



REPUBLIC OF KENYA

BOMET COUNTY ASSEMBLY

THIRD COUNTY ASSEMBLY

ASSEMBLY DEBATES

Vol. 2 NO. 98

DAILY HANSARD

OFFICIAL HANSARD REPORT

The Assembly met at the Main Assembly Chamber,

Dr. Joyce Laboso Centre at 2:30 p m

Third County Assembly- First Session

Wednesday, 15th November, 2023

*(The Assembly met at 2:30 p m in the
County Assembly Mini Chamber at County Assembly Buildings)*

[Hon. Deputy Speaker (Hon. L. Rotich) in the Chair]

PRAYER

(Hon. J. Samoei, Deputy Leader of Majority rose on a point of order)

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Joseah

Hon. J. Samoei, Deputy Leader of Majority (Nyangores Ward, UDA): Hon. Deputy Speaker, Sir, we do not have the required quorum.

Hon. Deputy Speaker (Hon. L. Rotich): I instruct the Sergeant-at-Arms to ring the quorum bell for ten minutes.

(Quorum bell rung)

(Hon. R. Ruttoh rose on a point of order)

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Richard

Hon. R. Ruttoh (Chemaner Ward, UDA): Hon. Deputy Speaker, I would like to inform you that we now have quorum.

Hon. Deputy Speaker (Hon. L. Rotich): Thank you. Welcome to this afternoon session. Clerk-at-the-Table, kindly take us through the Orders of the Day.

PAPERS

THE COUNTY GOVERNMENT OF BOMET CONSOLIDATED

REPORTS AND FINANCIAL STATEMENTS

Hon. J. Samoei, Deputy Leader of Majority (Nyangores Ward, UDA): Hon. Deputy Speaker, thank you. I beg to lay the following Papers:

1. The County Government of Bomet Consolidated Reports and Financial Statements for the Financial Year ended June 30th 2023; and

2. The County Government of Bomet Consolidated Reports and Financial Statements for the Quarter ended 30th September 2023.

I beg to lay.

(Hon. J. Samoei, Deputy Leader of Majority laid the Papers)

Hon. Deputy Speaker (Hon. L. Rotich): I Commit the Papers that have been laid to the Committee on Finance and Economic Planning to expedite on the same and report to this Assembly within 14 days.

QUESTIONS AND STATEMENTS

Hon. Deputy Speaker (Hon. L. Rotich): Today, a Question asked by Hon. Rosaline Cheptoo on 21st September 2023 to the Committee on Health and Sanitation concerning Monire Kimugul Dispensary is due. It was due yesterday but it was moved to today's afternoon sitting. Vice-chairperson, Committee on Health.

Hon. C. Chepngetich (Nominated MCA, UDA): Hon. Deputy Speaker, thank you. The Chairperson is within the Assembly and he is going to give us the report.

Hon. Deputy Speaker (Hon. L. Rotich): It should be clear that this Question was due this afternoon and we need the response to that Question.

MOTION

Hon. D. Ngeno, Deputy Leader of Minority, Deputy Leader of Majority (Kongasis Ward, CCM): Hon. Deputy Speaker, I wish to move the following Motion:

THAT, pursuant to the County Assembly resolution on the adoption of the report of the County Public Investments and Accounts Committee on the examination of the report of the Auditor General on the Bomet Water and Sanitation Company for the year ended 30th June 2021, this County Assembly approves the appointment of the following:

1. Hon. Josphat Kipkirui
2. Hon. Ernest Rotich

as co-opted Members of the County Public Investments and Accounts Committee ...

(Hon. W. Kiprotich rose on a point of order)

Hon. W. Kiprotich (Chepchabas Ward, UDA): The Motion mover could be reading a different document to the Assembly because the Motion that is on the Order Paper has nothing like Hon. Josphat Kirui and Hon. Ernest Kirui on it. Hon. Deputy Speaker, you can refer to the Hansard and listen to him again.

Hon. D. Ngeno, Deputy Leader of Minority, Deputy Leader of Minority (Kongasis Ward, CCM): Hon. Deputy Speaker, I do not know what the Hon. Member heard but I said Hon. Josphat Kipkirui and Hon. Ernest Rotich.

Hon. Deputy Speaker (Hon. L. Rotich): Kindly proceed Hon. Member.

Hon. D. Ngeno, Deputy Leader of Minority, Deputy Leader of Minority (Kongasis Ward, CCM): *(inaudible)*...as co-opted Members of the County Public Investments and Accounts Committee to undertake an inquiry to establish the systemic issues within Bomet Water and Sanitation Company Limited that have greatly affected the supply of water and sanitation services within the county and to propose actionable recommendation including but not limited to restructuring or dissolution of the Company.

