



**REPUBLIC OF KENYA**

**COUNTY ASSEMBLY OF KILIFI**

**SECOND ASSEMBLY –THIRD SESSION**

**THE HANSARD**

**Wednesday, 10<sup>th</sup> July 2019**

*The House met at the County Assembly Chamber,  
Malindi Town, at 2:30 p.m.*

*[The Temporary Speaker (Hon. Ms. Maneno) in the Chair]*

**PRAYERS**

**STATEMENT**

**ADHERENCE TO PRESIDENTIAL DIRECTIVE  
ON 30 PERCENT OF ALL GOVERNMENT PROCUREMENT**

**The Temporary Speaker** (Hon. (Ms.) Maneno): Is hon. Hadad around? Is the Leader of Majority in today?

**The Leader of Majority** (Hon. Mwathethe): Thank you Madam Speaker for this chance to give a Response to a Statement that had been sought by hon. Hadad.

This Report has been ready for some time but has not been able to be given because of the absence of the Member who sought it but luckily today he is in the House. I am happy and privileged to give the Response to the Statement that was sought on the 26<sup>th</sup> of March this year.

Madam Speaker, going back to the Statement sought which I would wish to read so that it becomes live; it is quite some time now since the Statement was sought. The Statement was sought from the County Secretary through the Leader of Majority. It reads;

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Whether, the County Secretary is aware of the Presidential directive dated 25<sup>th</sup> September 2013 that 30 percent of all Government tenders be awarded to youth, women and persons with disability.

Whether, the County Secretary is also aware that following the directive, the Public Procurement and Disposal Act, preferences and regulations were amended via Legal Notice No. 114 of 2013.

Whether, the County Secretary is further aware that following the directive and subsequent amendment to the regulations, state organs and any other public entities are required to be fair in contracting for procurement of public goods and services including the development of provisions to designated categories of preferences in all locations of contracts and the protection or advancement of persons or groups previously disadvantaged by unfair competition or discrimination.

If yes, have all the county Departments adhered to the Presidential directive in the contracting of procurement of public goods and services in the financial year 2017/2018 and the financial year 2018/2019? Can the County Secretary liaise with the Departmental accounting officers and furnish the County Assembly with a detailed Report of the implementation of the 30 percent preferences and reservations for women, youth and persons with disability in line with the Presidential directive for the financial year 2017/2018 and 2018/2019?

Madam Speaker, the Response is here with me and it is a 40 page Response. As you know, it covers two financial years 2017/2018 and 2018/2019. The forwarding letter is also here with me which is a response in adherence to the Presidential directive of 30 percent of total procurement budget to be allocated to youth, women and persons living with disability.

The above subject matter refers. Reference is made to your letter CAK/ADM.....dated 19<sup>th</sup> April forwarding the County Assembly statement for my attention and Response.

We are aware that the preference and reservation scheme is no longer a directive but is enshrined in Section 155, 156, 157 & 158 of the Public Procurement Asset and Disposal Act 2015. The County Government of Kilifi has been adhering to the Presidential directive from the time it was issued. Find attached access to Government Procurement Opportunities Report and a forwarding letter to the Public Procurement Regulatory Authority for your perusal and record. Signed on the 2<sup>nd</sup> May 2019 by the County Secretary of the County of Kilifi.

Madam Speaker, with due respect I humbly lay the Response to the Clerk for retention of the Member who sought the Statement. I have said it is a long Statement Madam Speaker and I cannot read the whole of it. Thank you.

**The Temporary Speaker** (Hon. (Ms.) Maneno): Hon. Hadad, are you in agreement or are you okay with the Response?

**Hon. Hadad:** Madam Speaker, it is a voluminous Response so I will need time to scrutinize it and then I will give my verdict concerning the Response.

*(The Temporary Speaker consulted with the Clerk at -the- Table)*

**The Temporary Speaker** (Hon. (Ms.) Maneno): Hon. Hadad, this Response has been in this House more than three times. Therefore, I hope you had time to respond because I believe the Clerk contacted you to go through the Response or else we will do away with that Response.

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**Hon. Hadad:** I think I am still within the law because it is the first time I received the document because it was not tabled at the Assembly by the Leader of Majority so it was impossible for me to get the Response.

