



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Second Session

Tuesday, 3<sup>rd</sup> June, 2014

The House met at 2.30 p.m.

*(Mr. Speaker in the Chair)*

#### PRAYERS

#### COMMUNICATION FROM THE CHAIR

**Hon. Speaker:** Hon. Members, welcome back from the long recess. I have the following communication to make; Hon. Members, our sitting this afternoon formally commences the second part of the Second Session of this First Assembly of the Nairobi City County.

#### **Budget Estimates**

Hon. Members, as you are aware the Assembly adopted its Calendar of sittings for the year 2014 at the commencement of the Second Session. The Calendar indicated that the Assembly would go for recess between Thursday, 1st May 2014 and Monday, 2<sup>nd</sup> June 2014.

Hon. Members, the purpose of the month long recess was to allow the Sectoral Committees and the Budget Committee enough time to consider and table a report of the Budget Estimates for the Nairobi City County Government. Hon. Members, Standing order 207 provides that each Sectoral Committee shall consider, discuss and review the Estimates according to its mandate and submit its report and

recommendations to the Budget and Appropriations Committee within 21 days after being laid before the County Assembly.

Hon. Members, we would have wished that the Budget and the Appropriations Committee tabled its report of the budget today, but as you are aware, the chamber was in use today morning for public participation in the budget process. I therefore wish to direct as follows regarding the foregoing; That the Budget and Appropriations Committee table its report on the budget Estimates by Tuesday 10<sup>th</sup> June, 2014 to enable the Executive prepare an Appropriations Bill for consideration and approval by the Assembly before Monday 30<sup>th</sup> June, 2014 as contemplated by relevant Statutes and Assembly Standing Orders.

### **Auditor General's Report**

Hon. Members as you are aware; the Report of the Auditor General was tabled in the Assembly on Wednesday, 25<sup>th</sup> March 2014. Article 229(4) of the Constitution provides that within six months after the end of each financial year, the Auditor General shall audit and report, in respect of that financial year, on the accounts of the National and the County governments; the accounts of all the funds and authorities of the National and County governments; the accounts of the national Assembly, the Senate and the County Assemblies amongst other entities.

Further to the foregoing, Article 229(8) provides that within three months after receiving an audit report, the County Assembly shall debate and consider the report and take the appropriate action. Hon. Members, I therefore wish to direct that the Report of Public Accounts Committee on its consideration of the Auditor General's Report to be tabled on Thursday, 12<sup>th</sup> June 2014, in order to conform to the three months statutory period within which the Assembly must consider the said Report.

### **Pending Statements**

Hon. Members, the Chair's attention was drawn to the growing number of pending Statements awaiting response from the relevant departments of the Executive. In order to ensure timely response and conclusion of pending Statements, a letter was dispatched to the County Secretary to ensure the pending Statements are dealt with accordingly. I thank you.

## **STATEMENTS**

### **PERSONAL STATEMENT BY HON. MAURICE GARI**

#### **COMPLAINT OVER HON. NDIGIRIGI'S CONDUCT IN NAIROBI WEST WARD**

**Hon. Member for Nairobi West (Mr. Maurice Gari Otieno):** Thank you, Mr. Speaker sir, I rise here on a Personal Statement according to Standing Order No. 80. Mr. Speaker, I have been having problems with the Special elect Member, Hon. Ndigirigi.

**Hon. Speaker:** Honourable Who?

**Hon. Maurice Gari:** There may be a misspelling of the name. I don't know very well, but she is a special elect of this Assembly. Hon. Ndigirigi, has been disturbing me in my Ward for several times and I cannot contain it. The latest thing she did was that she went and locked the newly constructed structures in my Ward with new padlocks claiming that they she built same structures in South C and they were destroyed. So, Mr. Speaker sir, I don't know what is wrong with this lady because this thing is going to go out of bounds and I don't want to carry blood on my hands. I beg you to give the ruling in this House on what is the role of the Special Elect. If we are sharing the Ward, we know how we share the Ward. If not, she keeps away from my Ward, Mr. Speaker sir. I beg that you give the ruling on that, Mr. Speaker sir.

**Hon. Speaker:** Thank you, Hon Chairperson for Ward Development Fund, I will give the ruling and directions on that tomorrow 2.30 p.m.