Hon. Deputy Speaker, as we had recommended on the report of the PAC/PIC, we take the next step of forming a Committee that will relook into issues affecting this Company. The resolution should not be limited to restructuring or dissolution of the Company. I urge the Assembly to approve the two Members to the Committee so that we look keenly so as to restructure or dissolve Bomet Water Company.

I request Hon. Richard to second.

Hon. R. Ruttoh, Majority Whip (Chemamer Ward, UDA): Hon. Deputy Speaker, thank you for the opportunity to second the Motion moved by Hon. Dennis. After a deliberation by the Committee, we have seen that there are a lot of challenges facing the water company. For example, as we speak, the entire county has been without water for the past two weeks because of the management of the company since we have electricity and everything else required.

As a Committee, we saw it necessary that we co-opt some Members so that we can see how we can restructure the company for the benefit of our people. We have given a lot of time to the company but the issues raised by Auditor General are always the same. I request the Assembly to support the motion and I second. Thank you.

(Question proposed)

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Victor.

Hon. V. Rop (Nominated MCA, UDA): Hon. Deputy Speaker, thank you. I rise to differ with the previous speakers. Permit my ignorance but I would like to get a ruling concerning the co-opting two Members to the PAC/PIC. As we are aware, the Committee had given us their findings and their recommendations. My understanding was to form an *ad hoc* Committee that will investigate and come up with other recommendations. Thank you.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Dancel.

Hon. D. Kirui (Ndaraweta Ward, UDA): Hon. Deputy Speaker, thank you for the opportunity. I rise to oppose the Motion put forward. I am not rejecting the two Members. I only feel that we should have a different *ad hoc* Committee that is not inclusive of the Members of PIC/PAC to discuss on those issues. I am opposed to the PIC/PAC Committee sitting to discuss their findings again. I request the Hon. Assembly to reject this Motion.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Wesley.

Hon. W. Kiprotich (Chepchas Ward, UDA): Hon. Deputy Speaker, thank you. Where I fail to understand is that the Motion mover thinks that everything is in order without schooling us. Some of us are too slow to learn and we should be forgiven for being slow in learning. Even the President once said that.

Let it be on record that I am not against the inclusion of one Hon. Josphat Kipkirui and Hon. Ernest Rotich but from where you sit, Hon. Deputy Speaker, what will we call the new Committee? What do the Standing Orders say? The Motion mover should tell us what the new name of that Committee will be.

It is within the mandate of the PAC/ PIC Committee to scrutinize all these departments. They have given their recommendations. Do they now want to do work that would have been done by the Committee on Water? Are they rendering the Committee on Water useless? Let us not rush because this will come back to us. I stand to oppose.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Changmorik.

Hon. S. Changmorik (Longisa Ward, UDA): Hon. Deputy Speaker, thank you. I stand to oppose this Motion. We have a provision of an *ad hoc* Committee in our Standing Orders. This is not an *ad hoc* Committee. Whatever they have brought to the Assembly is not in the Standing Orders. I strongly oppose, Hon. Deputy Speaker.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Rosaline.

Hon. R. Cheptoo (Rongena/Manaret Ward, UDA): Hon. Deputy Speaker, thank you. I rise to oppose the Motion which has been forwarded to us. As you are aware, I am the Chairperson, Committee on Water and I must accept that there are a lot of challenges affecting Bomet Water Company. One of them is the issue of salaries which has been an issue because some staff are paid a lot of money compared to the work they are doing. It is high time for the Assembly to recommend and *ad hoc* Committee to investigate and recommend on restructuring or dissolution for us to have a lasting solution.

Otherwise, I oppose.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Caroline

Hon. Deputy Speaker, thank you. This Motion was drafted by the Chairperson. As a Member, I am not aware of this Motion. Thank you.

(Applause)

Hon. Deputy Speaker (Hon. L. Rotich): Are you a Member of PAC/PIC?

Hon. C. Chelangat (Nominated MCA, UDA): Yes, I am a Member, Hon. Deputy Speaker, Sir.

Hon. Deputy Speaker (Hon. L. Rotich): Why are you not aware of the Motion before the Assembly?

Hon. C. Chelangat (Nominated MCA, UDA): Hon. Deputy Speaker, we held the first Committee meeting today. We did not have a meeting to discuss on this issue. We ought to have been consulted as the PAC/PIC Committee.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Bernard, proceed before I give a chance to the Motion mover.