**The Temporary Speaker** (Hon. (Ms.) Maneno): You were not there?

**Hon. Hadad:** I was not there because I was doing Committee work at that moment but since I am available now and I have received the Response today, if I am still within the law then I would like to scrutinize it properly before I give my verdict. Since we are going on short recess, I think when we come back from the recess it would be better for me to give my Response then.

*(Hon. Mwarandu stood on a Point of Information)*

**The Temporary Speaker** (Hon. Ms. Maneno): Okay, thank you. Before you stand up, do you want to inform hon. Hadad?

**Hon. Mwarandu:** Yes, please.

**The Temporary Speaker** (Hon. (Ms.) Maneno): Hon. Hadad do you want to be informed? Are you ready?

**Hon. Hadad:** Yes.

**Hon. Mwarandu:** Thank you Madam Speaker and thank you hon. Hadad. I want to draw the attention of Members of this House that this Report was brought in this House on 7<sup>th</sup> May 2019. This Report is not new on the Floor of this House and in fact the hon. Member who sought this Statement, I think he should be in a position to understand this document. So, I think for him to say that he did not have much time or he needs more time to scrutinize this Report I think those remarks are untrue. So, I think the best way ...because we cannot run away from our responsibilities any time we ask for Statements then we run away from them. I think the best way... my prayer in this House is that we expunge this document altogether. Thank you. We expunge it from the House.

**The Temporary Speaker** (Hon. (Ms.) Maneno): Hon. Albert Kiraga, what is it?

**Hon. Kiraga:** I want to contribute.

**The Temporary Speaker** (Hon. (Ms.) Maneno): Proceed.

**Hon. Kiraga:** Madam Speaker, I just want to concur with hon. Hadad. When a Statement is issued to this hon. House, it becomes a property of this House. Therefore, I am also entitled to give my proposals as far as this document is concerned. Madam Speaker, I am trying to look at the summary of the procurement plans in the financial year 2017/2018 and I wish to concur with hon. Hadad that most of this information should be verified first.

The resource envelop of this county was about Kshs13.6 billion and the development expenditure was about 41 percent. When we talk of 41 percent, I now wonder if you look at the total procurement budget it goes below the 41 percent because 41 percent of Kshs13.6 billion comes to around Kshs5.6 Billion and we are having Kshs3.5 Billion. This information should be verified. I am learning that this information is not correct and needs to be verified. Therefore, I concur with the hon. Member. May I request your office if it is possible this document is taken to the relevant Committee so that it can be scrutinized to figure out if this information is correct? Thank you very much.

**The Temporary Speaker** (Hon. (Ms.) Maneno): Thank you hon. Kiraga.

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*(The Temporary Speaker consulted with the Clerk at -the- Table)*

Hon. Members, I direct that this Response goes back to the House Business Committee to be re-allocated time and let it be a warning to the Members who are coming up with Statements. When the Responses are brought into this House, kindly avail yourselves. This is a warning for hon. Members. Let us be serious. Thank you. Next Order!

*(Statement deferred)*

## MOTION

THE FIRST ADDRESS OF THE SECOND COUNTY ASSEMBLY  
BY SEN. JUSTICE (RTD) STEWART MADZAYO

THAT, Pursuant to the provisions of the Standing Order 20 (5), the Thanks of the County Assembly recorded for the exposition of Public Policy contained in the First Address of the Second Assembly by Senator Justice (Retired) Stewart Madzayo (Wednesday, 14<sup>th</sup> November 2018) laid on the Table of this honourable House on Monday, 8<sup>th</sup> July, 2019.

*(Hon. Mwathethe on 9.7.2019)*

*(Resumption of Debate interrupted on 9.7.2019)*

**The Temporary Speaker** (Hon. (Ms.) Maneno): Hon. Members, this is a Resumption of the Debate, so those who did not get time to debate yesterday let them request and make their contribution on the same.

**The Temporary Speaker** (Hon. (Ms.) Maneno): Hon. Minority Leader?

**The Leader of Minority** (Hon. Matsaki): Asante Spika. Mimi pia nimesimama angalau kupeana changizo zangu kuhusiana na ile hotuba ya Seneta Madzayo. Kusema kweli, kila mmoja ana haki ya kuongea maoni yake na kwa sababu haya ambayo tunaongea hapa hayataenda kwa kura, wacha mimi pia nipeane maoni yangu kwa sababu nahusika nitoe maoni yangu sio maoni ya mtu. Yanaweza yakakubalika na wengine na yanaweza yakakataliwa na wengine; hiyo ni demokrasia.