### **PERSONAL STATEMENT BY HON. ERASTUS MUIRURI INSECURITY OUTSIDE THE ASSEMBLY PRECINCTS**

**Hon. Member for Clay City Ward (Mr. Erastus Muiruri):** Thank you, Mr. Speaker, I hope you have not forgotten my face. I want to condemn with the highest voice which can emanate from my mouth regarding what happened when there was a ruling between the Governor and his competitor. Actually these hooligans who happens to be those who elected us, there is a Hon. Member who was surrounded by those guys and the situation was very bad. I hope Hon. Members you concur with me. It took even our courage to stand with him until security was beefed up outside the Assembly premises. So, Mr. Speaker, it is my humble request that something needs to be done outside our County Assembly precincts so that such a thing won't happen again. Thank you, Mr. Speaker.

**Hon. Speaker:** Very well. I know something is being done and in a short while you will notice. Thank you, Hon. Clay City.

### **PERSONAL STATEMENT BY HON. STEPHEN KAMAU 'ONE MEMBER ONE WARD ONE VOTE' PETITION**

**Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo):** Thank you, Mr. Speaker sir. I rise on a Personal Statement to shed a bit of light on a process that I am involved in. Some matter about the elected Members who have petitioned the Senate on the need to have 'one member one Ward one vote'. Mr. Speaker, we have been having issues with our members who are special elect and we have no issues with our other Members of this House. So, I am taking this opportunity to urge all the Members of this House and especially our dear Special Elect Members to take time and go through the petition other than name calling, shouting and all manner of bad things. I am sure we have Hon. Members here who are academically sober and can be able to go through documents and have their inputs, Mr. Speaker. We love our special elect Members, we cannot do without them, Mr. Speaker. Thank you.

**Hon. Speaker:** Order Hon. Members, we are not discussing Members of this House today. I will give a ruling in regard to Hon. Gari's problem and I don't want to entertain any discussion of the Special Elect Members. Thank you.

**PERSONAL STATEMENT BY HON. ELKANA MAUTI**

**STAFF OF THE NAIROBI CITY COUNTY ASSEMBLY**

**Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti):** Thank you, Mr. Speaker sir, I rise on Standing Order No. 80 whereby I am here to defend some of the people who have been employed by the County Assembly of Nairobi. Last time when we went for the recess, we came back and found that some employment had been done. Two---

**Hon. Leader of Minority (Mr. Abdi Hassan):** Point of Order, Mr. Speaker sir!

**Hon. Speaker:** There is a Point of Order from the Leader of Minority.

**Hon. Leader of Minority:** Mr. Speaker sir, we should not entertain Members to discuss the County Assembly Service Board in this House. (*Loud consultations*) It is not allowed and Mr. Speaker sir, it is wise for you to take the Members to the National Assembly so that they can see how the National Assembly performs. This is not a market place the way Hon. Duale says this is an August House and people must learn how to follow rules in this House. Mr. Speaker sir, give me this time to continue on that point of order, Mr. Speaker sir. Let me first take this opportunity to welcome Members back in this House and also take this opportunity to welcome back *Baba*. But on that note I want to tell *Baba* that Kenyans on 4<sup>th</sup> March 2013, (*Loud protest from Members*) Mr. Speaker sir---

*(Loud Consultations)*

**Hon. Speaker:** Order, Hon. Members! Order, Hon. Members!

**Hon. Member for Korogocho: (Mr. Maxwell Ochar):** Mr. Speaker, if this House is not a market place, then he should---

*(Loud Consultations with shouts of protest)*

**Hon. Speaker:** Order! Order! Hon. Members, I am perturbed and dismayed, we had come to discuss the issues of the County Assembly. First and foremost, Hon. Elkana you are out of order, (*Applause*) and I want to put it very clearly Members that the staff of the County Assembly are not members of the union and if you are going to entertain workers who are disrespectful to others, I will have no business sitting on this seat here. I don't see anywhere where Members of the National Parliament go to

the Public Service Commission to complain about employees. We have a system working. We have a secretariat of the County Assembly and therefore we have to put up with it because laid down procedures must be followed.

