constituted is composed of the following Honorable Members:

Table 1: Committee Membership as at May, 2022

	NAME	DESIGNATION
1.	Hon. Erick Agolla	Chairperson
2.	Hon. Roy Samo	Vice Chairperson
3.	Hon. Aslam Khan	Member
4.	Hon. Philemon Ojuok	Member
5.	Hon. Maureen Otiang’	Member
6.	Hon. Sally Okudo	Member
7.	Hon. Inviolate Adhiambo	Member
8.	Hon. Vincent Jagongo	Member
9.	Hon. Steve Owiti	Member
10.	Hon. Maurice Ngeta	Member
11.	Hon. Caleb Omoro	Member

Table 2: Committee Secretariat as at May, 2022

	NAME	DESIGNATION
1.	Ms. Belinder Owino	Committee Clerk-cum-Clerk Assistant
2.	Mr. Raphael Juma	Research Assistant
3.	Ms. Chrispine Oguta	Committee Clerk-cum-Clerk Assistant
4.	Ms. Naomi Orutwa	Committee Clerk-cum-Clerk Assistant
5.	Ms. Jackyline Atieno	Hansard Reporter
6.	Ms. Olga Owano	Sergeant-at-Arms

Synopsis of the Report

Madam Speaker and Honourable Members. This report documents a comprehensive committee output on legislative processing of the Kisumu County Project Implementation and Management Bill, 2021. The committee has elaborately analyzed the bill, consulted various stakeholders including the relevant county executive departments and conducted a public participation on the same in all the 35 wards of the County in line with Article 196 of the Constitution of Kenya 2010, and Sections 3 (f) and 115 of the County Governments Act as well as the Standing Order No. 123 (3) of the Kisumu County Assembly Standing Orders. Some of the principal issues that emerged from the aforementioned exercises included; (i) inclusion of a transition clause to ensure that the previous PMC members are duly remunerated for the services rendered, (ii) PMC membership in which there was an overriding feeling for the inclusion of the ward and village administrators as PMC members, (iii) the opening and management of the PMC accounts, (iv) the office of the PMC coordinator, its establishment and functions, (v) PMC payments, and (vi) interpretation of BQs for the PMC members and the general relationship between the PMC members, the contractors and officers of the County Government. Additionally, the committee`s independent reviews of the bill also highlighted issues that are salient in successful management of projects including but not limited to; adequate sensitization of the project community and PMC members on the project BQs, availability of the BQs, the importance of project coordination office, PMC membership, operations and payments amongst others.

Acknowledgement

Madam Speaker and Honourable Members. Firstly, the Committee would wish to appreciate the Offices of the Speaker and the Clerk of the County Assembly for facilitation and immense technical support that has made this exercise to be a success.

Secondly, I would like to extend my forthright gratitude to the Members of the County Assembly Committee on Implementation and the staff who participated in this entire process, their much effort cannot go unnoticed. Lastly, the committee sends it unwavering thank you and appreciation to the Members of the Public, other stakeholders such as the departments involved and Transparency Kenya Organization for their utter inputs during the public participation process. It

is now my pleasant duty, pursuant to Standing Order 123 (4), to present this committee report before the House for consideration and adoption.

UNPACKING THE KCPI &M BILL, 2021

Madam Speaker and Honourable Members. The proposed Kisumu County Project Implementation and Management Bill, 2021 seeks to primarily (*general objective)* establish structures for effective and efficient management of implementation of County Governments Projects. Its *specific objectives are*; (i) embed the concept of PMCs in law by giving effect to Article 176(2) and 185 of CoK, 2010 & Section 91 and 115(2) of the CGA, 2012(ii) principles, procedures and standards in management of county government projects, (iii) a platform for harmonization and equity in the implementation of county development projects and services; and (iv) to further devolve the functions and resources of the County Government and to ensure participation and involvement of the county citizenry in management of projects.

1) Reference to the Values and Principles of Articles 10 and 232 of CoK 2010

The legislative proposal seeks to embed the implementation of the provisions of the bill on the Constitutional values and Principles of Governance (Article 10) and Values and Principles of Public Service (Article 232 of the Constitution of Kenya, 2010).

2) Administration of Projects

The legislative proposal seeks to place the roles of administration of projects under the County Department of Finance and Economic Planning. The legislative proposal provides that the department shall be responsible for all that entails; project identification, developing project conceptual designs, implementation, monitoring and evaluation including pre-and post-feasibility studies, project approvals and reporting amongst others.

3) Establishment of , roles of and appointment of Project Management Committees (PMCs).

In clauses 7, 8 & 9, the proposed legislative proposal establishes project management committees, its composition, distinct roles and their appointment.

Consequently, the committee is proposed to be made up of a minimum of 5, maximum of 7 members including, amongst others, representatives of the; project user department, the relevant technical department who shall be the project manager, the community, and representative of the area MCA amongst others. The committee is charged with, amongst other roles;

(i) Management of specified development projects,

(ii) Review project concepts and BQs (iii) ensure good workmanship,

(iv) Ensure good relationship between the contractors and the community, amongst other functions.

4) Establishment of office of County PMC Coordinator

Clause 5 of the bill establishes the office of the County PMC coordinator created by the County public service board but without new recruitment. The bill states that the County CECM Finance shall discharge the duties of the County PMC coordinator through delegation (appointment) to any officer within his department who is of the rank of a director. Subsequent to this, clause 6 provides for the roles of the PMC Coordinator to include: (i) to coordinate all operations and facilitation of PMC activities, (ii) receive and compile all PMC reports on all projects, (iii) provide quarterly reports to on PMC operations and activities, (iv) open and maintain a consolidated PMC bank account, amongst other functions.

5) Other Provisions of the Bill;

Other provisions of the bill include;

i). Opening of PMC bank account in every ward (*PMC Ward-Based Account)* in Clause 12 (b) and individual PMC account for all projects in Clause 9 ((j) i)).
ii). Establishment of special PMCs for special projects in Clause 10.
iii). Meetings of PMCs in Clause 11 in part III under PMC operations.
iv). Funding of PMCs in Clause 12.
v). Powers and Authority of PMC in Clause 15, amongst other provisions i.e. *(Miscellaneous and Schedules)*

LEGAL AND POLICY FRAMEWORK

Madam Speaker and Honourable Members. The proposed Kisumu County Project Implementation and Management Bill, 2021 seeks to give effect to various legislations and policies. The concept of the PMCs revolves around finding effective means through which the local communities can be involved in project supervision in the interest of public participation. The legal and policy frameworks upon which the proposed bill is embedded should therefore seek to execute various legislations around public participation and project oversight. The legal and policy framework therefore includes;

i). The Constitution of Kenya 2010.
Article 1 on sovereignty of the people is the hallmark of citizen participation in all government decisions including project development and management. Article 176 (2) of the Constitution of Kenya 2010 provide that: *every county government shall decentralize its functions and the provision of its services to the extent that it is efficient and practicable to do so;* Article 185 of the Constitution of Kenya 2010: *A county assembly may make any laws that are necessary for or incidental to, the effective performance of the functions and exercise of the powers of the county government under the Fourth Schedule.* Article 10 and 232 of CoK 2010 provides for: *National values and principles of governance and public service which include— patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people.*
ii). Sections 91 & 115 (2) of the County Governments Act No.17 of 2012.
Provides for structures that the county government shall facilitate the establishment of structures for citizen participation including public participation in development projects

iii). Public Finance Management Act 18 of 2012 (2015) and related regulations.
Section 48 (2, C), albeit for the management of grants, this provision ensures that deliberate measures are put to facilitate intended beneficiaries to participate in the design and management of projects or public services; Section 10 and 137 provides for mechanisms of citizen participation in financial matters including in the budget making process.

iv). Urban Areas and Cities Act 2012.
Gives effect to Article 184 of the CoK 2010 by providing for public participation in various sections include; Section 11, 21 and the 2nd Schedule –all which allows for the formation of PMCs to facilitate the engagement of the people in project implementation and management.

v). Kisumu County Public Participation Act, 2015
Gives effect to paragraph 14 of part 2 of the 2nd schedule of the CoK 2010 to establish modalities and platforms for public participation in the governance of the County. Clause 4 provides for mandatory citizen participation and involvement in all projects and decisions of the County Government.

vi). Devolution Policy by Ministry of Devolution and Planning, Oct. 2016
Policy identifies pillars that guide the effective implementation of devolution to include among others, *public participation and informed citizenry engagement. It provides for the establishment of strategies and frameworks that facilitate public participation process and citizen engagements such as the proposed KCPI & M Bill, 2021*.

vii). The CDF Act and CDF Regulations, 2016
Section 36 provides for the establishment of PMCs with respect to CDF projects, its composition and their functions. This is a National Government concept that can be adopted by the County Government in establishing PMCs for County projects. Clause 15, 16 and 17 of the CDF Regulations, 2016 makes elaborate provisions on the establishment of, composition and functions of PMCs.

viii). Public Procurement and Asset Disposal Act, 2015 and related Regulations.
Provides for procedures for efficient public procurement and assets disposal and offers clear guidelines on procurement entities and various responsibilities in order to shun from apportioning roles that may not be directly relevant to the PMCs.
The PPAD Act, 2015 can also offer best practice guidelines especially in the areas of establishment of and functions of various procurement committees such as tender evaluation committee, and inspection and acceptance committees. These can be adopted in the formation, functions and operations of PMCs.

ix). PMC Policies and laws in other Counties.
Other counties have equally legislated on the concept of PMCs worth benchmarking and learning from. Unfortunately, Kisumu County Government does not have a policy on PMCs except for this proposed Bill, 2021.

