

REPUBLIC OF KENYA



**BOMET COUNTY
BOMET COUNTY ASSEMBLY**

SECOND ASSEMBLY-FIRST SESSION

**THE COMMITTEE ON ROADS, TRANSPORT AND PUBLIC
WORKS**

REPORT

**ON NOMINATION FOR APPOINTMENT TO THE POSITION OF
CHIEF OFFICER**

DECEMBER, 2017

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1.0 PREFACE

Mr. Speaker Sir,

On behalf of the Committee on Roads, Transport and Public Works and pursuant to Standing Order 193(5) (f), it is my duty and pleasure to present to the Assembly, the Committee's report on the vetting of the Chief Officer.

This is one of the Sectoral committees established under the Standing Orders 193(1). It is therefore the relevant Committee that is mandated to vet and report on appointments, for approval by the County Assembly, as provided for under Section 45(1) (b) of the County Governments Act, 2012.

1.1 Committee Membership

Mr. Speaker Sir,

The Committee on Roads, Transport and Public Works as currently constituted, comprises of the following members:-

1. Hon. Alfred Langat - Chairperson
2. Hon. Catherine Chemutai - Vice Chair
3. Hon. Charles Langat - Member
4. Hon. Robert Langat - Member
5. Hon. Joseah Chepkwony - Member
6. Hon. Weldon Kirui - Member

1.2 Committee's Mandate

Mr. Speaker,

The Sectoral Committee on Roads, Transport and Public Works derives its mandate from provisions of Standing order 193(5) which defines functions of the Committee as being:

- a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) To study the programmes and policy objectives of departments and the Effectiveness of their implementation;
- c) To study and review all legislation referred to it;
- d) To study, assess and analyze the relative success of the departments measured by the results obtained as compared with their stated objectives;
- e) To investigate and inquire into all matters relating to the assigned departments as may be deemed necessary, and as may be referred to it by the County Assembly;
- f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 188 (Committee on appointments); and**
- g) To make reports and recommendations to the Assembly as often as possible, including recommendations of proposed legislation.

1.3 Nomination of the County Chief Officer,

Mr. Speaker,

Pursuant to section 45(1)(a) of the County Governments Act, 2012, the Governor forwarded to the Speaker of the County Assembly, the name of one nominee, Mr. Victor Kiptanui Ngetich vide letter dated 5th December, 2017 for vetting and approval by the County Assembly for appointment as the County Chief Officer for Roads, Transport and Public works. The Hon. Speaker then directed the committee on Roads, Transport and Public Works to conduct vetting of the nominee and report to the Assembly as provided for under the Public Appointments (County Assemblies Approval) Act, 2017.

1.4 Committee Meetings

Mr. Speaker Sir,

The committee held a total four meetings and in one of the meetings the said nominee appeared for vetting in accordance with the Public Appointments (County Assemblies Approval) Act, 2017 for appointment as the Chief Officer Roads, Transport and Public Works.

The Committee resolved to invite the Chief Officer, Roads, Transport and public works nominee for approval hearing at the County Assembly's Chamber on Monday 18th December, 2017. In conducting the vetting exercise, the Committee made reference to the Constitution, the Public Appointments (County Assemblies Approval) Act, 2017, the County Governments Act, 2012 and the Standing Orders.

The Committee complied with the Constitutional and legal requirements and established procedures for vetting. It ensured that public participation and openness in carrying out the proceedings was adhered to. Notifications and invitations to the public to submit memoranda were placed in the mainstream print media as required by law.

2.0 Acknowledgment

Mr. Speaker,

The Committee wishes to thank the Offices of the Speaker and the Clerk for the support accorded to it during the vetting exercise and execution of the committee's mandate.

As the chairperson, I also take this opportunity to thank all Members of the Committee for their Commitment to serve the public.

Mr. Speaker, Sir,

The Committee made several findings on the nominee during the vetting exercise. These findings guided the Committee in making its final recommendation. The Committee's final recommendation was based on the information by the nominee from the proceedings of the Committee during the vetting exercise, the constitution and all other relevant statutes. This recommendation was agreed upon by the Committee Members during the adoption of the Report on Thursday 21st December, 2017.