It is unfortunate if you Members are going to show this to the workers of the County Assembly that they are untouchables; then they would rather come and work for you and not work for the County Assembly. We cannot have it and cannot allow it. As the Speaker of the County Assembly, as long as I sit on this seat the workers of the County Assembly of Nairobi must follow what they signed. But if an employee moves around sending text messages, what do you expect him to do tomorrow about you? He will do the same. Hon. Leader of Minority, you are very articulate gentleman, let us not bring the issue of National politics on the floor of the House.

*(Applause and loud Consultations)*

**Hon. Speaker:** Order Members! Can we go to the Assembly business of the day, because I will not entertain--- Order! Order! Hon. Members!

*(Loud consultations)*

**Hon. Member:** He must apologize! Raila is not your age! Respect Raila!

*(Loud consultations)*

**Hon. Speaker:** Order Maxwell! Maxwell! Order, Hon. Members! Order!

*(Loud consultations with a heated exchange from both sides of the divide)*

**Hon. Speaker:** It is the first time that the Nairobi Assembly has been put to shame. In view of this, Members, what has happened is a grave disorder in the County Assembly. Hon. Members, Standing Order 109 (1); *"In the event of grave disorder arising in the County Assembly, the Speaker may adjourn the County Assembly forthwith or suspend any sitting for a period to be determined by him or her"*.

Hon. Members, you realize what has happened here is a grave disorder and in a moment I will give a ruling.

*(Loud Consultations)*

**Hon. Member:** Point of Order, Mr. Speaker!

*(Loud consultations)*

**Hon. Speaker:** Order! If that continues then we shall invoke 109. Hon. Leader of Majority.

**Hon. Leader of Majority:** Thank you, Mr. Speaker. It is a painful decision, but I think the Leader of Minority is going to swallow his words under Standing Order Number 84: Retraction and apologies.

*“A Member who has used exceptionable words and declines to explain and retract the words or to offer apologies for the use of the words to the satisfaction of the Speaker shall be deemed to be disorderly and shall be dealt with in accordance with the rules pertaining to disorderly conduct.”*

*(Applause)*

Mr. Speaker, I am here to request the Leader of Minority to just come to apologize to my Members. So, Mr. Speaker, we have to---

*(Loud consultations)*

**Hon. Speaker:** Order Members! Give the Leader of Majority time to speak.

*(Loud consultations)*

**Hon. Leader of Majority:** ---do the honourable thing because I don't want this House to---

**Hon. Speaker:** Order, Hon. Catherine!

**Hon. Leader of Majority:** ---continue fighting over a very small issue, Mr. Speaker. Thank you.

*(Loud consultations)*

**Hon. Leader of Minority:** Mr. Speaker sir, I saw no reason to apologize. There is nothing to apologize about here, Mr. Speaker sir.

*(Loud consultations)*

What I have said is within my Constitutional rights. I was just expressing my personal statement as the Minority Leader of this County Assembly, Mr. Speaker sir. I have no reason to apologize at all.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Leader of Minority!

*(Loud consultations)*

Order, Hon. Leader of Minority!

*(Loud consultations)*

Order, Members! Order!

*(Loud consultations)*

Order Members! Order!

*(Loud consultations)*

Order, Hon. Catherine!

*(Loud consultations)*

**Hon. Member for Utalii Ward (Mr. Wilson Ochola):** Can he apologize, Mr. Speaker? If he does not apologize we will walk out!

*(Loud consultations)*

**Hon. Speaker:** Can you sit down, Ochola! Can you sit down!

*(Loud consultations)*

Members! Hon. Members! Order, Members! Order!

*(Loud consultations)*

Order, Members! Order, Members!

*(Loud consultations)*

Hon. Leader of Majority!

**Hon. Catherine Okoth (Nominated Member from Makina):** Majority, *tutoe nje twende.*

**Hon. Speaker:** One more word again from you Catherine and I'll throw you out. You can do what you please.

*(Loud consultations)*

Hon. Members! Hon. Members!

*(Loud consultations)*

Hon. Members!

*(Loud consultations)*

Hon. Millicent, order Members! Order!

*(Loud consultations as Hon. Millicent shouts that the Clerk is misadvising the Speaker)*

Hon. Millicent. You are not indispensable.

**Hon. Member for Kariokor Ward (Ms. Millicent Mugadi):** Obligated!

*(Hon. Millicent bows to the chair)*

**Hon. Speaker:** You are not indispensable. Hon. Members, I want to again call upon the Hon. Leader of Majority to come and give the details on what apology should come from the Minority so that he apologizes. Please, Hon. Leader of Majority.