Hon. B. Langat (Kembu Ward, UDA): Hon. Deputy Speaker, thank you for the opportunity though I have tonsils. On the Motion moved by the Vice-chairperson of PAC/PIC, including Hon. Josphat Kipkirui and Hon. Ernest Rotich was a good idea. He only failed to elaborate why he picked the two. We also expected to have an *ad hoc* Committee other than the PAC/ PIC. I therefore reject the Motion.

Hon. Deputy Speaker (Hon. L. Rotich): Thank you. Motion mover, kindly.

Hon. Deputy Speaker (Hon. L. Rotich): I want to give you the right of reply and in your deliberation you should be able to answer most of the sentiments raised by Hon. Members.

Hon. D. Ngeno, Deputy Leader of Minority (Kongasis Ward, CCM): Thank you Mr. Speaker, today as I stand in this Assembly there are a lot of challenges facing the people of Bomet especially in the water company. Today I feel embarrassed to bring a motion to this Assembly that will bring changes to the company and the Member are silently going against the motion.

Mr. Speaker maybe I can fault myself for not elaborating this motion well. We finished the report writing on the water company recently and the report was tabled in this Assembly and approved. We sat as a committee and said we need to bring back actionable recommendations but because we were feeling that we can include the budget committee at the same time we can include the water committee. We have decided to co-opt two other Members from water and budget committees.

Mr. Speaker this committee is not a different committee it is still PIC/PAC committee just that we want to include the water committee so that the water committee will not feel not represented and also the budget committee because they also need to give their input concerning the budget. Today as I sit in this Assembly the water company has not paid its employees for more than 9 months, the water company sits in Bomet County and there is no water in Bomet. It is my request that we fast track these actionable recommendations from PAC/PIC and I really urge the Members...

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Member kindly take the Members through the recommendation that is in the report.

Hon. D. Ngeno, Deputy Leader of Minority, Deputy Leader of Minority (Kongasis Ward, CCM): I cannot be able to make the report right away Mr. Speaker.

Hon. D. Kirui (Ndaraweta ward, UDA): Mr. Speaker Hon. Dennis said he is embarrassed, I want to remind Hon. Dennis that we don't have any negative anticipation concerning the report he should withdraw the statement embarrassment Mr. Speaker. What we wanted is coming up with an *ad hoc* committee, we are not refusing that this report is not okay, the findings of the report were okay but what we are rejecting is we want an *ad hoc* committee.

Hon. D. Ngeno, Deputy Leader of Minority, Deputy Minority Leader (Kongasis ward, CCM): Mr. Speaker maybe to explain and elaborate to Hon. Dancel, the committee on PAC/PIC is the committee which gave the recommendation on our report. Today we are saying we need to give actionable recommendations to this Assembly and for us to give these actionable recommendations we have requested that we co-opt two more Members. It is not about that we cannot be able to give the recommendations without the two co-opted Members but we are feeling that if possible this Assembly can approve for us the other two Members so that they can also give their input when we are giving these recommendations.

It is not all about forming another *Ad hoc* committee, no we can be able to as the PIC/PAC but we are feeling that we can still co-opt Members from the water committee and the budget committee Mr. Speaker that is why our feeling is that we don't need...

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Member to make you maybe understand what the Members raised is that the co-option of the two Members is not in line with what you recommended in the report because Hon. Members have raised two issues here talking of *Ad hoc* committee and now in the motion beforehand the motion mover is talking of co-option of the Members what will become of the PIC/PAC what will it be called after the two Members will have been co-opted to the committee.

(Hon. R. Cheptoo rose on a point of order)

Hon. R. Cheptoo (Rongena/Manaret ward, UDA): Thank you Hon. Speaker before he answers I want to ask him which criteria did he use to pick the Members as I am the chair on water committee and I expected to be consulted so that we can sit as a committee on water and maybe give one person. We feel that we should be respected as the chairs in various committees as we are respecting them also, thank you.

(Hon. S. Changmorik rose on a point of information)

Hon. S. Changmorik (Longisa ward, UDA): Thank you Hon. Speaker let me just inform the Member that we are not against the decision you made earlier on, the only thing is that we have standing orders, which standing order are you using to pick the Members?