Mr. Speaker Sir

Finally, on behalf of the Committee on Roads, Transport and Public works and pursuant to Section 9(2) of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 and Standing Order no. 193(5) (f), I have the honour and pleasure to present the committee's report on vetting of the nominee, Mr. Victor Kiptanui Ngetich, for appointment as the County Chief Officer, Roads, Transport and public Works Department.

SIGNED:  DATE 21/12/2017

HON. ALFRED LANGAT
CHAIRPERSON

3.0 Ownership of the Report

We, the members of Roads, Transport and Public Works Committee, do approve our signatures against our names to this report to affirm the correctness of the contents and support for the report

No.	Name	Designation	Signature
1.	Hon. Alfred Langat	Chair	
2.	Hon. Catherine Chemutai	V/Chair	
3.	Hon. Robert Langat	Member	
4.	Hon. Joseph Chepkwony	Member	
5.	Hon. Weldon Kirui	Member	
6.	Hon. Charles Langat	Member	
7.	Hon. Richard Chirchir	Member	

Dated this 21st of December, 2017



4.0 Background

The Committee on Roads, Transport and Public Works is one of the Sectoral committee established under standing order No. 193(1) and deals with all matters related to environment and natural resources including appointments that require the Assembly's approval.

Section 45 of the **County Governments Act** establishes the office of the County Chief Officer. The said section requires the Governor to nominate and with the approval of the County Assembly, appoint the County Chief Officer.

Further, Section 45 (1) of the **County Governments Act** provides that the Governor-

- a) **nominate qualified and experienced county chief officers from among persons competitively sourced and recommended by the County Public Service Board; and**
- b) **With the approval of the county assembly, appoint county chief officers.**

Additionally, the procedure for approval hearing, issues for consideration and period for consideration and reporting is provided for under the **Public Appointments (County Assemblies Approval) Act, No. 5 of 2017**.

Article 73 (2) of the Constitution on leadership and Integrity provides as follows:

That the guiding principles of leadership and integrity include;

- a) Selection on the basis of personal integrity, competence and suitability in free and fair elections;
- b) Objectivity and impartiality in decision making and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices.

- c) Selfless services based solely on the public interest, demonstrated by-
 - i. honesty in the execution of public duties
 - ii. The declaration of any personal interest that may conflict with public duties.
 - iii. Accountability to the public for decisions and actions; and
 - iv. Discipline and commitment in service to the people.

4.1 Issues for consideration in conducting the Approval hearing

In conducting the Approval hearing, the Committee was guided by **Article 73 (2) (a) (b) (c) and (e) of the Constitution, Section 7(8) and Section 8 of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017**

4.2 Appointment Process of a County Chief Officer

Pursuant to Section 45 (1) of the County Governments Act, 2012, the Governor forwarded to the Speaker the County Assembly, the name of County Chief Officer nominee vide a letter dated 05th December, 2017 for vetting and consideration for approval by the County Assembly for appointment as the County Chief Officer, Roads, Transport and Public Works.

On 06th December, 2017, the name of the nominee was tabled in the Assembly and the Honourable Speaker directed that the nominee be referred to the Committee on Roads, Transport and Public Works vetting and report to the Assembly within 21 days pursuant to Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017.

4.3 Notification to the nominee

On 09th December, 2017, the Clerk of the Assembly, pursuant to Section

7(4) of the **Public Appointments (County Assemblies Approval) Act, No. 5 of 2017** notified the nominee of the time and place for holding the approval hearing through an advert in the print media.

4.4 Notification to the public

The public was expected to participate in the vetting process through submission of memoranda (affidavit) on the suitability of the nominee. On 9th December, 2017, pursuant to section 7(4) of the Public Appointments (County Assemblies Approval) Act, the Clerk of the County Assembly placed an advertisement in the print media and the Assembly website inviting the public to submit memoranda by Friday 15th December, 2017 on the said nominee.