*(Loud consultations)*

Order, Members! Order!

*(Loud consultations)*

Order, Members! Order!

*(Loud consultations)*

Order! Order!

*(Loud consultations)*



**Hon. Member:** Mr. Speaker, I think this House--- *wacha tuongee bwana!* This is our right!

*(Hon. Catherine Okoth and Hon. Peter Warutere engage in a physical combat; Warutere slaps Catherine and Catherine retaliates with a fist)*

*(The two let go of their fight)*

*(Loud consultations)*

*(Hon. Benson Amutavi engages in a fist fight with Hon. Peter Warutere)*

*(Banging of the tables as the House degenerates into a shouting contest as Members shout expletives at the top of their voices)*

**Hon. Speaker:** Sit down! Sit down! Order, Members!

*(Loud consultations)*

Hon. Members!

*(Loud consultations)*

Order, Hon. Members!

*(Loud consultations)*

Order, Hon. Members!

*(Loud consultations)*

Order! Order, Members!

*(Loud consultations)*

Hon. Members, order!

*(Loud consultations)*

Order, Hon. Members!

*(Loud consultations)*

Order! Order, Hon. Members!

*(Loud consultations)*

Order, Hon. Members!

*(Loud consultations)*

**Hon. Members:** Ngwele must go! Ngwele must go! Ngwele must go!

*(Other Members retaliate with a chant of "Ngwele must stay!")*

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members! Order!

*(Loud consultations)*

**Hon. Members:** Ngwele must go! Ngwele must go!

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members!

*(Loud consultations)*

Hon. Members, Standing Order 85.

*(Loud consultations)*

Sorry, I mean Standing Order number 84.

*"A Member who has used exceptionable words and declines to explain and retract the words or to offer apologies for the use of the words to the satisfaction of the Speaker shall be deemed to be disorderly and shall be dealt with in accordance with the rules pertaining to disorderly conduct."*

Hon. Leader of Minority, I call upon you to retract and apologize.

*(Loud consultations)*

Order Members, order!

*(Loud consultations)*

**Hon. Member:** Point of Order, Mr. Speaker!

**Hon. Speaker:** Order! Hon. Thuo

*(Loud consultations)*

Hon. Thuo.

*(Loud consultations)*

Order Members! Order!

*(Loud consultations)*

Order Hon. Thuo.

**Hon. Leader of Minority:** Mr. Speaker sir, with all due respect--- with all due respect, nothing I have said here is disorderly in any way. I have nothing to apologize about, Mr. Speaker sir.

*(Loud consultations)*

**Hon. Member for Dandora Area III Ward (Mr. Charles Thuo Wakarindi):** Point of Order, Mr. Speaker sir!

**Hon. Speaker:** Hon. Members!

*(Loud consultations)*

Order, Members! Order!

*(Loud consultations)*

Order! We are on television!

*(Loud consultations)*

Order, Members!

*(Loud consultations)*

Order! Order!

*(Loud consultations)*

Order, Hon. Members!

*(Loud consultations)*

Hon. Chief Whip!

*(Loud consultations)*

Order, Chief Whip!

*(Loud consultations)*

Chief Whip!

*(Loud consultations)*

Hon. Members!

*(Loud consultations)*

Order, Hon. Akuk!

*(Loud consultations)*

Hon. Members!

*(Loud consultations)*

Hon. Members!

*(Loud consultations)*



I will look at the ruling--- I mean the HANASARD and tomorrow we shall take appropriate action.

*(Applause)*

**Hon. Wilson Ochola:** Mr. Speaker sir, I think the ruling which you have made--- just a minute. Just a minute! Let me do the ruling, Point of Order, Mr. Speaker! You should not fear the Minority Leader. Mr. Speaker! You are the one who has said; "*to leave this House*". Mr. Speaker---

*(Loud consultations, shouts and chanting from some Members)*

**Hon. Member:** Minority *nje!* Toa Minority *nje!*

*(Loud shouts)*

**Hon. Members:** Ngwele must go! Ngwele must go!

*(Loud consultations)*

**Hon. Speaker:** Sit down!

*(Loud consultations)*

Sit down!

*(Loud consultations)*

Order! Order, Members!