PUBLIC PARTICIPATION AND STAKEHOLDERS` ENGAGEMENTS

Public Participation Report

Madam Speaker and Honourable Members. The concept of public participation is elaborately provided for in various National and County legislations in order to ensure that the people are comprehensively involved in all County Government decision making undertakings boundless to policy and law making procedures. Some of the legislations upon which the concept of public participation is embedded include;

(i) Constitution of Kenya 2010; Article 118: provides that parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its committees;

Article 196: provides that the County Assembly shall;

(a) conduct its business in a candid and transparent manner, and hold its sittings and those of its committees, in public; and

(b) facilitate public participation and involvement in the legislative and other business of the assembly and its committees and;

Article 201: provides for openness and accountability, including public participation in financial matters; (ii) County Governments Act No.17 of 2012; Section 3 (f): includes the concept of public participation as one of the objects of the act in so stating that; the objects of the act is to provide for public participation in the conduct of the activities of the county assembly as required under Article 196 of the Constitution;

Section 104 (4): provides that in order to promote public participation, non-state actors shall be incorporated in the planning processes by all authorities and;

Section 115: provides for public participation in county planning; (iii) Kisumu County Public Participation Act, 2015 and (iv) Kisumu County Assembly Standing Orders No. 123 (3).

In accordance with the foregoing legislations, the committee spearheaded the public participation on the bill across the 35 wards on the 20th & 21st Dec, 2021*(See Annexure 02 for public participation advert).*

Table 2: Illustration of public participation feedback from the wards

No.	WARD	PUBLIC PARTICIPATION FEEDBACK	COMMITTEE REVIEWS
1.	West Kisumu Ward	• The bill should ensure that the previous PMCs are also paid since their funds were factored in the previous budgets • The ward and village administrators should find a place in the PMC membership because of their critical roles in the county government administration and the community at large • There should be a clause on inductions and capacity building programs of PMC members upon appointment in office • The education level should not be leveled too high to limit patriotic members of the community from being Members of PMCs • PMC accounts referred to as Section 7 (j) missing. Should be included and regulations made for appropriate management in terms of signatories and payment mechanisms • Transition clause should be included	• Transition clause be inserted as clause 18 just after clause 17 on offences • The position of ward or village administrators be exhaustively discussed in a joint meeting with the executive • A clause on trainings and capacity building of PMCs be inserted as clause 15 immediately after clause 14 on submission of reports • Clause 12 (2) be inserted to provide for the establishment of a PMC account, the management and operations of the account
2.	Chemelil-Tamu Ward& Muhoroni Koru Ward	• More stringent measures for either a contravention or an infringement of the rule of law • PMC chairperson should be elected at the ward level by the community • The bill should make provisions for timelines within which the contractor should provide the PMCs with BQs • Bill should provide guidelines for promotion of PMC members after some period of time	• Clause 7 (2) 8(b) should incorporate a provision on elections of PMC chairperson in their first sitting upon appointment • Numbering of clauses be restructured accordingly

4.	Kobura Ward	• Page 6 (10, b) – should be in reference to 10(a) as opposed to 9(a) • vetting of qualified contractors. • some funded projects are yet to implemented. • PMC roles are never followed or adhered to • Allocation of funds and roles are never done as required • Long term projects have delayed payments or no payments are remitted completely. • PMCs should not be employees of the county government. • Sub-standard projects is a set back to the entire county.	• Vetting of contractors is done through procurement protocols and such is not provided for in this bill
5.	Market Milimani	• Engineers have proven to be mediocre based on substandard conditions and poor quality of the roads they construct • BQs are too complicated for common citizens. Should be simplified for ease of understanding by the PMCs • Ward admins and village admins should be included into the PMC membership. • Remuneration of PMCs takes long.	• The clause on inductions should make provisions on sensitization of PMC members on the basics of project management and items of the BQs for ease of comprehension
6.	Manyatta B	• The issue of one contractor handling more than one project should be curtailed. • The bill is well intended to address the plight of PMC members whose payments have delayed for so many years • Transition clause for previous PMCs should be provided so that they are also paid. • The process of follow-ups on payments should be provided for	• Transition clauses
7.	Nyalenda A	• There is no chairperson in the composition of PMC.	• Election of PMC chairperson in the first sitting upon appointment

		• How is the PMC coordinator going to coordinate all projects in all the 35 wards? The position should not be an appointment from the department of Finance & Economic Planning • PMC account should have its own clause in the bill and be operationalized • Follow-ups on payments.	• Roles of the proposed PMC coordinator should be reviewed. The committee to comprehensively discuss this in a joint meeting with the executive. • Issue of PMC accounts, its establishment and management should be discussed jointly with the executive.
8.	West Seme and Central Seme	• Communication was too short hence a handful participants • Participants felt used by being occasioned to rubberstamp on any bill brought to the ground for "public participation process" • Two bills too much for processing within a day • Incorporate chiefs in the PMCs • Clause 18 (a & b) should form part of clause 14 instead of being under miscellaneous.	• Chiefs are officers of the national government and may not find relevance in the functions of the county government pursuant to the 4th schedule of the constitution of Kenya. However, in the interest of inclusivity and intergovernmental relations, Clause 7 (3) of the bill provides for co-opting of national government officers in certain circumstances
10.	Ahero Ward	• Participants lamented over the issue of considering two bills in one day • That the medium used for advertising the public participation should be reconsidered for maximum circulation & mobilization • That the special PMCs for flagship projects should include members of the community in which the project is discharged	• Special PMCs for flagship projects should include members of the public • Transition clause

		• That the bill is timely and if properly implemented shall provide sanity and order in the management of PMC affairs who have previously been mishandled by contractors, ward administrators, ward managers and other county government officials • That the bill should factor in a transition clause in which previous PMCs which had not been paid can be considered	
11.	East Kano Wawidhi Ward	• PMC membership should be heightened in order to increase the number of community representatives to either 5 or 6 • The PMC members representing the community should be included as one of those required to sign off project completion certificates • Community members to be incorporated in the PMCs for flagship projects • Membership of special PMCs should emanate from the community and approved by the governor • Machine based projects should also be subjected to PMC participation	• Membership of special PMCs for flagship projects • Machine based projects be subjected to PMCs • Clause 15(h) exhaustively provides for all PMC members to sign off project completion certificates and committee minutes
12.	Kajulu Ward	• Participants signed attendance lists and requested to be allowed to send a memorandum on the bill to the County Assembly at a later date	
13.	North Seme Ward	• Participants observed that there is no provision for the PMC chairperson nor how to elect one • Ward administrators should be included in the PMC membership and if possible be made the chairperson	• Procedure on election of PMC chairperson be included • Membership of Village/ward admins be discussed in a joint meeting with executive

14.	Central Kisumu and West Kisumu Ward	• Bill backed up with no amendments	
16.	Kolwa East	• Clause 7 (2, b) of the bill be amended by deleting the word 'over' and inserting the word 'offer' immediately before the word 'professional' to read 'offer professional' • The CECM Finance & Economic Planning to take up the duties and not delegating to a director as proposed in the bill	• Noted.
17.	Kolwa Central	• In clause 12 (a), add the word 'fund' immediately after the word 'consolidated' to read, 'consolidated fund..' • Participants proposed the introduction of an exemption clause in the bill • Proposed number of PMC members to be a minimum of 10 people	• Proposed amendment noted though the exemption request is not specific on any provisions(*clauses)* of the bill while the number of members is not justified as to the sections of the society they seek to represent
18.	South West Nyakach	• Bill supported without amendments	
19.	South East Nyakach	• Members unanimously supported the bill but requested for an ample time for notice of public participation advert to allow for meaningful contributions in any subsequent bills	
20.	Masogo Nyangoma Ward	• Participants indicated that they would examine the bill and send a memorandum at a later date	

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21.	Kabonyo Kanyagwal	• Bill supported without amendments	
22.	North Kisumu Ward	• PMCs should have unlimited access to BQs • Need for vetting of qualified contractors • PMC roles are not followed as required • PMC members should not comprise of employees of the county government • No feedback taken on complaints filled on malpractices	• Access to BQs provided for in the Bill • Provisions on PMC membership with regards to community members and employees of the county government
23.	Central Nyakach and North Nyakach	• Members raised concerns on the payment schedule of PMCs and how the administrative fees were categorized. They suggested that the payment schedule be re-looked into since the percentages would bring outrageous figures depending on the projects to be implemented. • Members of the public welcomed the proposed Bill and urged the County Assembly to fast track the process. They registered their concern on how the current PMCs were being mis-handled without proper legislation.	• PMC payment schedule to be comprehensively discussed in a joint meeting with the executive
25.	North West Kisumu	• Participants supported the bill without amendments. Expressed hope for its enactment	
26.	Nyalenda B	• Residents raised concerns with the state of quality of construction works claiming that county roads are substandard thus calling for proper vetting of service providers.	• Procurement process to be followed in order to select qualified service providers
27.	Kaloleni/ Shaurimoyo	• Supported the bill and indicated that it will streamline appointment of PMC members	• PMC composition to be discussed in the committee joint meeting with the executive