Hon. D. Ngeno, Deputy Leader of Minority, Deputy Leader of Minority (Kongasis ward, CCM): Thank you Mr. Speaker you've asked a question Mr. Speaker on the new name of the committee. As I had earlier said the committee is PIC/PAC and we are co-opting these two Members to assist us and give their input, we are not forming a new committee, we are still in PIC/PAC and there is no new committee being formed Mr. Speaker and as I stated earlier this committee can still move on with their recommendations without the two but we are really requesting that you approve for us the other two Members so that we can proceed together.

Hon. Cheptoo from Rongena/Manaret had asked about the criteria used...

(Hon. W. Kiprotich rose on a point of order)

Hon. W. Kiprotich (Chepchas ward, UDA): Understanding order 198 we are still informing the motion mover that his intention is very good and we would have also wished to be that particular tandem, what we don't want to do is to against the rules of the Assembly that is all. When I rose to oppose this motion I did not oppose on the naming of individuals myself I am okay with that but my question would be, what will be the name of the committee? Standing order number 198 is talking about the public accounts committee in this Assembly. 198 part one, part two talks about the public accounts committee having a chairperson and not more than six Members.

Mr. Speaker I want to believe as currently it stands they have a chair and they have six Members, when we add two Members we should now go back to the procedures and rules committee to amend the standing order so that we can now allow the two Members to enter in, I think that is where the motion mover is failing to read together do that we don't pass issues here that are going to be contrary to our standing orders because we are guided by the standing orders and the law.

Hon. D. Ngeno, Deputy Leader of Minority, Deputy Leader of Minority (Kongasis ward, CCM): Thank you Mr. Speaker Hon. Kiprotich has requested that he is still going back to the name of the committee. As I have earlier stated the committee name will not change, and the Membership will not change still but we will have only these two Members to give us their input. We want their input to be counted when we will be dealing with these recommendations Mr. Speaker.

(Hon. F. Chepkirui rose on a point of order)

Hon. F. Chepkirui (Nominated MCA, UDA): Thank you Mr. Speaker my point is I do not also understand why we need an *ad hoc* committee; this is because we have the water and sanitation committee whose main role is to oversee the department of water and sanitation. I believe this is the time for the committee to exercise their power, thank you.

Hon. D. Ngeno, Deputy Leader of Minority, Deputy Leader of Minority (Kongasis ward, CCM): Thank you Mr. Speaker today I stand here as a vice chair of PAC/PIC and I feel like today is their liberation day to the water company and from the look of things these Hon. Members are going to pass the recommendations. I want to answer Hon. Felody that we have the water committee in place but we are feeling as the PAC/PIC that we can have the actionable recommendations from our end as the PAC/PIC having put into consideration all the reports of the auditor general from 2019 to date and today as we are requesting the two Members we are still requesting that the water committee Member should have an input...

(Hon. R. Ruttoh rose on a point of information)

Hon. R. Ruttoh, Majority whip (Chemamer ward, UDA): I want to inform my vice chair.

Hon. Deputy Speaker (Hon. L. Rotich): Vice-chair do you wish to be informed?

Hon. D. Ngeno, Deputy Leader of Minority, Deputy Leader of Minority (Kongasis ward, CCM): Yes.

Hon. R. Ruttoh, Majority whip (Chemamer ward, UDA): Thank you very much Mr. Speaker I want to thank my vice chair for the tedious work he is handling right now. There are some of the questions that I believe it is understood by everybody normally when the report has been forwarded by the auditor general. The auditor general hands over the report to PAC/PIC whichever the report comes from for instance the report we have at hand at the moment is from the Department of Water and it was our mandate as the PAC/PIC to make a recommendation on the report from the auditor general and after finding out that there is a lot of messes which I believe you will guide this Assembly if the committee has gone outside the standing order it is under you Mr. Speaker to give a directive that it is unnecessary to constitute two co-opted Members but directly we go to the ADHOC committee Mr. Speaker.

In our case, as the committee, we are Hon. Members and we can reason together and we can accept the directive you will give us because right now it is our concern as the PAC/PIC that if possible we constitute or invite the co-opted Members legally through the floor of the Assembly so that we can discuss and expound on what the report from the auditor general said and then thereafter we make a recommendation to deal with the floor of the Assembly so that we can have an adhoc committee who will make their report on what we can do to the water company. At the moment we haven't reached a situation whereby we have requested for *ad hoc* committee but we are still scrutinizing the report thoroughly which is why we did invite the co-opted Members from the budget and water.

Mr. Speaker I beg this Assembly if there is any issue we can it smoothly and we can also accept the situation and go ahead to create an *ad hoc* committee as a committee, we don't have any issue because

...

Hon. Deputy Speaker (Hon. L. Rotich): Your information is becoming longer; you were informing the Member.