*(Loud consultations)*

Order, Members! Order! Sit down!

*(Loud consultations)*

Sit down! Sit down!

*(Loud consultations)*

Sit down! Sit down!

*(Loud consultations)*

Members, sit down! Sit down!

*(Loud consultations)*

Sit down! Sit down! Sit down! Members, Sit down!

*(Loud consultations)*

Order, Members! Order!

*(Loud consultations)*

Sit down! Sit down!

*(Hon. Joyce Bocha throws her handbag at Hon. Maurice Akuk)*

*(Loud consultations)*

You have to sit down!

*(Loud consultations)*

*(Hon. Members cheer as Hon. Janet Wala walks in)*

*(Loud consultations)*

*(Loud consultations)*

**Hon. Speaker:** Order, Members! Order! Sit down.

*(Loud consultations)*

**Hon. Speaker:** Order, Members! Hon. Members! Hon. Leader of Minority, I ask you humbly as the Speaker of this House to apologize to the Members.

**Hon. Leader of the Minority:** Mr. Speaker sir, I cannot satisfy CORD! I can't!

**Hon. Speaker:** Order Members! Order!

*(Loud consultations)*

**Hon. Leader of the Minority:** Mr. Speaker sir, as a Chair of this House--- Mr. Speaker sir---

*(Loud consultations)*

**Hon. Leader of the Majority:** Mr. Speaker, sir. With all due respect, the HANSARD is here and nothing I have said needs any apology and I cannot do that.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, it is a very painful moment because we have come from a recess and it is unfortunate to bring in national politics here. With a heavy heart, I will ask the Leader of the Minority to walk out of this House.

*(The Leader of the Minority is escorted out of the House amid  
applause from the Majority side of the House)*

*(Loud consultations)*

**Hon. Speaker:** Order, Members! Order! Order, Members! Any more words from anyone here, you will also follow suit. Order, Members!

**Hon. Maurice Akuk:** *(Inaudible)*

**Hon. Speaker:** Hon. Akuk, we know that you know how to speak a lot of good English but certainly I will not entertain your language here; you can do that in Cambridge University or Makerere. We also went to school, you must know that. Hon. Members, I am not here for life and when I get out of this I will not come to your house. We come here to do business, and nobody carries the other. Any vulgar language that Akuk is using against me I will take it personally, Mr. Akuk, and you must take note of that. Use parliamentary language and if you can't, call me to your house in the morning or you come to my home and we will sort it out. Hon. Members, I don't see anybody who carried the other to come to this House. You can go and do what you know best, Akuk. Do your signatures. Remove me and I will go to Magelo's home. I will not go to Akuk's house. I am tired of your insults; I went to school as you did.

**Hon. Members:** Akuk, you must apologize! Akuk, apologize!

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, can we go to business?

**Hon. Members:** Yes.

**Hon. Members:** Akuk must go!

*(Loud consultations)*

## MOTION

### DECENTRALIZATION OF PROCUREMENT PROCESSES WITHIN THE COUNTY

**Hon. Speaker:** I call the Chief Whip, David Mberia.

**Hon. Chief Whip of Majority (Mr. David Mberia):** Thank you, Mr. Speaker. I beg to move the following Motion;

**THAT AWARE** that the Public Procurement and Disposal Act of 2005 requires that each public entity establish procedures to provide for the making of decisions on behalf of the public entity relating to procurement and further aware that on the 25<sup>th</sup> of March, 2013 the Minister for Finance gazetted the Public Procurement and Disposal Act of the County Government as legal notice number 6 of 2013 enacting guidelines to be enacted by the County Governments when carrying out procurement processes within the Counties; deeply **CONCERNED** that public procurement processes within the County Government are democratic in nature and there is not enough personnel to handle the workload resulting in delays in implementation of public projects and attracting unnecessary extra costs that are met by taxpayers, this Assembly resolves that the County Government move with speed and ensure that procurement processes within the County are decentralized to the respective existing departments or entities of the County Government in order to expedite the procurement process and implementation of projects within the stipulated time and at a reasonable cost.

*(The Speaker leaves the Chair and Hon. Pius Otieno takes over as Temporary Deputy Speaker)*

**Hon. Chief Whip of Majority:** Mr. Speaker, as you are aware, there are two types of tendering, there is public tendering and restricted tendering. Mr. Speaker, when we come to public tendering--- Mr. Speaker, protect me from Hon. Ochola.