		• Sect.7 on composition of PMCs should be revised to include the ward and village administrators	
28.	South West Kisumu	• Part II (2) instead of delegate should be revised to appoint • Revise section 7 (2, b) to read 'offer' instead of `over` • PMCs should include assistant chiefs, village and ward administrators • Part II (8, a) should within one month and not exactly one month	• Amendments noted
29.	Kondele	• Representation of the people in the PMC should be increased • Chairperson of the PMC should be expressly provided for in the bill • Village admins should be included as PMC members	• PMC composition
30.	Railways	• Representation of the people in the PMC should be increased • Chairperson of the PMC should be expressly provided for in the bill • Village admins should be included as PMC members	• PMC composition

Source: field report from public participation exercises on the 20th and 21st Dec. 2021

4.2 Committee Engagements with the Executive

Hon. Speaker,

The committee engaged the executive departments of: Governance & Administration, Finance & Economic Planning and that of the Office of County Attorney on the provisions of the Bill. On the 18th and 27th January 2022, the committee held comprehensive consultations with the departments and received the feedback as detailed herein below;

i). THAT in reference to clause 9 (j(i)) on opening and operating bank accounts for receipt of PMC allowances and section 12(b) on payment of PMC members, it is recommended that a consolidated account to be created where project management administration fees will be deposited to cut on costs of opening and managing different accounts. This will further enhance transparency and efficiency of operations.

ii). THAT noting clause 12(d), the bill makes provision for the CECM for Finance and Economic Planning to make regulations as to the manner of payments of the funds with departmental Chief Officers being the accounting officers, for this reason and for central administration, it is recommended that the Chief Officer for Finance be given the role of the accounting officer for the project management and administration fees.

iii). THAT in reference to PART V-SCHEDULES clause 3, it is recommended that a threshold for classifying small projects be clearly indicated/given in the Bill.

iv). THAT with respect to clause 10, on establishment of the special PMCs, it is recommended that the bill to make provisions for composition of such PMCs.

v). THAT in reference to clause 10, (a), (b) and (c) it is recommended that the duties conferred to the departmental CECM in relation to removal of a member from the PMC to be transferred to the PMC coordinator to aid central administration.

Additionally, the executive equally reiterated their awareness of legal hitches with regards to lack of a legislation guiding the formation and operation of the PMCs at the county level and they anticipated that the bill would address the existing legal gaps as far as the operation of PMCs is concerned.

Moreover, through an executive memo from the CO Finance through the director Monitoring and Evaluation, the department of Finance & Economic Planning made the following observations on the bill;

i). THAT the County has been implementing programs and/or Projects and the Bill fails to recognise the current players. This tends to show that there has been a vacuum in the County as far as the implementation of programs and/or projects. The Sector/Departments alone cannot do supervision of the projects without the Department of Governance and Administration. This is why all projects undertaking in the county have the PMC Chair being the Ward Administrator, yet the Bill has not recognised their position;

ii). THAT the office of CECM Finance & Economic Planning, noted that opening Bank Accounts for each project is not practicable and that this would create administrative problems in managing the funds as proposed. The office has the opinion too that the

proposed office of County PMC Coordinator was also not priority due to current blotted wage bill;

iii). THAT according to Universal Project Management Cycle, there is no way that the PMCs will be involved in the feasibility study exercise. PMCs are usually appointed when the project is ready to start. It is therefore not possible to suggest that the PMCs will be able to review the Project Concept Notes and the BQs. It is however important to come up with a modality of facilitating the PMCs in a regular basis, for their contributions are important in the Project Management Cycle and that project reports are prepared by the user departments, and verified/reviewed by the Monitoring and Evaluation Directorate and not the PMCs. Additionally, in Section 15 of the Bill, the powers of the PMC; projects are domiciled in departments, and the Accounting Officers have the express responsibility of and delivering the project. It would be better that the Chief Officers are given the responsibility of coming up with the final M&E reports, which have been verified by the Monitoring and Evaluation Directorate;

iv). THAT the Bill is silent on when the M&E Directorate team will be involved in Project Implementation Cycle. To this end, the Bill should seek to elaborate on the need to develop the various project plans to guide the implementation undertakings;

v). THAT the Bill fails to recognise and/or mention the need for presentation of the Annual Work Plans (AWP) and Annual Development Plans (ADP) as important tools that are to be utilized in tracking and reviewing the delivery of county programs and/or projects.

vi). THAT the Bill should recognise that there exists the County Director of Monitoring and Evaluation under the Department of Finance and Economic Planning who is responsible of reporting to the CECM- Finance on program/project implementation.

Hon. Speaker,

On the 20th Jan 2022, the Office of the County Attorney equally submitted a memorandum on the bill dated 19th Jan 2022 in which he made the following observations;

i). THAT the composition of the PMCs as proposed in the bill is contrary to the provisions of Sections 50, 51, 52 and 53 of the County Governments Act, on the supervisory roles of the Sub-County, Ward and Village administrators over county Government plans and projects within their jurisdictions

ii). THAT the involvement of the MCAs in the PMC roles is contrary to Section 9(2) of the County Governments Act.

COMMITTEE FINDINGS & OBSERVATIONS ON THE BILL

Madam Speaker and Honourable Members. Having spearheaded the legislative processing of this bill, the committee has conducted an elaborate review and analysis of the feedback received from various stakeholders, the executive, public participation and Honorable Members of this August House and herein makes the following findings and observations;

1) THAT the bill is prompt and shall address issues around the operations and management of PMC activities including without limitations to: streamlining project

planning, implementation and management within Kisumu County and payment of PMC stipends.

2) THAT the office of the PMC Coordinator and its functions as established in the bill may contradict the already existing monitoring and evaluation structures of the County Government of Kisumu as currently discharged through the M&E directorate under the department of Finance and Economic Planning.
3) THAT the legislative proposal should make additional provisions as to project planning through the development of and discussion of CIDP, (ADP) and the involvement of the people in the process
4) THAT the legislative proposal is silent on the existing project supervision and management structures including but not limited to the role of County Department of Governance including the Village, Ward and Sub-County administrators in project implementation, management and coordination as provided for in Sections 50, 51, and 52 of the County Governments Act No. 17 of 2012
5) THAT the bill places more significance on the concept of access to and sensitization of PMCs on project BQs which is a plus on integral county matters. Further, a clause on how , when and at what point documents such as BQs, Scope/Work plans, project designs will be accessible is not entirely expressed in the legislative proposal
6) THAT the delayed payment of PMC allowances or lack of remuneration of PMC members has previously been an impediment in ensuring effective and efficient PMC operations hence impeding their functions
7) THAT the bill shall enhance accountability and transparency in project planning, implementation and management
8) THAT there is need for a transition clause to address the salient issues of PMCs that may have pending operational concerns prior to the enactment of this bill into a Statute.
9) THAT, in its current form, the Clause 7(2) on composition of PMCs contravenes Sections 50, 51 & 52 of the CGA, No.17 of 2012.
10) THAT in addition to the foregoing findings, the committee also makes the following observations on the specific clauses as illustrated below;

Table 3: Committee findings on specific clauses of the bill

No.	Clause	Provision	Committee Findings
1.	Long title	Provides for the long title of the bill	THAT there is need to slightly amend the long title to make mention of the Constitution of Kenya 2010 as is referenced through the mention of Article 176(2)
2	Interpretation	Gives definitions of various terms	Amend interpretations section to revamp the definitions of various terms to give them contextual meanings with regards to PMC management in Kisumu County. Such terms include; • BQs • Project • PMC
3	Objectives of the Act	Provides for objectives of the Act	Delete clause 3 (d) since it makes provisions similar to 3 (a)
4	Clause 5	Establishment of County PMC Coordinator	Amend to provide for the appointment of the Director M&E as the PMC Coordinator
5	Clause 6	Functions of PMC Coordinator	Amend to harmonize the functions of the PMC coordinator with the functions of the County M&E office
6	Clause 6	Functions of PMC Coordinator	-6 (h) -Delete entire clause -6 (i) amend by deleting entire phrase and replacing it with; 'ensure that all PMC members of all completed projects are paid their allowances before clearance for project payments'