Hon. R. Ruttoh, Majority whip (Chemaner ward, UDA): *Bwana* Speaker because I was informing my vice chair, he is still very keen on what I am informing so it is your work chair to allow me to continue but that is my observation and I was trying to inform the chair that Hon. Member was making an allegation that we were supposed to give out directly the report from the auditor general directly to the committee on water which is very wrong.

Hon. S. Changmorik (Longisa ward, UDA): Thank you Hon. Speaker, from the look of things the committee which has brought the report and we have adopted it...

(Hon. D. Ngeno, Deputy Leader of Minority rose on a point of order)

Hon. D. Ngeno, Deputy Leader of Minority, Deputy Leader of Minority (Kongasis ward, CCM): The Hon. Member had already contributed and

Hon. Deputy Speaker (Hon. L. Rotich): The floor was yours Hon. Member allow the Member to give his point of order.

Hon. S. Changmorik (Longisa ward, UDA): I am seeing Hon. Speaker if the committee is not seeing that it is not good to form the ADHOC there is a room for jointing the two committees to do the same, it is allowed in the standing order to join the water committee and the PAC/PIC committee and then they bring their finding. It is allowed in the standing order.

(Hon. V. Rop rose on a point of information)

Hon. Deputy Speaker (Hon. L. Rotich): Whom do you want to inform Hon. Member?

Hon. V. Rop, Deputy Majority whip (Nominated MCA, UDA): The Assembly.

Hon. Deputy Speaker (Hon. L. Rotich): Kindly proceed.

Hon. V. Rop, Deputy Majority whip (Nominated MCA, UDA): Thank you Hon. Speaker I am also in concurrence with what Hon. Changmorik has said by amalgamating both of the committees that is the water committee and the PIC/PAC committee and also incorporate the e-governance committee because of the metering and also the budget committee because of the issues to do with the funding and the finance committee and also Mr. Speaker the Assembly leadership, thank you Mr. Speaker.

Hon. D. Ngeno, Deputy Leader of Minority, Deputy Leader of Minority (Kongasis ward, CCM): Thank you Mr. Speaker I wish to thank the Hon. Members for their contributions on the matter. I also feel I went into an awkward situation when one of the committee Members stood and said she is not part of the report and denounced the motion. I want to put it clear today, as a committee Member please attend the meetings it is very important.

So Mr. Speaker we were also considering bringing a report to dissolve some of the Members and I think the report is on the way and you will allow us to de-whip some of the Members...

Hon. Deputy Speaker (Hon. L. Rotich): Kindly stick to the motion at hand. Don't cause panic to Hon. Members.

Hon. D. Ngeno, Deputy Leader of Minority, Deputy Leader of Minority (Kongasis ward, CCM): I am answering questions Mr. Speaker.

(Hon. R. Ruttoh rose on a point of order)

Hon. R. Ruttoh, Majority whip (Chemaner ward, UDA): I am of the opinion that Mr. Speaker that you allow the vice chair to continue because it is very embarrassing that one of us is disowning the report and she was one of the Members in the committee unless she was there physically but spiritually was not there because when we go to the report through the sign schedule the Member was in so the vice chair is very right Mr. Speaker to defend himself. So allow the vice chair to continue.

(Hon. C. Chelangat rose on a point of information)

Hon. Deputy Speaker (Hon. L. Rotich): Whom do you want to inform Hon. Member?

Hon. C. Chelangat (Nominated MCA, UDA): Vice chair Dennis.

Hon. Deputy Speaker (Hon. L. Rotich): Vice chair do you wish to be informed?

Hon. D. Ngeno, Deputy Leader of Minority, Deputy Leader of Minority (Kongasis ward, CCM): No Mr. Speaker.

(Hon. E. Rotich rose on a point of order)

Hon. E. Rotich (Mogogosiek ward, UDA): Thank you very much Mr. Speaker for the opportunity to give a point of order. Mr. Speaker I only found out that my name is here and after going through this I realized that these Members have good intentions. So my point of order is this, that as even the Hon. Member gives the right of reply it is my very sincere wish that we take these matters very seriously because the report was brought to this Assembly, there is a problem in the water company and I wish that as the Hon. Member moves the reply let him also make the Assembly understand that if we don't take action now then we will go down all of us because water is life.