In public tendering, Mr. Speaker, it provides for 14 days for opening to be done and when it comes to restricted tendering it is only prequalified companies which are allowed to tender. Mr. Speaker, the deadline for restricted tendering is 7 days but when the tender is opened that is now where we have a problem, the lack of quorum takes center stage. We all know that I was a Councilor in the last council and it used to take almost one year for a contractor to secure a site. Mr. Speaker, we can take a leaf from the



Nairobi Water and Sewerage Company which has decentralized its procurement process to regions. I come from Karen, we have southern region which has its own procurement department apart from the central department on Kampala Road.

Mr. Speaker, if this Government decentralizes procurement processes because according to the Procurement Law it is supposed to take only 30 days for a contract even worth a hundred million for a contractor to secure a site. However, in this scenario, Mr. Speaker, a big contract takes almost six months for a contractor to secure a site. We as Members of the County Assembly we have the Ward Development Fund and if we decentralize procurement processes because that is where bureaucracy lies, Mr. Speaker; if we do decentralize let us leave 20 million and above to the main procurement department and then 20 million going downwards must be decentralized. . Mr. Speaker, let me summarize---

*(Loud consultations)*

**Hon. Chief Whip of Majority:** Mr. Speaker, protect me from--- Let me summarize. This Motion is not a populist Motion like the one which was shot down before we went for recess; this is a very important Motion. If implemented fully, Mr. Speaker, it will help the leaders especially the elected leaders who need projects in their Wards done and done fully. One thing I would like the House---

*(Jubilee Members walk out of the House)*

**Hon. Leader of the Majority:** We are not worried about the walk out. Let these Members pass the Motion, let the Committee on Implementation, implement and you know the Executive will implement this Motion and make sure that the process is decentralized. It will help a lot, in fact if any project will take a maximum of 30 days from bidding to tendering to opening, to evaluating to when the contractor will secure a site in 30 days, then these leaders will smile all the way into 2017. Mr. Speaker, let me ask the prince of English, Hon. Akuk to come and second the Motion.

**Hon. Temporary Deputy Speaker (Mr. Pius Otieno):** Hon. Akuk. Who is approaching the Chair?

**Hon. Leader of the Majority:** Mr. Speaker, I have seen the prince man is dilly dallying. Let me call up the man of the Teso to come and second the Motion.

**Hon. Member for Makongeni Ward (Mr. Peter Imwatok):** Thank you, Mr. Speaker. First and foremost I must say welcome back to the House to all the Members of the Assembly and secondly, Mr. Speaker, I think I have to stand and support this Motion because of the bureaucracy we have experienced in this County. Mr. Speaker, this County has a workforce of more than 11 thousand employees and the Ministry of Immigration which has five departments has a workforce of less than 3 thousand and in this Ministry we have the Department of Immigration, registration of passports, registration of deaths and then

the headquarters but each unit of this Ministry works independently under one Principal Secretary (PS) and one Minister.

I think, Mr. Speaker, if we borrow the same leaf for this County, the issue of delay in delivering services for this County will be a thing of the past. That is why I stand firmly to support the Motion of my brother, Chief Whip Mberia. We really need to implement this course, because our people are crying because of lack of service delivery. Here in the County we are also crying about the huge wage bill; the wage bill is too much yet our people are crying there are no jobs. Let us train this workforce properly so that when we cry about the wage bill, service delivery is seen to be done. I beg to support the Motion.

**Hon. Temporary Deputy Speaker:** Fair enough, Hon. Peter Imwatok. Hon. Members, I now put the question. I have already proposed, Hon. Members, can I propose the question.

*(The question is proposed)*

**Hon. Temporary Deputy Speaker:** Hon. Ogeto.

**Hon. Member for Kilimani Ward (Mr. Moses Ogeto):** Thank you, Mr. Speaker sir, I beg to support this motion simply because the National Government created County Governments. Also the Constitution devolved functions in the National Government to the County. That is why, Mr. Speaker, we have the County Government where there is an Assembly like this one.

Mr. Speaker sir, I want to congratulate my Chief whip for bringing such a Motion in this Parliament on such a date, the 3<sup>rd</sup> of June, 2014. It is a very good Motion, which will make things to work fast because what made the former Nairobi City Council to delay is lack of decentralization.