			-Include an additional 6 (j) to read; be the custodian of project BQs, project plans and scopes of works for ease of access by all stakeholders upon request
7	Clause 7 (2)	Composition of PMCs	7 (2,b)-Delete the word 'over' immediately after the word 'shall' and replace with 'offer'
			7 (2) –include additional 7 (2, f) to read; (f) the ward administrator in charge of the ward in which the project is being implemented who shall be the PMC chairperson
	Clause 8	Appointment of PMC members	8 (b) –delete the words '6 (4, a) and replace with the word '(a) above'
8.	Clause 9	Functions of PMC	9(b) amend to read; review project BQs, project plans and scopes of work and make recommendations for effective project implementation.
			Ensure BQs, project designs and scopes of works for all projects are made available in all ward offices for all projects being implemented within each ward
			9 (j) -Delete
9.	Clause 10	Special PMCs	Delete entire clause and make provisions for considerations of all projects and all PMCs equally
10.	Clause 12	Funding of PMCs	-Amend appropriately to ensure opening of a consolidated PMC accounts by CECM Finance and the PMC coordinator; account signatories and procedures of payment of PMC members
			-5% PMC funds to be deducted from the project costs and deposited into the consolidated PMC account

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		-PMC members to be paid directly from consolidated PMC account upon submission of project returns; minutes of all their meetings detailing their resolutions on various project phases and copies of project completion certificates that they have signed
11.	Additional Clauses	Additional distinct clauses be created to; • Clause on BQs to address; enough resource allocation for generation, access, circulation of copies of BQs to PMCs and members of the public • BQs, project designs and scopes of works for all projects should be made available in all ward offices for all projects being implemented within each ward • Transition Clause to address previous or past concerns of PMC members who served prior to this Act

Source: Committee analysis of the PMC bill, 2021, public participation feedback and stakeholder reports on the PMC Bill, 2021

COMMITTEE RECOMMENDATIONS & CONCLUSION

Hon. Speaker,

Based on the aforementioned findings and observations, the committee herein makes the following recommendations;

1. THAT this Honorable House approves the amendments to the Kisumu County Project Implementation and Management Bill, 2021 as listed in the annexure 03 of this report

2. THAT this Honorable House approves The Kisumu County Project Implementation and Management Bill, 2021 with the amendments therein as indicated in *Annexure 03* of this report.

3. THAT this Honorable House adopts this Report of the Implementation Committee in its consideration of The Kisumu County Project Implementation and Management Bill, 2021.

Madam Speaker, there are Annexures attached to this report. I want to refer you to pages 24 to 28 of the report which contains the list of amendments to various clauses on the Kisumu County Project Implementation and Management Bill, 2021 is attached therein. The annexes that we have attached includes the Gazettement of the Special Sitting. Equally, we have attached the Memorandum from the (TI) Transparency International Kenya, Transforming Empowerment for Action Initiative (TEAM) Grassroots. These are some of the key stakeholders who also who submitted their Memorandum to that effect. Madam Speaker, without much ado, let me take this humble opportunity to request Hon. Inviolate Adhiambo to second this motion. Thank you.

The Temporary Speaker (Hon. Muga): Hon. Inviolate.

Hon. Inviolate: (Bows).

The Temporary Speaker (Hon. Muga): Honourable Members, the Report from the Select Committee on Implementation on its consideration of the Kisumu County Project Implementation and Management Bill, 2021 has been presented by the Chairperson, Hon. Erick Agolla and seconded by Hon. Inviolate Adhiambo. I now propose the report for debate.

The Temporary Speaker (Hon. Muga): Yes Hon. George Ogutu, MCA, West Nyakach

Hon. Ogutu: Thank you Madam Speaker, I have noticed a few issues that I want to point out. One, the report presented before this House is commendable and on the same breadth this report and from the experiences that we have had in the past, we discuss these reports here then, at the point of implementation, they are not implemented as per this House resolutions. Madam Speaker, this report is equivalent to the one we passed here for the Roads Maintenance Teams (RMTs).

Madam Speaker, critically looking at what that Act stipulates, it was that we wanted to establish job opportunities for our youths. Madam Speaker, a close scrutiny of that Act, you will realize that the youths who were our intended target were totally left out of the programme. Again, you will find out that, these jobs were given to our friends and cronies and they are unable to perform those kind of task. Madam Speaker, in our villagers, there is an outcry because those given jobs to perform cannot do them. So, I am not aware whether we are just creating these jobs to reward our cronies and those close to us. If that is the intention of this, then, let us do it for the people of Kisumu County and especially the marginalized groups who majority are the youths…

The Temporary Speaker (Hon. Muga): Order!! Order!! Hon. Otura. Please let us consult in low tones.

Hon. Ogutu: Madam Speaker, I have similarly noticed an issue that is highlighted which is on page 10 of the report. Madam Speaker, I believe that the Chair can see that because it is well documented that in accordance with the foregoings legislation, the House Committee spearheaded the Public Participation on the Bill across the 35 electoral Wards. Madam Speaker, this was conducted on the 20th and 21st December, 2021. It is stated that see annexure 2 for Public Participation which in my belief was a gazette advert for the same.

Madam Speaker, if you look at the Wards where Public Participation was conducted, then, you will notice that public participation was not conducted in some of the electoral wards. I believe that in this House we represent electoral wards and I am the voice of that respective ward. If it is indeed true that in that ward public participation was not conducted then, I don't have business being in this House. Madam Speaker, I was very keen on this, and from the onset, you will clearly see that there was public participation in West Kisumu Ward, Chemelil/Tamu Ward in Muhoroni. Madam Speaker, then we move to Kobura Ward, Market/Milimani, Manyatta "B", Nyalenda "A", West Kisumu, Chemelil/Tamu, why am I moving backwards? Yes East/Kano Wawidhi Ward, Kajulu, North Seme and Central Kisumu Wards, Kolwa both East and Central, West and Central Seme, Ahero Ward. Lastly, Central and North Nyakach and Railways Ward.

Madam Speaker, if you go through that list, you will realize that public participation was not conducted in some of the electoral wards. If this report represents the views of the populace of Kisumu as a whole, I don't believe that this report is worth passing in this House. If at all the wards that were left out that includes my Ward West Nyakach which is well known in this House that I have never been an absentee landlord come rain, come sunshine and I am always present in this House, then I must say that, something is amiss.

Madam Speaker, in this Assembly, we are doing our last days and I don't believe that, it will auger well if at all the reports go out there that, my Ward West Nyakach is not effectively represented.

Madam Speaker, from your chair, you are aware that, the representative of West Nyakach in this House has been steadfast, pointing the anomalies….

The Temporary Speaker (Hon. Muga): Order!! Order!! Hon. Ogutu. Please let me refer you to page 15 of the report, I can see South West Nyakach which is number 18, number 19, South East Nyakach…

Hon. Ogutu: Madam Speaker, please continue… Madam Speaker, for you information, I don't come from South East Nyakach because my ward is clearly marked West Nyakach and neither my ward does not appear from the ones that you have pointed out, I don't come from all those that you have just mentioned. So, I am not just talking for the sake of talking but, I am talking from the point of information because I have gone through the reports and even if you peruse through it ten times, you will notice that West Nyakach Ward is missing the report. Madam Speaker, I believe that report is just okay but, what makes the report invalid is one, because a Ward is not represented which is part and parcel of Kisumu County then, definitely it makes this report unenforceable. Thank you.

The Temporary Speaker (Hon. Muga): Hon. Vitalis Otura, MCA, Ombeyi Ward.

Hon. Otura: Thank you Madam Speaker. I want to thank you a lot for the honour and for giving me the opportunity to give my views report. This is a report from the Select Committee of Implementation on its consideration of the Kisumu County Project Implementation and Management Bill, 2021.

Madam Speaker, the Honourable Member who has just resumed his seat has highlighted something which in my belief is very critical. Madam Speaker, going by the nature of this report, it is about the consideration of the Kisumu County Project Implementation and Management. Madam Speaker, what has been raised does not only touch on West Nyakach, because if you look at page 11 table 2, which touches on the illustration of Public Participation feedback from respective electoral wards. This is a very key component of this report. This is because, the essence of going out to the public, is for them to give their views on such a bill. Madam Speaker, there are several Wards, I don't want to mention Ombeyi Ward but I say several wards. If you go by the numbering therein, it is up to number 30 and we are all aware that we have 35 electoral wards in this County. This confirms that in five wards public participations was not conducted.

Madam Speaker, what I must reiterate is one. Was it that Public Participations Exercises were conducted in these Wards and the clerk reporting here or presenting the report never bothered to insert them in this report? If not then, does it mean that these wards were not considered to be Kisumu County? If so, then why? I believe that is an explicit indication that there is a problem with this report. Madam Speaker, let me go back to my ward. With the same concern raised by

the Honourable Member of West Nyakach, it is that this ward is not represented? Is it that at this critical hour that you cannot see some of the faces representing their wards and you see me here representing my people? So, what went wrong?

Madam Speaker, I would not say it the same way the Member for West Nyakach is saying it that it is a good report. Madam Speaker, I would say that this report is bad and I don't support it. Thank you.

The Temporary Speaker (Hon. Muga): Yes Senior Member and Chief Whip Hon. Priscah Misachi.

Chief Whip (Hon. Misachi): Thank you Madam Speaker. I want to support this report and I want to say that it is true what has been raised about the PMCs. There has been hue and cries outside here for the Project Management Committees who are working together with those implementing these projects. There was a proposal of having a Coordinator to supervise and coordinate all these projects which I believe is key because this will assist the PMCs together with the Village Administrators to consolidate and work in accordance with the threshold of any work which is the Bills of Quantities and Scope of Work and they will be able to read and interpret these documents together. So, it is my belief that, this report is good and I would implore Members present to adopt this report. Thank you.