Hon. D. Ngeno, Deputy Leader of Minority, Deputy Leader of Minority (Kongasis ward, CCM): Thank you Mr. Speaker, thank you Hon. Ernest. Water Company in Bomet is dying and I have said this not once during our report and today as I bring this motion for adoption of the two Members I want also to repeat the same. Our water supply in Bomet is in siege and MR. Speaker I wish and I request these Hon. Members to approve for us the two Members so that we can have their input during our actionable recommendations because we want this company tom either be resolved or be restructured. With all that many remarks I beg to urge the Assembly to approve the motion, thank you Mr. Speaker.

(Hon. R. Ruttoh rose on a point of order)

Hon. Deputy Speaker (Hon. L. Rotich): Kindly one minute.

Hon. R. Ruttoh, Majority whip (Chemamer ward, UDA): Okay thank you I will not even take more than thirty seconds I just want to request you Mr. Speaker before you put a question this Mr. Speaker it is my humble request that you don't put a question but you give a ruling so that we can go and discuss further on this because the Assembly is divided and this thing is very important to all of us Mr. Speaker, that is my humble submission, thank you.

Hon. Deputy Speaker (Hon. L. Rotich): Okay thank you Hon. Member.

Hon. D. Ngeno, Deputy Leader of Minority (Kongasis ward, CCM): Thank you Mr. Speaker Hon. Richard from Chemamer has given a suggestion and from the look of things Members are not taking this seriously and throwing away this motion will take us another six months Mr. Speaker to come back to sense and to come back to the same motion on water company. It is my request that you put this on hold and give us a ruling we go back and discuss and come back in our next sitting with more recommendations and a way forward Mr. Speaker, thank you.

Hon. Deputy Speaker (Hon. L. Rotich): Okay thank you Hon. Member the motion mover for moving the motion. In your time for right of reply, Members wanted to know several issues that pertain co-option of the two Members and you've answered, in that case therefore I want to give the ruling that I will differ putting the question and in the period you will be required to consult with the Members of PAC/PIC, consult with the Members of water and sanitation because you realize that the chair water and sanitation was not aware that one of the Member has been co-opted so I differ putting the question up to tomorrow. *(Applause)* in the period also you also consult the recommendations you made and they should be intended with the implementation which will appear in your motion.

Hon. D. Ngeno, Deputy Leader of Minority (Kongasis, CCM): Thank you Mr. Speaker.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Richard.

Hon. R. Ruttoh (Chemamer, UDA): Thank you Mr. Speaker. I also expected you to give us a ruling when a Member disowns the report he or she recommended so you better give us direction on the same so that as we go out to consult with other Members, we want also to know when a Member disown the report which she was part of it. Thank you very much Mr. Speaker.

(Hon. V. Rop rose on a point of order)

Hon. V. Rop (Nominated MCA, UDA): Hon. Richard Ruttoh is our majority whip, I also serve as his deputy Mr. Speaker. Give us a Solomonic ruling but please she is one of my entourage and the people who have been pushing me from behind Mr. Speaker to soar to greater heights. Let us pardon her. Thank you Hon. Speaker.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Caro.

Hon. C. Chelangat (Nomionated MCA, UDA): Thank you Mr. Speaker. I did not disown the motion. I was just telling the Assembly that I was there when the motion was being tabled and the Hon. Members were requesting the *ad hoc* Committee to be formed and water committee to be involved so I was not disowning I was saying we were supposed to be involved so that even me I was to contribute the Adhoc committee and Hon. Cheptoo to be involved in this motion. Thank you Mr. Speaker.

Hon. Deputy Speaker (Hon. L. Rotich): Okay thank you. As I have said before, the PAC/PIC Committee did not do a wider consultation. As part of my ruling, I instructed and requested you that you do more consultation so that when we will be putting the question, you will have even included even up t but limited to consulting even the Members of water and sanitation. Thank you. The vice chair health sought leave that the chair was away with the report. Has the chair arrived? Vice chair health.

Hon. C. Chepngetich (Nomionated MCA, UDA): Thank you Hon. speaker. The chair is in and he is ready to give the repot.

Hon. Deputy Speaker (Hon. L. Rotich): Okay chair kindly take the floor. Kindly proceed.

Hon. S. Changmorik (Longisa, UDA): Thank you Hon. speaker. Hon. speaker, the statement was sought by Hon. Roseline Cheptoo on 31st September 2023 from the chairperson committee on health and sanitation regarding the Monire – Kimugul dispensary in Rongena/Manaret Ward Bomet county Hon. Cheptoo wanted to be furnished with the a comprehensive report on the following issues:

1. The reason why the facility has not been completed since 2018.
2. The cost of construction of the said facility stating the amount paid up to date.
3. The name of the contractor awarded the construction of the said facility.
4. The plan of the department on the said project.

