

**REPUBLIC OF KENYA**



**COUNTY ASSEMBLY OF BOMET**

**FIRST ASSEMBLY- THIRD SESSION**

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**PUBLIC ACCOUNTS AND INVESTMENT COMMITTEE  
REPORT ON CONSTRUCTION OF KAPSANGARU AND  
MUGANGO HEALTH CENTRES**

**March 2015**



*Handwritten signature and date:*  
19/3/2015

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## CHAPTER ONE: INTRODUCTION

### **1.1 Committee composition**

The Public Accounts and Investment Committee as currently constituted comprises the following Honorable members:

1. Hon. Stephen Changmorik – Chairperson
2. Hon. Patrik Chepkwony - V. Chair
3. Hon. William Mosonik
4. Hon. Robert Bett
5. Hon. Robert Serbai
6. Hon. Bency Too
7. Hon. Leah Kirui
8. Hon. Jospine Rotich
9. Hon. John Chepkwony

### **1.2 Mandate of the Committee**

The standing order No. 189 establishes the Public Investments and Accounts Committee with specific mandate to:

- a) Examine the accounts showing the appropriation of the sum voted by the county Assembly to meet the public expenditure and of such other accounts laid before the county assembly as the Committee may think fit.
- b) Examine the reports, accounts and workings of the county public investment.
- c) Examine in the context of the autonomy and efficiency of the county public investment, whether the affairs of the county public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices.

### **1.3 Acknowledgement**

I wish to thank the members of Public Accounts and Investment Committee for preparing this report. On the same note, the Committee is grateful to the Offices of the Speaker and the Clerk of the County Assembly for the support received while compiling this report.

### 1.4 Affirmation and approval

We, honorable members of the Public Accounts and Investment Committee, do hereby affix our signatures to this report to affirm our approval and confirm its accuracy, validity and authenticity:-

No.	Name	Position	Signature
1.	Hon. Stephen Changmorik	Chairperson	
2.	Hon. Patrik Chepkwony	V. Chair	
3.	Hon. William Mosenik	Member	
4.	Hon. Robert Bett	Member	
5.	Hon. Robert Serbai	Member	
6.	Hon. Bency Too	Member	
7.	Hon. Leah Kirui	Member	
8.	Hon. Jospine Rotich	Member	
9.	Hon. John Chepkwony	Member	

### 1.5 REPORT OF THE COMMITTEE ON PUBLIC ACCOUNTS AND INVESTMENT COMMITTEE IN RESPONSE TO STATEMENT SOUGHT ON CONSTRUCTION OF KAPSANGARU AND MUGANGO HEALTH CENTRES TO THE HOUSE.

Hon. Speaker Sir,

#### What triggered this report?

- A statement was sought by Hon Stephen Changmorik on the delayed construction of the two health centres namely; Kapsangaru and Mugango Health Centre.
- Hon Speaker directed the issue to the Health Committee for deliberation.
- Upon deliberation of the said report, the members were not satisfied and the Hon Speaker directed the matter to PAC/PIC for further investigation on 20<sup>th</sup> October, 2014.

#### The amount of money and the financing Arrangement.

- The county Government of Bomet funded the project with Kshs 500,000 for the expansion of Kapsangaru Health Centre.
- The Contractor, Tarime Constuction Limited received the interim payment of Kshs 220,505 after the work reached the slab level.

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PUBLIC ACCOUNTS AND INVESTMENT COMMITMENT REPORT ON KAPSANGARU AND MUGANGO HEALTH-CENTRE

## **1.4 REPORT OF THE COMMITTEE ON PUBLIC ACCOUNTS AND INVESTMENT COMMITTEE IN RESPONSE TO STATEMENT SOUGHT ON CONSTRUCTION OF KAPSANGARU AND MUGANGO HEALTH CENTRES TO THE HOUSE.**

**Mr. Speaker Sir,**

### **What triggered this report?**

- A statement was sought by Hon Stephen Changmorik on the construction of the two health centres namely; Kapsangaru and Mugango Health Centre.
- Hon Speaker directed the issue to the Health Committee for deliberation.
- Upon deliberation of the said report, the members were not satisfied and the Hon Speaker directed the matter to PAC/PIC for further investigation on 28<sup>th</sup> October, 2014.

### **The amount of money and the financing Arrangement.**

- The county Government of Bomet funded the project with Kshs 500,000 for the expansion of Kapsangaru Health Centre.
- The Contractor, Tarime Constuction Limited received the interim payment of Kshs 220,505 after the work reached the slab level.
- The second interim payment of Kshs 134,981 was made when the roof was almost complete.
- After the first two payment the contractor was never seen on site.