The Temporary Speaker (Hon. Muga): Hon. Ogutu, who do you want to inform?

Hon. Ogutu: On a Point of Order. Thank you Madam, Speaker, I would like to inform the House. Madam Speaker, from what we have experienced in this House, I believe that it is the onus of this House to see what to do with this report because, if we have 35 electoral wards and 5 are missing then, automatically, this House has to do something about this report. Thank you.

The Temporary Speaker (Hon. Muga): Hon. Jane Manuche.

Hon. Manuche: Thank you madam Speaker. Going by the mood of this House, may I call the mover to reply?

The Temporary Speaker (Hon. Muga): The mover, you have been called upon to reply.

Hon. Agolla: Thank you Madam Speaker and Honourable Members of this House. Foremost, please allow me to appreciate the Honourable Members for being keen. Madam Speaker, we have really struggled to ensure that this Bill reaches this stage.

Madam Speaker, I concur with the sentiments raised by the two Honourable Members who are concerned with the omission of their Wards in this report. It is not by design that your electoral

wards are not captured in this report. Madam Speaker, ordinarily, I am very certain and Members can confirm that Public Participation was conducted in the wards. Madam Speaker, that one I am very sure and certain because these exercises were conducted in all the electoral wards and I can affirm that all the Sub-counties and in certain areas, these exercises were conducted in the morning and other were done in the afternoon. Madam Speaker, I can confirm because I attended public participations in two electoral wards and one of the wards that I attended public participation is also not captured in this report.

Madam Speaker, I also want to inform Honourable Members that, all the proposals that are listed in the 30 electoral wards were not all considered in our report. Madam Speaker, the advert on Public Participation which is attached herein explicitly states that, if you did not manage to attend this public participations, you can do a memorandum through the Office of the Clerk and that is similarly part and parcel of public participation.

Secondly, these particular wards mentioned here, have representatives because I can see that West Nyakach is fully represented in this House by our able Member Honourable George Ogutu. If you go to Ombeyi Ward, it is fully represented by Honourable Vitalis Augustine Otura, Kaloleni/Shaurimoyo our Chief Whip Honourable Priscah Misachi is here but just to mention a few. Madam Speaker, it is high time that if these Members feel that the contents of this report is good, the only challenge is that in their wards were not captured in the report, but public participations were done but while doing the report, they were not captured. If they believe that there is something that was left out, I believe that, this is the time and that is the reason why the drafters of the Constitution laid out the procedures of preparing a motion or a Bill gave a provision for a report, provision for making amendments doing the committee stage. So, I want to urge Honourable Members that as we continue with this report, there is a stage that what you feel the members of the public from your ward proposed and was not included here, as their representatives, then it is high time you are free and at liberty to propose those amendments to be included in the Bill. These are amendments that had been proposed by members of the public.

Madam Speaker, if you look at the amendments, the report captured most of what the members of the public proposed and you recall that members of the public were making proposals and they were not guided by the rules of law and that is the reason as to why we have consolidated and synthesized their views which has enabled us come up with the final report.

Honourable Members, I would like to beseech you to adopt this report. I am happy that Honourable Members have deemed it wise that it is timely and we should establish and enforce this Act because Project Management has been a challenge for members of the public in the villages because as we speak, if you propose somebody to be a PMC, they will reject that offer because they are not being paid. This is the only bill that will ensure that PMCs are paid, they will be keen on the implementation of projects and the taxpayers will see their value for money. Honourable Members, I implore you that you humbly adopt this report so that as we proceed to the next level where you

will be at liberty to propose for amendments. I will request the clerk to include the concerns of the Members in this report and that Members did propose that their electoral wards be included as we move to the stage of amendments.

Madam Speaker and Honourable Members, if you look at how these electoral wards were listed, you will find that, there was a combination. If you are keen enough, you will notice that you have said that your ward was not captured yet, your ward is indicated. So, if you are keen enough, you will notice that there was a combination. For instance there is Chemelil/Tamu Ward and Muhoroni/Koru Wards. If you move to another page, you will find West Seme, there is also Central Seme…

(Laughters)

Honourable Members, when you are counting these wards omitted totaling to 30, remember that in the list there are some of the wards that have been combined in our report because, the challenges members of the public have been encountering as far as project implementation is concerned, are more or less the same in various wards. Madam Speaker, you will find varied opinions are few. Honourable Members, with a lot of humility I want to request Hon. Ogutu as my friend to support this report and be embraced by the House. I beg to reply.

Hon. Ogutu: (Bows)

The Temporary Speaker (Hon. Muga): Thank you. Honourable Members. Now a report from the Select Committee on Implementation on its consideration of the Kisumu County Project Implementation and Management Bill, 2021 has been presented by the Chairperson, Hon. Erick Agolla, seconded by Hon. Inviolate and exhaustively debated upon. I now put a question for its adoption.

Honourable Members, those of the opinion that we adopt the report from the Select Committee on Implementation on its consideration of the Kisumu County Project Implementation and Management Bill, 2021 be approved by this House today?

(Question put and agreed upon)

The Temporary Speaker (Hon. Muga): Thank you. Honourable Members, the House has adopted the report from the Select Committee on Implementation on its consideration of the Kisumu County Project Implementation and Management Bill, 2021 today Thursday, 02nd June, 2022 at 03:45 p.m. Thank you.

The Temporary Speaker (Hon. Muga): Next order!!

MOTION

THE 2ND READING OF THE KISUMU COUNTY PROJECT IMPLEMENTATION AND MANAGEMENT BILL, 2021

BY

HON. ERICK AGOLLA, MCA, SOUTH WEST KISUMU.

(CHAIRPERSON, COMMITTEE ON IMPLEMENTATION)

The Temporary Speaker (Hon. Muga): Hon. Agolla.

Hon. Agolla: Thank you Madam Speaker. With your permission, I request that the Kisumu County Project Implementation and Management Bill, 2021 be read for the 2nd time. Thank you.

(The Clerk-at-the-Table reads the bill for the 2nd time)

THE KISUMU COUNTY PROJECT IMPLEMENTATION AND MANAGEMENT BILL, 2021

A Bill for

AN ACT of the County Assembly of Kisumu to give effect to Article 176 (2) and Section 91 and 115 (2) of the County Government Act 2012 and to make provisions for the administration, planning, use, regulations and management of projects within the County and for connected purposes.

Madam Speaker and Honourable Members, the Kisumu County Project Implementation and Management Bill, 2021 has now been read for the 2nd time.

The Temporary Speaker (Hon. Muga): Next order!!

Hon. Agolla: Thank you Madam Speaker. With your permission now that the Kisumu County Project Implementation and Management Bill, 2021 has been read for the 2nd time. I propose that the House reverts to the Committee of the Whole House. I request Hon. Ogutu to second. Thank you.

The Temporary Speaker (Hon. Muga): Hon. Ogutu.

Hon. Ogutu: Thank you Madam Speaker, I second that the House reverts to the Committee of the Whole House.

(House reverts to the Committee of the Whole House)

(Hon. Inviolate in the Chair, Committee of the Whole House)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, we are now in the Committee of the Whole House. The Chairperson, Committee on Implementation.

Hon. Agolla: Thank you Madam Chair. It has been our tradition even when we were processing the Finance Bill, we always go the guillotine way because this will save us on time and Members have been furnished with copies of both the Bill and the report. So, I propose that we go the guillotine way and request Hon. Miruka to second.

Hon. Miruka: Thank you Madam Chair, I second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, let us commence and we adopt and go the guillotine way.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, So, Honourable Chair. Do you have any proposed amendments on the Short title?

Hon. Agolla: Madam Chair, there are no proposed amendments on the Short title.

Chairperson, Committee of the Whole House (Hon. Inviolate): Any Member with further proposed amendment to the Short title?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question that the Short title be part of the Bill.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, the Long and Short title be part of the Bill.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair, do you have any proposed amendment on the Long title?

Hon. Agolla: Yes Madam Chair, to make reference to the Constitution of Kenya. We have proposed amendment to amend by inserting the words *'of the Constitution of Kenya 2010'* immediately after the words 'Article 176 (2)' and just before the words 'and' for the long title to read, *"An ACT of the County Assembly of Kisumu to give effect to Article 176 (2) of the Constitution of Kenya 2010.* Madam Chair, I request Hon. Manuche to second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Yes Hon. Manuche.

Hon. Manuche: Madam Chair, I second the proposed amendment as read by the Chair. Thank you.

Chairperson, Committee of the Whole House (Hon. Inviolate): Any Member with further proposed amendment to the Long Title?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on proposed amendment to that clause?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, the Long be part of the bill with amendments therein.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair, any proposed amendments to clause 2?

Hon. Agolla: Thank you Madam Chair. Clause 2 is in the Interpretation and there is an amendments proposed. There is the issues to do with the Bills of Quantity. The BQs: amend by including; *"BQs means project Bills of Quantities as provided for in Section 15 of this Act"*

'Project': delete the word 'temporary' and replace with the word *'specific'*

Project Manager: Amend by deleting the words 'designated by a "chief officer" and replacing therein by the words "*authorized by accounting officer"* and I request Hon. Caren Oguok to second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Hon. Oguok.