Nataka niseme hotuba ya Seneta iligusia mambo mengi sana. Lile ambalo nataka nizungumze hapa ni kuhusiana na ile hali ya watu wetu ambao wako karibu na Arabuko. Ni kweli mimea imeharibiwa na watu wamekufa. Ni kweli kwamba mpaka sasa watu wengine hawajalipwa lakini jukumu hilo kama alivyokuwa akizungumza Seneta ni kwamba anauliza Bunge hili lichukulie maanani zaidi hali hizo.

Ukiendelea mbele na hotuba yake ni kwamba yeye aliunda Kamati ambayo inahusika na mambo hayo. Upande wangu naona pia yeye alikuwa ana jukumu la kuhakikisha kuwa Kamati ile aliyoibuni kwa maswala ya hali hizo ambazo zilikuwa zinaendelea za mambo ya mimea kuharibiwa na watu kuuwawa na wanyama wa pori iko katika nafasi nzuri.

Anapokuwa Seneta yeye pia akiwa na wale wenzake pale wana haki ya kushuka mashinani na kuja kuangalia ni nini kinaendelea. Kusema kweli, nguvu ya *Assembly* ipo lakini

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kama tunavyojua Seneti ndio ambayo inazuiya zaidi mambo ya *devolution*. Wao wana haki na wanapokuja huku wakiongea juu ya yale ambao sisi yanatukumba atakuwa amefanya kazi nzuri. Kwa hivyo, yale mengi aliyozungunza kusema kweli alituambia tufanye hivyo lakini mimi upande wangu naona yeye pia ana jukumu kubwa kufanya hivyo akiwa yuko juu.

Kwa hivyo, hotuba yake kwa ujumla ijapo aliongea mengi kutuambia yale ambayo tunapaswa kufanya lakini naona haikuwa zaidi na ule msukumo kwa sababu kama ni msukumo ni yeye kama Seneta asitwambie nyinyi fanyeni hivi; yeye tayari ni jukumu lake kwa sababu pale alipo yuko katika nafasi nzuri. Kwa hivyo, ni kwamba ile Ripoti yake ijapo aligusia mambo mengi lakini mimi upande wangu pia naona ule uzito wa kupeana majukumu kwa Bunge hili haukuwepo. Yeye achukue jukumu lake kama Seneta ili aone kwamba pia yeye tutahesabu amesaidia vipi Kilifi Kaunti. Nafikiri kwa hayo machache, nasema nitulize hapo.

**The Temporary Speaker** (Hon. (Ms.) Maneno): Hon. Mramba.

**Hon. Mramba:** Thank you Madam Speaker. I wish to support and congratulate the hon. Senator for the good speech he delivered in this Chamber. The hon. Senator talked about corruption in Kilifi County which is very true. We cannot pretend to live in denial. If there is a problem in your home, you need to admit there is a problem otherwise you will never solve anything.

It is evident that Chief Officers are indeed having a lot of wealth and there is clear evidence. One Chief Officer in charge of the Department of Water is in court; he has been suspended. Another Chief Officer in the Department of Trade is suspended because he is facing a court case in Malindi. Therefore, if the Senator tells us that very young officers who were employed like three years ago are now driving fuel guzzlers, I think we need to address that and look for means and ways.

The President himself at one time in his address to the nation admitted that there was corruption in Kenya. He in fact called for a lifestyle audit that clearly means that there is corruption in Kenya. If we have corruption in Kenya, we have corruption in our own Kilifi County.

For any Member to dismiss the Report or the speech of the Senator simply because he is saying that as a Senator he should have gone to the CID (Criminal Investigation Department)...no! no! I totally differ with that perception. The Senator was telling the Members here that they need to wake up and realize there is corruption, stalled projects in the Department of Education, Health, in almost all the Departments there are a number of stalled projects. This is a fact Madam Speaker and we need to accept it.

The other day, a Motion was brought here and we agreed in principle that the Chief Officer and the CEC Member for Education to come before the Committee on General Oversight to tell us why projects are not complete. That means we have accepted that there are stalled projects and this is exactly what the Senator was highlighting. In terms of the Water Companies he said he is really working hard so that we have water companies in Kilifi County.