The committee on sitting on 26th September 2023 resolved to write a letter to the CEC health services through the office of the clerk to inquire on the same. Hon. speaker, in response on 2nd October 2023, the CEC response to the issues raised on the statement as follows:

1. The reason why the facilities has not been completed since 2018

The contract was awarded to Jainline Enterprise Liited on April 2019. Analysis was done by public works on 31st September 2023 to ascertain the construction progress and found out that all the substructure work was complete for sub structure, the work done is walling, finishing work and external work not done but some internal wall had been blastered. Roofing and ceiling had not been completed. For sanitary facility, the only work done is digging the pit.

Technical report from the contract implementation team that monitored the performance of the contract concluded that preferably, the outperforming obligations had not been made that appropriate action to be taken by procurement entity.

2. The cost for the said facility stating the amount paid up date.

The project cost 3.907104 million of which 2.160 million has been paid and the department plans to conduct an inspection and valuation of the construction work done and pay off the contract and terminate the contract and the remaining work to be retendered.

3. The name of the contractor awarded the contract of the said facility.

The contract was awarded to the Jainline Enterprise Limited on April 2019.

4. The plan on the department on the said project.

Analysis was done by the public works on 31st September 2023 to ascertain the construction and progress and found out that all the substructures work was complete but for substructure work, but the work was not done is walling and finishing work on the external work not done but some internal wall had been blustered roofing and ceiling had not been completed and for a sanitary facility the only work done is the digging of the pit.

5. The action taken by the department

Is that notice to terminate the contract was issued of which he returned to the site and that the department plans to conduct an inspection and valuation of the construction work done and pay off the contract and terminate the contract and the remaining work to be retendered?

OBSERVATION

The committee on sitting on 17th October 2023 deliberated on the CEC's response and made the following observations:

In the report, the committee noted the pending work is key to external work, construction of the waiting bay blustering, and installation of flash and steel doors which were already supplied to the site. Fitting and painting works, electricity work, and construction of the pit latrines The report also indicated that the performance of the obligations had not been met and the appropriate action to be taken by the procurement entity.

CONCLUSION

The response of the statement was elaborate and therefore sufficient answer for the statement sorted. The Members adopted the report for the following department.

Hon. speaker, to add on top of that report, after going through this finding of this report, we found that there is a lot of pending work in this county and I also beg this Assembly that I bring the total list for every ward and the awarded tender that since some even are from the first regime of 2013 have not been completed so I requested as the committee that we submit the all report for the all-

county so that each Member can see from his ward the contractors who have delayed the work and we make one report and give a final ruling. Thank you Hon. Speaker.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Roseline.

Hon. R. Cheptoo (Rongena/Manaret, UDA): Okay thank you Hon. Speaker. We have heard the report from the chair and before I lay the statement, I have been to the department before and that forced me to bring this statement through the assembly and my concern is that as you are aware in the tendering or the procurement procure, is that once the contractor has been given tender, there is time limit of which most of the time it is about six months and this is now about five years since the contractor was given that work and we have been informed by the chair that the contract was about 3.9 million and although he has been paid about 2.1 million and my expectation is that I was expecting the chair or the CEC to give us the report, the remaining work or the quotation of the remaining work as per now as we are aware many items the price has risen so I am requesting the chair to fast tract this because we will not be here to get only the report we want actions to be done so the first action I expect is the department to go to the site and give us the cost of the remaining work and cancelation of the tender. It is long overdue and that has given us to delay in most of the work done in the county and as he has said, in every ward, there is a lot of stalled projects and if we will not act fastly, our people will not get services. Otherwise thank you.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Mutai.

Hon. P. Mutai (Sigor, UDA): Thank you Mr. Speaker. I wish to congratulate the committee on Health for the comprehensive report they have given us. Mr. Speaker I think the question raised by Hon. Roseline Cheptoo was answered by the report given by the CECM in charge of health. As the committee, it happened that I am among the Members. As the committee, we were asked the reason why the facility has not been completed since 2018. That was question number one. Number two, the cost of constructions of the said facility stating the amount paid up to date and the name of the contractor awarded the constructions of the said and the plan of the department on the said project. I think we have given out the whole and the answer of those questions and Mr. Speaker Hon. Roseline Cheptoo has again given us another question to give the remaining work and we have given out what were told by the department that this is the right figure, what has been paid and this is the remaining. Mr. Speaker, I think it is up to the Hon. Member to deal with the remaining part of the said facility Mr. Speaker. Thank you.