Hon. Oguok: Thank you Madam Chair, I second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Any other proposed further amendments to clause 2?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on proposed amendment to clause 2?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, clause 2 on Interpretation stands adopted with amendments therein and forms part of the Bill.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair, any proposed amendments to clause 3?

Hon. Agolla: Thank you Madam Chair. Clause 3 is on the Objectives of the Act, we have a proposed amendment to this clause which is as follows; Delete "clause 3 (d)" since it makes provisions similar to 3 (a) of the Bill. Madam Chair, the reason for our decision is that this is a repetition. I request Hon. Miruka to second.

Hon. Miruka: Thank you Madam Chair. I second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Thank you. Any other proposed further amendments to clause 3?

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on proposed amendment to that clause 3?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, clause 3 on the Objective of the Act stands adopted with amendments therein and forms part of the Bill.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair. Any proposed amendments to clause 4?

Hon. Agolla: Thank you Madam Chair. We don't have any proposed amendment to clause 4.

Chairperson, Committee of the Whole House (Hon. Inviolate): Any other Honourable Member with further amendments to clause 4?

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on proposed amendment to that clause 4?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, clause 4 be part of the Bill.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair. Any proposed amendments to clause 5?

Hon. Agolla: Thank you Madam Chair. Clause 5 there is a proposed amendment and the reasons on the amendments is to harmonize the office of the PMC coordinator with the existing office of M&E Directorate which should be amended as follows;

5 (1) Amend by deleting the entire clause and replace with the words; *'There is established the office of County Monitoring and Evaluation office'* under the department of Finance and Economic Planning.

5 (2) *the CECM Finance shall appoint the County M&E officer to be the coordinator of PMC activities and functions.* I beg to request Hon. Manuche to second.

Hon. Manuche: Thank you Madam Chair, I arise to second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Thank you. Any Honourable Member with further proposed amendments to clause 5?

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on proposed amendment to that clause 5?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, clause 5 be part of the Bill with amendments therein.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair. Any proposed amendments to clause 6?

Hon. Agolla: Thank you Madam Chair. Clause 6 the Committee has proposed amendments to for the following reasons, to allow for additional distinct provisions elsewhere for PMC funding in clause 12. Again, to provide that the PMC Coordinator (the office of Director M&E) shall be the custodian of project documents including project BQs, project plans and scopes of works; for ease of access and to ensure that the same documents are made available at the ward offices.

Madam Chair, we did propose that clause 6 (h) be delete in its entirety clause. Similarly, clause 6 (i) be amended by deleting entire phrase and replacing it with; 'ensure that all PMC members of all completed projects are paid their allowances before clearance for project payments'

Further, insert an additional clause 6 (j) to read; be the custodian of project BQs, project plans and scopes of works for ease of access by all stakeholders upon request.

Additionally, insert new clause 6 (k) to read: Ensure that project BQs, project designs and scopes of works for all projects are made available in all ward offices for all projects being implemented within each ward. I request Hon. Miruka to second.

Hon. Miruka: Thank you Madam Chair. I second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Thank you. Honourable Members any proposed further amendments to clause 6?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on proposed amendment to that clause 6?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, clause 6 has been adopted and be part of the Bill with amendments therein.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair. Any proposed amendments to clause 7?

Hon. Agolla: Thank you Madam Chair. Clause 7 we have a proposed amendment. Madam Chair, what informed us to propose amendment to this clause is to provide for membership from the Department of Governance in appreciation of the provisions of Sections 50, 51, 52 and 53 of County Governments Act 2012? Which informed us to have the Village Council as provided in the Act of 2019.

Madam Chair, we have proposed that clause 7 be amended as follows;

7 (2), (b) Delete the word 'over' immediately after the word 'shall' and replace with 'offer'

7 (2) Insert additional 7 (2) (f) to read; (f) the Ward Administrator in-charge of the ward in which the project is being implemented who shall be the PMC chairperson. Again, I request Hon. Miruka to second.

Hon. Miruka: Thank you Madam Chair. I second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Thank you. Honourable Members any proposed further amendments to clause 7?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on proposed amendment to clause 7?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, clause 7 be part of the Bill with amendments therein.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair. Any proposed amendments to clause 8?

Hon. Agolla: Thank you Madam Chair. Clause 8 we have an amendment which is to strengthen the roles of members of the public in PMC decisions. There is a concern on the numbering. We have proposed a follows;

Insert an additional Clause 8 (d) to read;

(d) PMC members provided for in (2) (c) (d) & (e) above shall be considered based on their basic technical knowledge of community development and project management skills.

Additionally, Amend by deleting the letter, '6 (2) (c) & (d) and replace with, *"7 (2) (c) (d) & (e)"*

Further, in clause 8 (b) delete the words '6 (4) (a) and replace with the word '(a) above'. I request Hon. Oguok to second.

Hon. Oguok: Thank you Madam Chair. I second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Thank you. Honourable Members any proposed further amendments to clause 8?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on proposed amendment to clause 8?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, clause 8 be part of the Bill with amendments therein.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair. Any proposed amendments to clause 9?

Hon. Agolla: Thank you Madam Chair. Clause 9 (b) be amended to read; review project BQs, project plans and scopes of work and make recommendations for effective project implementation

Additionally, insert new clause 9(c) to read: Ensure that project BQs, project designs and scopes of works for all projects are made available in all ward offices for all projects being implemented within each ward.

Finally, 9 (j) be deleted. Madam Chair, I request Hon. Miruka to second.

Hon. Miruka: Thank you Madam Chair. I second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Thank you. Honourable Members any proposed further amendments to clause 9?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on proposed amendment to clause 9?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, clause 9 be part of the Bill with amendments therein.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair. Any proposed amendments to clause 10?

Hon. Agolla: Thank you Madam Chair. Clause 10 the objects of the amendments is to consider all projects as same with similar provisions for PMCs. Madam Chair we have proposed amendments as follows;

Delete introductory phrase under clause 10 and delete the title 'Establishment of Special PMCs'. The new Clause 10 should therefore to read; Removal of a member from PMC. I request Hon .Miruka to second.

Hon. Miruka: Thank you Madam Chair. I second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Thank you. Honourable Members any proposed further amendments to clause 10?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on proposed amendment to clause 10?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, clause 10 be part of the Bill with amendments therein.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair. Any proposed amendments to clause 11?

Hon. Agolla: Thank you Madam Chair. Clause 11, we have proposed the following;

Insert the letters 11 immediately before the word 'Removal' to create a new *clause 11* to read

11. Removal of a member from the PMC. Correct and realign all the incited numberings accordingly. I request Hon. Oguok to second.

Hon. Oguok: Thank you Madam Chair. I second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Thank you. Honourable Members any proposed further amendments to clause 11?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on proposed amendment to clause 11?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, clause 11 be part of the Bill with amendments therein.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair. Any proposed amendments to clause 12?

Hon. Agolla: Thank you Madam Chair. Clause 12. The Committee proposed amendments as follows;

12 revise entire clause to read as follows;

(a) the project management committee allowances shall be based on a percentage of total project cost as provided for in the 2nd schedule of this Bill.
(b) the CECM Finance & Economic Planning shall cause to be opened a consolidated PMC account into which all the PMC allowances referenced in (a) above shall be paid.
(c) Upon submission of project completion returns, all PMC members for each completed project shall be paid PMC allowances equivalent to a sum of 5% total project cost.
(d) The 5% PMC allowances shall be divided equally amongst all PMC members with respect to each completed project.
(e) Payment of PMC allowances shall be made directly to individual PMC members from the consolidated PMC account.
(f) The CECM Finance & Economic Planning shall make regulations as to the management of the PMC account and the methods of payments.

The PMC Coordinator, shall prepare and submit to the CECM Finance & Economic for transmission to the County Assembly, a detailed financial report of the PMC account 30 days immediately after the end of each financial year. Madam Chair, I request Hon. Miruka to second.

Hon. Miruka: Thank you Madam Chair. I second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Thank you. Honourable Members, any proposed further amendments to clause 12?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on proposed amendment to clause 12?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, clause 12 be part of the Bill with amendments therein.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair. Do we have any proposed amendments to clause 13 and 14?

Hon. Agolla: Thank you Madam Chair. We don't have any proposed amendments to clauses 13 and 14.

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on the adoption of clauses 13 and 14?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, this House has adopted Clauses 13 and 14 without amendments and they be part of the Bill. Thank you.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair. Any proposed amendments to clauses15?

Hon. Agolla: Thank you Madam Chair. On clause 15 we have proposed that it be amended as follows;

By amending by adding an additional clause 15 (i) to read;

(i) *The PMC members provided for in 7 (2, c, d & e) shall be mandatory signatories to all PMC decisions including signing of work completion certificates*
(ii) *The CECM Finance shall not consider any project completion certificates for payments unless appropriately signed by the PMC members as provided for in 15 (i) above.*

Further, insert new clause 15(2) on BQs to read;

15(2) BQs, Project Designs and Scope of Work;

i). The PMC Coordinator shall ensure budgeting of and production of enough copies of BQs, Project Designs and Scopes of Work for all projects for ease of access and circulation
ii). The PMC Coordinator shall ensure custody of and availability of BQs, Project Designs and Scopes of Work in all county government ward offices and to PMC members

PMC Coordinator shall ensure that PMC members are adequately sensitized on the contents of the BQs prior to the commencement of any project. Madam Chair, I request Hon. Olga to second.