There are already two companies; MAWASCO and KIMAWASCO but the Government has come up with a policy of combining the two companies making one strong company. That means MAWASCO and KIMAWASCO will be combined to come up with one single company for better service delivery. Madam Speaker, I therefore agree with the hon. Senator that his speech was good and super.

**The Temporary Speaker** (Hon. (Ms.) Maneno): Thank you. Hon. Peter Ziro.

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**Hon. Ziro:** Asante mheshimiwa Spika. Mimi pia naomba kuunga mkono nakala hii ambayo ilitolewa na Seneta wetu kwa sababu mambo ambayo ameyazungumza hapa ni ya ukweli na kwa mtazamo wangu, hiyo picha ambayo ameipeana ni kama alikuwa anatoa changamoto kwetu. Tuone vile ambavyo sisi tunaweza kuja na mikakati ili kuweza kusaidia hali. Kwa mfano, ukienda ukurasa wa tano katika hotuba yake anataja mambo ya hii barabara kuu kutoka Mombasa hadi mjini Malindi.

Barabara hii imetengewa kima cha pesa ambayo ilikuwa itengenezwe lakini ukiangalia kazi inayoendelea kwa hiyo barabara, si kama ile watu wa Kilifi tulikuwa tunatarajia. Kwa hivyo, hiyo aliileta kwetu kama changamoto ama kutufungua macho kuona ndani kuna nini. Tushaona kwamba ndani kuna vitu ambavyo havifai; barabara ilikuwa itengenezwe vizuri lakini ukiangalia wamelima kando kando na wanamwaga tu mawe kidogo halafu wanaweka lami na hiyo wanasema barabara imetengenezwa. Kwa hivyo, ni taa limemulikwa ili sisi kama wajumbe katika Bunge hili tuone kama tunaweza kufanya nini.

Vile vile, ukienda katika ukurasa wa saba wa hotuba hii, mheshimiwa Seneta alizungumzia mambo ya watu wanaoingia katika jimbo letu la Kilifi, hususan maeneo Bunge ya Magarini na Ganze. Wanaingia na mifugo wao na kuharibu mimea ya wananchi ama wakulima wanaotoka katika jimbo la Kilifi. Hivi leo asubuhi nilipokuwa naja nimekutana na wachungaji kama kumi hivi wakiwa na ng'ombe zaidi ya 200 hapo Marafa na ukiangalia Marafa ni sehemu ambayo imezungukwa na wakulima wa mashamba madogo madogo. Lakini wako hapo na hao ng'ombe wao. Hata hapa hatumuoni mheshimiwa Kambi, labda pengine hilo ndio limemfanya akose kufika Bungeni.

Jambo hili limetajwa hapa kwenye hotuba ya Seneta kwamba ni jambo ambalo linatatiza katika Kaunti yetu ya Kilifi. Kwa hivyo, naona alitoa mwangaza na kutupatia changamoto sisi kama viongozi tuone tunaweza tukafanya nini. Naiunga mkono hii hotuba mia kwa mia na naomba wabunge wenzangu pia tuunge mkono halafu pia tuangalie ni njia gani tutakazozitumia ili kusudi zile changamoto ambazo zimetajwa hapa tuone kama tunaweza kuzimaliza. Asante.

**The Temporary Speaker** (Hon. (Ms.) Maneno): Hon. Members, the First Address of the Second County Assembly by the Senator Justice Rtd. Stewart Madzayo which was made on Wednesday 14<sup>th</sup> November 2018 has come to an end. Hon. Members kindly take up the challenges in a positive way.

MOTION FOR ADJOURNMENT  
UNDER STANDING ORDER NO. 25 (3)

Hon. Members, we will adjourn the House Pursuant to Standing Order No. 25 (3), for the Third Session, Second Part short recess starting Thursday, 10<sup>th</sup> July to Friday, 26<sup>th</sup> July 2019. The House will resume on Monday 29<sup>th</sup> July 2019.

*(Question proposed)*

*(Question put and agreed to)*

**ADJOURNMENT**

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Hon. Members, there being no other business, this House stands adjourned until 29<sup>th</sup> July 2019. Thank you.

**The House rose at 3:10 p.m.**

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