### **The procurement process**

- The tender was advertised without prerequisite tender documents. The prequalified contractors were issued with copies of architectural drawings from which they were to extract quantities and use the same to tender. This was very unusual method of procurement for building works particularly for full contract for which this was one.
- The Public works officer also did not consult the public works officers for preparation of the drawings and bill of quantities and proceeded to do himself yet he lacked the capacity.
- The tender committee minutes was not signed by the members.

### **Site visit**

**Mr. Speaker,**

**On 17<sup>th</sup> November, 2014** the committee made a site visit on the two health centres. They held a meeting with the following officers of Kapsangaru Health Centre;

1. Richard Rotich-----Chairman
2. Richard Langat-----treasurer
3. Joyce Korir-----In charge

After thorough discussion, the committee agreed to invite the officials of the dispensary to appear before the PAC to shed more light on the ongoing construction.

Later in the day they met with officials of Mugango Health Centre. After thorough discussion with the management of the Mugango Health Centre, the PAC/PIC was satisfied with the ongoing construction and gave it a clean bill of health. They commended the constructor and the management for the good work they were doing.

**On 1<sup>st</sup> and 2<sup>nd</sup> December, 2014** they invited the following witnesses to give oral and written submission on matters raised pertaining the health Centre of Kapsangaru;

<b>No</b>	<b>Names</b>	<b>Designation</b>
1	Micah Langat	Ward Administrator
2.	Gladys Yegon	Medical Engineer
3.	Joel Ruto	Engineer
4	Richard Kirui	Director, Tarime Construction Ltd.
5	Benard Koech	Foreman

During the meeting the committee was able to raise several issues for clarification. This included clarification on;

1. Delayed construction of the facility.
2. The poor workmanship of the facility,
3. Compliance of the Tarime Construction Limited with regulation.
4. The inspection done by the engineer.
5. Poor planning of the structure.

**Mr. Speaker,**

### **1.5 Responses to the issues raised for clarifications**

The Committee was informed by;

1. Director Tarime construction informed the committee that his company is dully registered and produce certificate from National Construction Authority.

He informed the committee that there were several challenges which affected the construction. These includes;

- The Bill of quantities of the construction of the health Centre was changed.

- The bank signatories was changed on the process.
- The management of the facility led by Richard Rotich interfered with the work to a large extent since he wanted to control the laborers to be employed.

Director Tarime presented to the committee a commitment letter indicating his willingness to finish the construction if given necessary support.

He agreed that his company will go on with the construction if given necessary support.

2. Gladys Yegon, Joel Ruto and Micah Langat informed the Committee that there was no signed contract agreement between the contractor and the management of the facility. They said that what were evidenced was the unsigned Tender Committee Minutes.

- The engineer confirms that the progress report of the inspection done was ready and will availed copies to the committee.
- They agreed that the payment made so far was Kshs 355,526 and they had estimated that the project will cost Kshs 588,000.
- The county Government had budgeted and given out Kshs 500,000 which was short of the estimated figure by Kshs 88,000.

3. The PAC/PIC directed the Director Public works Arch. Raymond Ngeno, to visit the site and make assessment on the project and give proper guidance and recommendation to the committee. He responded to the request vide a written submission on 16<sup>th</sup> December, 2014.

The submission of the Director was as follows;

- Bomet Central Sub county works Engineer Mr. Joel Ruto was tasked with the responsibility of preparing architectural drawings and bills of quantities for the proposed MCH.
- The works officer instead of consulting the technical team at the public works headquarter for preparation of drawings and bill of quantities decided to do himself yet he lacked the capacity.
- The project was thus advertised without prerequisite tender documents.
- In his inspection report the Director noted with great concerns that the structural framework depicted serious defects that need to be remedied.
- He had recommended that the contract be terminated and the remaining works re-tendered.

## **1.6 COMMITTEE FINDINGS AND RECOMMENDATIONS.**

**Mr. Speaker,**

The Committee was satisfied with the recommendation of the Engineer and agreed unanimously to adopt it.

The recommendations were as follows;

- The standard of the construction was below par.
- The structure poses risk to inhabitants and therefore does not meet the minimum requirements for approval until the defects in the structural framework shall be remedied.
- The roof structure should be pulled down and the defects remedied by constructing and fixing the trusses as specified by the structural engineer. The trusses should be fixed to a wall plate via hoop irons.
- The county government and the Constructor M/S Tarime Construction Limited should meet the cost of the remedial process.
- Public procurement Oversight Authority should be involved in investigation of the shoddy work done with a view of black listing the constructor.
- The county secretary should give cautionary warning to the two officers Mr Joel Ruto (Public works officer) and Mr. Micah Langat (Ward Administrator) for failing to monitor the project well.

**Mr. Speaker Sir,**

I therefore urge this house to adopt this report.