Hon. Olga: Thank you Madam Chair. I second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Any Honourable Member with further proposed amendments to clauses 15?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on clause 15?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, clauses 15 is adopted with amendments therein and be part of the Bill.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair, on Clauses 16 and 17 on Miscellaneous Provision, do we have any proposed amendments?

Hon. Agolla: Thank you Madam Chair, we don't have any proposed amendments to clauses 16 and 17.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, any further amendments to clauses 16 and 17?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on the adoption of clauses 16 and 17?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, this House has adopted Clauses 16 and 17 without amendments and they be part of the Bill. Thank you.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair, do we have any proposed amendments to clause 18 on the Transitional Clause?

Hon. Agolla: Thank you Madam Chair. We have proposed an amendment to clause18, this is the Transitional Clause to provide for Transition clause to provide for mechanisms to address the pending PMC issues and payments for previous PMC members.

Madam Chair, we have proposed as follows;

Insert a new clause immediately after clause 17 to read;

18; Transition Clause

i). Anyone who by the time of enactment of this law was serving or served as a PMC member shall continue to do so until the completion of any such projects.

Anyone who, by the time of enactment of this law, may have served as PMC member for a previous project and whose PMC issues may not have been conclusively addressed, including but not limited to payment issues, shall submit their pending PMC issues to the PMC coordinator for adequate redress. Madam Chair, I request Hon. Miruka to second.

Hon. Miruka: Thank you Madam Chair. I second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, any further amendments to clauses 18?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on the adoption of clauses 18?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, this House has adopted Clauses 18 with amendments therein and becomes part of the Bill. Thank you.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair, do we have any proposed amendments to the First Schedule?

Hon. Agolla: Thank you Madam Chair. On the First Schedule. The rational is to provide for adherence to ADPs in Project Planning and Implementation. Madam Chair, we have proposed as follows;

First schedule 2 (a) ; delete and replace with a new clause;

2 (a) All projects shall be designed and implemented as detailed and approved in the CIDP & ADP Plans.

The Committee has made further proposals for the amendment by deleting the following;

3; Be deleted.

4; Be deleted.

Delete all sections 5 (b), (e), (g) and 6 and all words making reference to ‘small’ or ‘big’ or large or mega projects in the bill. Finally,

6: Be deleted.

Hon. Agolla: Madam Chair. I request Hon. Miruka to second.

Hon. Miruka: Thank you Madam Chair. I second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, any further amendments to the First Schedule?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on the adoption of amendment in the First Schedule?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, this House has adopted First Schedule with amendments therein and becomes part of the Bill. Thank you.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair, do we have any proposed amendments to the Second Schedule?

Hon. Agolla: Thank you Madam Chair. On the second Schedule, we have proposed the following amendments; Amend as follows; PMC Payments schedule;

Cost Charged	**PMC Allowances**
Total Contract Sum	5% of total contract sum

Hon. Agolla: Madam Chair. I request Hon. Olga to second.

Hon. Olga: Thank you Madam Chair. I second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, any further proposed amendments to the Second Schedule as proposed by the Chair?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on the adoption of amendment in the Second Schedule?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, this House has adopted Second Schedule with amendments therein and becomes part of the Bill. Thank you.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair, do we have any proposed amendments?

Hon. Agolla: Thank you Madam Chair. The object of this clause is to enhance project accountability and transparency in implementation. We have made proposal for the introduction of a new clause No. 16 (3.) as follows;

Insert new clause 16(3) between Clause 15 and 16 on *'Project accountability' to read;*

16(3): Project accountability

i). There shall be displayed visibly at project sites details of all projects including; Name of the project, total project costs, timeline for implementation, name of contractor(s), funding authority, responsible user departments and supervisors and financial year of implementation

The displays referenced in (i) above shall remain in place until project completion.

Madam Chair., we have been taken out to benchmark with our counterparts. Just the other day we visited Uganda and we saw the same where a Bill Board or Display Board for a Development Project contains a detailed information that explains everything. So, that is what was proposed.

Hon. Agolla: Madam Chair. I request Hon. Oguok to second.

Hon. Oguok: Thank you Madam Chair. I second.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, any further amendments on the new clause 16?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on the adoption of the new clause as proposed by the Chair?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, this House has adopted the new clause No.16 (3) therein consequently stands to be part of the Bill. Thank you. Thank you.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Chair, do we have any proposed amendments on the Memorandum of Object and Reasons?

Hon. Agolla: Thank you Madam Chair. In the Memorandum of Object and Reasons we don't have any proposed amendments.

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, any further amendments to Memorandum of Object and Reasons?

(Silence)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, I would like to put a question on the adoption of the Memorandum of Object and Reasons as proposed by the Chair?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Inviolate): Honourable Members, this House has adopted the Memorandum of Object and Reasons without any amendment and stands to be part of the Bill. Honourable Members, Thank you.

Hon. Agolla: Thank you Madam Chair. With your permission, I request that the House reverts back to Plenary. I request Hon. Miruka to second.

Hon. Miruka: Thank you Madam Chair. I second.

(House reverts back to plenary)

(The Temporary Speaker Hon. Caren Muga in the Chair)

The Temporary Speaker (Hon. Muga): Honourable Members. Honourable Agolla please approach the Chair.

(Hon. Agolla consults with the Temporary Speaker)

The Temporary Speaker (Hon. Muga): Chairperson, Committee of the Whole House can we get your report on the deliberations during the Committee of the Whole House.

Hon. Inviolate: Thank you Madam Speaker, I seek you indulgence and would like to give my report on the deliberations during the Committee of the Whole House on the Kisumu County Project Implementation and Management Bill, 2021…

The Temporary Speaker (Hon. Muga): What is it Hon. Agolla.

Hon. Agolla: Thank you Madam Speaker. While you were away I want to report back to the August House….

The Temporary Speaker (Hon. Muga): Order!! Hon. Agolla. I believe that it is Hon. Inviolate who chaired the Committee of the Whole House and she is the one who should be reporting back to this House. Hon. Inviolate, please do that.

Hon. Inviolate: Thank you Madam Speaker, let me report back on our deliberations during the Committee of the Whole House. Amendment were adopted proposed and adopted as follows;

1. Long title- Amend by inserting the words 'of the Constitution of Kenya 2010' immediately after the words 'Article 176 (2)' and just before the words 'and' for the long title to read, "An ACT of the County Assembly of Kisumu to give effect to Article 176 (2) of the Constitution of Kenya 2010.

2. Clause 2: Interpretations - BQs: amend by including; 'BQs means project Bills of Quantities as provided for in Section 15 of this Act'

3. 'Project': delete the word 'temporary' and replace with the word 'specific'

4. Project manager: Amend by deleting the words 'designated by a chief officer' and replacing therein by the words 'authorized by accounting officer'

5. Clause 3: Objectives of the Act - Delete clause 3 (d) since it makes provisions similar to 3 (a).

6. Clause 5 - 5 (1) : Amend by deleting the entire clause and replace with the words; 'There is established the office of County Monitoring and Evaluation office' under the department of Finance and Economic Planning.

7. 5 (2): the CECM Finance shall appoint the County M&E officer to be the coordinator of PMC activities and functions.

8. Clause 6 - 6 (h) -Delete entire clause.

9. 6 (i) amend by deleting entire phrase and replacing it with; 'ensure that all PMC members of all completed projects are paid their allowances before clearance for project payments'. Include an additional 6 (j) to read; be the custodian of project BQs, project plans and scopes of works for ease of access by all stakeholders upon request

10. Include new 6 (k) to read: Ensure that project BQs, project designs and scopes of works for all projects are made available in all ward offices for all projects being implemented within each ward.

11. Clause 7 (2) composition of PMCs - 7 (2,b)-Delete the word 'over' immediately after the word 'shall' and replace with 'offer'.

12. 7 (2) –include additional 7 (2, f) to read; (f) the ward administrator in charge of the ward in which the project is being implemented who shall be the PMC chairperson.

13. Clause 8 - Insert an additional Clause 8 (d) to read; (d) PMC members provided for in (2), (c), (d) & (e) above shall be considered based on their basic technical knowledge of community development and project management skills.

14. Clause 8 (b) - Amend by deleting the letter, '6 (2), (c) &(d) and replace with, ' 7 (2), (c), (d) & (e).

15. 8 (b) –delete the words '6 (4, a) and replace with the word '(a) above'.

16. Clause 9 - 9(b) amend to read; review project BQs, project plans and scopes of work and make recommendations for effective project implementation.

17. Insert new 9(c) to read: Ensure that project BQs, project designs and scopes of works for all projects are made available in all ward offices for all projects being implemented within each ward.

18. 9 (j) be delete.