4.5 Committee meetings

The Committee conducted a vetting session on Monday 18th December, 2017. However, before the nominee was invited to appear, the committee held a session in order to deliberate and agree on standardized questions on the vetting in line with the Public Appointments (County Assemblies Approval) Act No. 5 of 2017.

4.6 Submission of memoranda

By close of business on 15th December, 2017, clerk of the assembly received a memorandum comprising a petition and a supporting affidavit sworn by one David Ngetich Karin. In the memorandum, Mr. David Ngetich Karin avers that the selection of Mr. Victor Kiptanui Ngetich was unfairly and unlawfully done since he had been rated number five in the interviews yet he was nominated for appointment. The committee looked at purported scores of the County Public Service Board which indicates that Mr. Victor Kiptanui Ngetich was number five in the score sheet but the committee noted that the document was neither signed nor bears the stamp of the

County Public Service Board. It could not therefore rely on the document as it was not authenticated. The Committee was however furnished with a copy of the letter from the County Public service Board forwarding the names to the Governor and it was noted that the said Mr. Victor Ngetich was listed as being number two. The Committee then relied on the document from the County executive as it was authenticated.

Further Section 45 (1) (a) of the County Government Act provides that the governor shall nominate qualified and experienced County Chief Officers from among persons competitively sourced and recommended by the County Public Service Board.

4.7 The Vetting Process

The committee allocated the nominee a maximum of one and a half hours for vetting. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 and the County Assembly Standing Orders.

The Committee also considered the following criteria in vetting the nominee;

- a) Employment record and work experience
- b) Public office, political activities and affiliations
- c) Potential conflict of interest
- d) Suitability to the position
- e) Integrity
- f) General knowledge on public affairs

4.8 Submission of relevant documents from the nominee

The committee received the following documents from the nominee;

- i. Curriculum Vitae, personal credentials and academic certificates.

- ii. Online Compliance Certificate from Kenya Revenue Authority (KRA)
- iii. Clearance Certificate from the Ethics and Anti-Corruption Commission (EACC).
- iv. Clearance Certificate from the Higher Education Loans Board (HELB)
- v. Police Clearance Certificate from the Criminal Investigation Department (CID).
- vi. Clearance Certificate from Credit Reference Bureau (CRB)

4.9 Vetting of Mr. Victor Kiptanui Ngetich

Upon appearing before the committee on Monday 18th December, 2017, the nominee submitted to the committee as follows;

Residence, Education and Work Experience

- i. That he comes from Kapletundo Ward, Sotik sub-county in Bomet County.
- ii. That he attended St. Joseph's Seminary for 'O' Level, University of Nairobi for undergraduate degree (Bachelor of Science, Civil engineering) and University of Nairobi for a Master's degree in Project Planning and Management.
- iii. That he had vast experience in the civil engineering sector, (roads construction) having worked as a Director in the Ministry of Roads, Transport and Public works, Turkana County Government, Assistant Director, Ministry of Roads, Transport and Public Works, Bomet County, Roads Engineer (intern) Turkana County Government, Assistant Engineer under the Resident Engineer's Office, Kenya Urban Roads Authority(KURA). He was also involved in the Thika Highway Improvement Project (A2) under the Kenya National Highway Authority (KENHA) as an Assistant Engineer.
- iv. That his post graduate studies (Masters) from the University of Nairobi

on Project, Planning and Management convinced the committee that he is well placed to head the department of Roads, Transport and Public works.

Role of the office of the County Chief Officer

The nominee in his submission, explained the roles of the County Chief Officer which included the following;

- i. Heading the general administration of the assigned department and is responsible for the day to day administrative duties of the County department.
- ii. As an Accounting Officer, a Chief Officer deals with financial and accounting matters of the assigned department.
- iii. Ensuring prudent use of public resources assigned to the department in order to deliver services as required.

Skills relevant on discharging duties of a County Chief Officer

The nominee submitted that;

- i. Having worked in the County Government(s), the nominee has gained requisite administrative skills and managerial experience that is relevant in steering the Roads, Transport and Public Works department in the right direction.
- ii. Having trained and gained civil engineering experience at the university level in matters touching on Roads and Infrastructure, he is better placed to head the department on Roads, Transport and Public Works.
- iii. Usage of roads design software such as AASHTO, AutoCAD civil 3D
- iv. Management skills
- v. Problem solving skills to ensure engineering skills are applied as per the right standards

Addressing ways of streamlining road construction from tendering to design to completion.