Hon. Deputy Speaker (Hon. L. Rotich): Okay thank you. The answer was elaborate. The Member also sought to have wanted to know more on the same project but it is good that the chair reiterated that there are many other stalled projects in the department of health so kindly use the powers within

your committee to serve this Assembly with the information necessary that pertains incomplete projects. Hon. Changmorik.

Hon. S. Changmorik (Longisa, UDA): Thank you Hon. speaker, I want to add something more. According to procurement act, after six months, the terms of contact can elapse unless there is an extension of the procurement but the way I know there is a mess reason being I request for the whole stalled projects in health facilities because we want to terminate all of them once and then we do the retendering because it has taken more than a year for most of them. Thank you Hon. Speaker.

(Applause).

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Wesley.

Hon. W. Kiprotich (Chepchabas, UDA): Mr. Speaker I think what our friend Hon. Changmorik we usually refer to him as the prime minister is putting across anyway he has put his idea forth but I was only wondering about the silence in the Members Mr. Speaker we are very silent including myself even in the reading of this report because as I quote Hon. Cherargei of Nandi “*uwoon ome Murek sebetaik*” Mr. Speaker I wanted to say that we do not even know what is happening, we do not have the report anywhere and nothing has been given to us that is why we are quiet. When a Member asked for this particular statement Mr. Speaker, it is not solely for the only Member. You can now hear the committee on Health and the Member who sought the statement are now in crossroads immediately but we cannot help. We are just quiet we cannot help because we are not included in this. We were not even given the report. We do not have anything so we just keep quiet.

Hon. Deputy Speaker (Hon. L. Rotich): The report was posted yesterday to our wall. We got the soft copy. Hon. Dancel.

Hon. D. Kirui (Ndaraweta, UDA): Mr. Speaker I want to thank the chair Health for giving us a detailed and a good report on time. What I want to ask Mr. Speaker is Hon. Cheptoo has been furnished with the information she asked Mr. Speaker but she goes ahead to ask other questions Mr. Speaker. I want to be on record on this Assembly Mr. Speaker that on 17th October, I asked a statement and you directed it to the committee on water Mr. Speaker. It is now almost one month Mr. Speaker and Hon. Cheptoo has not brought it to this Assembly Mr. Speaker. *(Applause).*

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Josphat.

Hon. J. Kipkirui (Singorwet, INDEPENDENT): Thank you very much Hon. Speaker. I am rising to thank the committee on health for the good report. Secondly Mr. Speaker, the matter at hand, that is pending projects in this county is very alarming Mr. Speaker and it should draw the attention of each and every Hon. Member here that we should be concerned about all the projects that are pending. I am happy that the chair has alluded that he will be providing us with a detailed record of all the pending projects Mr. Speaker. My point that I want to pass to this Members is that if it is doable Mr.

Speaker, I think it is high time we move a motion in this Hon. Assembly that will dictate that for all the contracts that have lapsed Mr. Speaker that is that have lasted for more than six months, there should be a procedure Mr. Speaker so that they be terminated or otherwise so that we do not deny services to the people of Bomet Mr. Speaker. We have projects that have been staying since as far as 2013 or 2014 Mr. Speaker and you wonder now where is the mess because once a contract has been awarded, I should expect that we do not expect the money to be given to the contractor but rather the contractor to complete the work as per the agreement then payments to be done later Mr. Speaker but it is only in this county Mr. Speaker where you will find a given [project has been tendered then you will expect people to be waiting for payments to be done before even the work has commenced. Mr. Speaker, I think you should give us a direction on how we should approach this matter Mr. Speaker because it is a matter of real concern and we would want to see all the projects that are being commenced to be completed within the timelines as per the contract Mr. Speaker. Otherwise I want to support what the chair has said and we will always bring in to this honorable Assembly all the projects that are pending in our wards. Thank you.

Hon. Deputy Speaker (Hon. L. Rotich): okay thank you Hon. Member for those sentiments. We are all concerned with the pending works. Yesterday there was also a statement or a question which was asked by a Member on detailed information why the ward office in his ward has not been completed and in the deliberation I asked the committee concerned to even include other stalled projects. So Hon. chair Health and sanitation, kindly proceed and serve this Assembly with incomplete projects in the department of health. Otherwise thank you so much for the deliberation this afternoon.

ADJOURNMENT.

Hon. Deputy Speaker (Hon. L. Rotich): The Assembly adjourns to tomorrow 2.30 pm.

The Assembly rose at 3.50 pm.