19. Clause 10 - Delete introductory phrase under clause 10 and delete the title 'Establishment of Special PMCs'. The new Clause 10 should therefore read; 10. Removal of a member from PMC.

20. Clause 11 - Insert the letters 11 immediately before the word 'Removal' to create a new clause 11 to read; 11. Removal of a member from the PMC. Further, Correct and realign all the incited numberings accordingly.

21. Clause 12 - revise entire clause to read as follows;

(a) the project management committee allowances shall be based on a percentage of total project cost as provided for in the 2nd schedule of this Bill.
(b) the CECM Finance & Economic Planning shall cause to be opened a consolidated PMC account into which all the PMC allowances referenced in (a) above shall be paid.
(c) Upon submission of project completion returns, all PMC members for each completed project shall be paid PMC allowances equivalent to a sum of 5% total project cost.
(d) The 5% PMC allowances shall be divided equally amongst all PMC members with respect to each completed project.
(e) Payment of PMC allowances shall be made directly to individual PMC members from the consolidated PMC account.
(f) The CECM Finance & Economic Planning shall make regulations as to the management of the PMC account and the methods of payments.

The PMC Coordinator, shall prepare and submit to the CECM Finance & Economic for transmission to the County Assembly, a detailed financial report of the PMC account 30 days immediately after the end of each financial year.

22. Clause 15 - Amend by adding an additional clause 15 (i) to read;

(i) The PMC members provided for in 7 (2, c, d & e) shall be mandatory signatories to all PMC decisions including signing of work completion certificates

The CECM Finance shall not consider any project completion certificates for payments unless appropriately signed by the PMC members as provided for in 15 (i) above.

23. Clause 15: BQs - Insert new clause 15(2) on BQs to read;

15(2) BQs, Project Designs and Scope of Work

i). The PMC Coordinator shall ensure budgeting of and production of enough copies of BQs, Project Designs and Scopes of Work for all projects for ease of access and circulation.
ii). The PMC Coordinator shall ensure custody of and availability of BQs, Project Designs and Scopes of Work in all county government ward offices and to PMC members.

PMC Coordinator shall ensure that PMC members are adequately sensitized on the contents of the BQs prior to the commencement of any project.

24. Clause 18: Transition Clause - Insert a new clause immediately after clause 17 to read;

18; Transition Clause

i). Anyone who by the time of enactment of this law was serving or served as a PMC member shall continue to do so until the completion of any such projects

Anyone who, by the time of enactment of this law, may have served as PMC member for a previous project and whose PMC issues may not have been conclusively addressed, including but not limited to payment issues, shall submit their pending PMC issues to the PMC coordinator for adequate redress.

25. First Schedule - First schedule 2 (a) ; delete and replace with a new clause;

2 (a) All projects shall be designed and implemented as detailed and approved in the CIDP & ADP Plans

3; delete

4; delete

Delete all sections 5 (b), (e), (g) and 6 and all words making reference to 'small' or 'big' or large or mega projects in the bill

6: delete

26. Second Schedule - Amend as follows; PMC Payments schedule;

Cost Charged	**PMC Allowances**
Total Contract Sum	5% of total contract sum

27. Introduction of New Clause 16(3) - Insert new clause 16(3) between Clause 15 and 16 on 'Project accountability' to read;

16(3): Project accountability

i). There shall be displayed visibly at project sites details of all projects including; Name of the project, total project costs, timeline for implementation, name of contractor(s), funding authority, responsible user departments and supervisors and financial year of implementation The displays referenced in (i) above shall remain in place until project completion.

Madam Speaker those were the deliberations in the Committee of the Whole House. Madam Speaker, please allow me to call upon Hon. Miruka to second.

The Temporary Speaker (Hon. Muga): Hon. Miruka.

Hon. Miruka: Thank you Madam Speaker, I second the report as presented by the Chairperson, Committee of the Whole House.

The Temporary Speaker (Hon. Muga): Honourable Members, are there any further proposed amendments to this Bill?

The Temporary Speaker (Hon. Muga): Honourable Members, having no any further proposed amendment to the Kisumu County Project Implementation and Management Bill, 2021. I want to put a question for adoption of the report from the Committee of the Whole House?

Honourable Members, for those of the opinion that we adopt the report from the Committee of the Whole House on the Kisumu County Project Implementation and Management Bill, 2021 with amendments therein?

(Question put and agreed to)

The Temporary Speaker (Hon. Muga): Honourable Members, the Report on the Kisumu County Project Implementation and Management Bill, 2021 has been adopted with amendments therein. Thank you.

The Temporary Speaker (Hon. Muga): Next order!!

MOTION

THE 3RD READING OF THE KISUMU COUNTY PROJECT IMPLEMENTATION AND MANAGEMENT BILL, 2021.

BY

HON.ERICK AGOLLA, MCA, SOUTH WEST KISUMU.

(CHAIRPERSON, COMMITTEE ON IMPLEMENTATION)

The Temporary Speaker (Hon. Muga): Hon. Erick Agolla.

Hon. Agolla: Thank you Madam Speaker. I will request that the Kisumu County Project Implementation and Management Bill, 2021 be read for the 3rd time. Thank you.

The Temporary Speaker (Hon. Muga): Madam Clerk.

(The Clerk at the Table reads the bill for the 3rd time)

THE KISUMU COUNTY PROJECT IMPLEMENTATION AND MANAGEMENT BILL, 2021

A Bill for

AN ACT of the County Assembly of Kisumu to give effect to Article 176 (2) of the Constitution of Kenya 2021 and Section 91 and 115 (2) of the County Government Act 2012 and to make provisions for the administration, planning, use, regulations and management of projects within the County and for connected purposes.

MEMORUNDAM OF OBJECTS AND REASONS

The principal object of this Bill is to provide a framework for the effective and efficient management of implementation of County Government projects as well As strengthening and coordinating citizen engagement in the efficient and effective management of projects within the County and for connected purposes.

It seeks to properly embed the concept of PMCs in law by giving effect to Article 176 (2) of the Constitution of Kenya 2010 section 91 and 115 (2) of the County Government Act of 2012 and to provide for the establishment of and operationalization of County projects management committees (PMCs) and for connected purposes.

Statement of how the Bill concerns the County Government of Kisumu.

The Bill concerns the County Government of Kisumu in terms of Article 176 (2) and 185 and schedule IV of the Constitution of Kenya 2010.

Statement of Delegation of Legislative Powers and Limitation of Fundamental Rights and Freedoms

The Bill does not contain any provisions limiting any fundamental right and freedoms.

Statement that the Bill is a Money Bill, within the meaning of Article 114 of the Constitution of Kenya.

The Bill is not a Money Bill within the meaning of article 114 of the Constitution of Kenya.

Financial Impact Statement

The enactment of this Bill SHALL NOT occasion additional expenditure of public funds.

THIS Bill in divided into five Parts as follows;

Part I – Provides for the preliminaries including short Title, Interpretation, Object and Purpose of the Act and Values and Principles guiding the implementation of the provisions of the Act.

Part II – Provides for the administration of the Act including; establishment of office of PMC Coordinator, establishment of PMCs, their compositions and functions.

Part III – Provides for PMC operation including meetings, funding of their activities, powers amongst other provisions.

Part IV – Provides for Miscellaneous clauses of regulations and fines.

Part V – Contains schedules to the Bill.

Dated the 24th September, 2021.

HON. ERICK AGOLA

Member of County Assembly

Madam Speaker and Honourable Members, the Kisumu County Project Implementation and Management Bill, 2021 is now read for the 3rd time. Thank you.

The Temporary Speaker (Hon. Muga): Honourable Members, any further proposed amendments on this Bill?

(Silence)

The Temporary Speaker (Hon. Muga): Honourable Members, I want to put a question on the adoption of the Kisumu County Project Implementation and Management Bill, 2021 with amendment therein?

(Question put and agreed upon)

The Temporary Speaker (Hon. Muga): Honourable Members, this House has approved the Kisumu County Project Implementation and Management Bill, 2021 with amendment therein today Thursday, 02nd June, 2022 at 04:33 p.m.

Consequently, I direct that the Hansard Report and the Velum be prepared for onward transmission to the Office of the Governor for assent. Thank you.

The Temporary Speaker (Hon. Muga): Next order!!

ADJOURNMENT

The Temporary Speaker (Hon. Muga): Honourable Members, there being no any other business to transact, this House stands adjourned to Tuesday 07th June, 2022 at 02.30 p.m. Thank you.

(House rose at 04.35 p.m.)

Addendum

The Hansard Team

Zablon Otiende – Senior Hansard Reporter

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Jesca Otieno – Hansard Reporter

Vallery Achieng' – Hansard Reporter

[i] *Article 176 (2) of the Constitution of Kenya 2010: Provides that every county government shall decentralize its functions and the provision of its services to the extent that it is efficient and practicable to do so; Article 185 of the Constitution of Kenya 2010: A county assembly may make any laws that are necessary for or incidental to, the effective performance of the functions and exercise of the powers of the county government under the Fourth Schedule.*

[ii] ***Provides for structures*** *that the county government shall facilitate the establishment of structures for citizen participation including— participation in development projects.*