- i. The nominees noted that in the previous regime, the county government preferred hiring of equipment instead of awarding full contract which is an outdated method of road construction as it is expensive and it is not possible to make people accountable on design issues and works issues such as drainage features since various contractors are involved.
- ii. It is also noteworthy that currently in Kenya, all road authorities use full contracts.
- iii. The difference between full and labour based contract as he explained is that full contract is given in full for all works and it is easier to monitor.
- iv. The contract documents will ensure involvement of local communities in a project.
- v. Labour based contracts is best for minor and emergency works.

Addressing challenges currently facing the Road infrastructure and effecting the Governor's manifesto in regards to road network in the County.

The nominee submitted that;

- i. On the Governor's manifesto on roads, she pledged to do 20 km of murram roads per ward and ensure construction of bridges.
- ii. To do this, he would ensure involvement of stakeholders, ensure adherence to standards, as a Chief Officer
- iii. As part of the team would ensure right procedure is followed
- iv. Award contracts to the marginalized groups, youth and PWDs.

- v. Inspection and acceptance of committee
- vi. Monitoring and evaluation ensure 30% preferential procurement to Youth, Women and the disabled as per the PPOA Act.
- vii. Also ensure clear labelling and sign posting of county roads to avoid controversy over who manages KURA, KENHA or KERRA Roads
- viii. Transparency as a value would ensure openness in procurement of contracts, ensure public participation
- ix. Nondiscrimination would ensure adherence of 30% preferential procurement to youths, women, and persons with disabilities
- x. On ward level, he would ensure equal access by sharing out the allocated budget equitably per ward and ensure involvement of local people in the road construction
- xi. He emphasized that he would liaise with relevant National and County Government authorities to ensure clear classification of Road categories as per classes for example Class A B C and classes D E F

5.0 COMMITTEE OBSERVATIONS AND FINDINGS

The Committee having considered **Mr. Victor Kiptanui Ngetich**, the nominee for the position of County Chief Officer, Road, Transport and Public Works Department, his curriculum vitae, academic qualification, experience and heard his oral submissions during the vetting exercise, made the following observations:-

- i. The nominee has experience in civil engineering having worked for 6 years in civil engineering projects. He is registered with engineers' board of Kenya institute of engineers.

- ii. He holds a Masters degree in Project Planning and Management (UON, Sept 2017) and a Bsc (Civil engineering, 2012, UON).
- iii. He has worked with Turkana County Government (Director, Roads) County Government of Bomet, (Assistant Director, Dec 2014 to Feb 2016) and with KURA, March 2013 to July 2014) Assistant Engineer, Resident Engineer's Office and Kenya National Highway Authority, (July 2012 to March 2013) as Assistant engineer.
- iv. That he has clear understanding and appreciation of the role of the office of County Chief Officer as established under the relevant law.
- v. That he had submitted required documents including clearance certificates from KRA, HELB, Criminal Investigation Department, Credit Reference Bureau and Ethics and Anti-corruption Commission for assessment of compliance with requirements of Leadership and Integrity Act.
- vi. That on the basis of his professional background, his experience was relevant in discharging the mandate of the County Chief Officer, Roads, Transport and Public works Department.
- vii. The Committee found **Mr. Victor Kiptanui Ngetich** suitable for appointment as the County Chief Officer, Roads, Transport and Public Works Department.

6.0 RECOMMENDATION OF THE COMMITTEE

At the end of the vetting process, the Committee made the following recommendation:-

That; having considered the suitability, capacity and integrity of the nominee, and pursuant to **Section 9 (2) of Public Appointments (County Assemblies Approval) Act No. 5 of 2017**, the Committee recommends that the County Assembly approve the nomination and subsequent appointment of **Mr. Victor Kiptanui Ngetich as Bomet County Chief Officer, Roads, Transport and Public Works Department.**