But when we see, Mr. Speaker sir, devolution and decentralization of functions to smaller units and areas, it may be efficient and effective because every person and procuring entity will be answerable to the Chief Officer. That is the Principal Secretary. If something has not been implemented in your Ward, you will know definitely the one who is to be blamed. For example if it is from the Environment Department, and it is the one that is making people not to sweep, especially in my Ward, the culprit will be known. I was in my Ward the other day and I asked them why the office was so dirty and they said that they had not received brooms. Why? The answer was; it is in the procurement procedure.

When you come to the same department, we hear also that we are waiting for the procurement to give us the results on who should bring even the brooms in the Council. Mr. Speaker sir, with all due diligence, I request these Members to support this Motion because it is beneficial to the common *Mwananchi*. We want to decentralize every coin to the common *Mwananchi* because you will find that the procurement department of Nairobi City County is so corrupt that your company can't be shortlisted if you have not parted with something. Your Company can't get a job. You see the user suffering.

If we decentralize this, Mr. Speaker Sir, I believe that this Nairobi County; this Assembly sitting today with these 127 Members, will get good feedback even from the Nairobians simply because they have ensured that they are going to decentralize. You may realize that the National Assembly has been fighting devolution so hard, but for those fighting devolution their battle is already lost.

The people who want to make quick money are the ones promoting corruption in the upper cadre. We should therefore devolve the functions to the common *Mwananchi*. I will also be requesting soon that we even decentralize the finance department.

The Procurement department has not been decentralized and we need to decentralize procurement just like my able Chief Whip has said. I can assure you, Mr. Speaker sir, that when you go back to your constituency in Sarang'ombe, the people of Sarang'ombe will get every coin which they are paying for, because everything which we get in this Assembly comes from the same tax payers and revenue which is being collected by the licensing department of Nairobi City County. Mr. Speaker sir, I beg to support and I also thank my able whip for bringing such a Motion to this Assembly because we need this, so that every Nairobiian can enjoy every coin in this Republic of Kenya. Thank you, Mr. Speaker sir.

**Hon. Temporary Deputy Speaker:** Thank you, Hon. Members. Maybe just to say a little, I also support and I declare my interest so that this Motion would make some sense. It would be important that we restrict ourselves on the much needed reforms that we need within the Public Procurement Office.

Probably when you are contributing you should also propose some of the legislations that we think could also bring in light, probably like County Public Procurement laws that would apply within Nairobi. Thank you. Hon. Masinga, I am only shading light (*Laughing*). Proceed, Hon. Masinga

**Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga):** *Shukurani Bwana Spika, Kwanza narudisha shukurani kwa Bwana Mberia, ambaye ameweza kuleta mada hii katika meza hii. Ninasema ni ahsante. Naunga mkono kwa kudhibitisha ya kwamba imekuwa kama jinamizi katika mji wetu wa Nairobi na County ya Nairobi, kwani mambo mengi yameweza kuwa namushikili katika kutekelezwa. Mambo haya ni ya wananchi ambao waliweza kutupatia fursa yakuweza kuwatetea, kuwakilisha na kuhakikisha ya kwamba wanapata huduma bora.*

*Hivi sasa, imekuwa ni wakati ambapo tunasema ya kwamba ni bora huduma ambapo tunastahili huduma bora hivi sasa. Ninapounga mkono pendekezo hili, nasema kwamba inafaa vitengo tofauti viwekwe ili tuweze kuwa na hakika kwamba wanapopeana fursa ya kuweza kutoa zabuni hizi zina harakishwa kwa muda ambao unafaa. Kama ni kitengo cha mazingira basi, itakuwa bora washughulikie huduma hii. Vile vile kitengo chakupangia mji na vitengo vingine vyote. Hivyo basi naamini ya kwamba tukifanya sheria ambayo itaweza kutoa kazi hii katika kitengo kimoja ambacho tunakijua, tuweze kuhakikisha kuna ugatuzi katika sekta hizi zote, basi wananchi wa Nairobi na kaunti ya Nairobi watakuwa wakituvulia kofia. Shukurani, Bwana Spika.*

**Hon. Temporary Deputy Speaker:** *Shukurani sana, Bwana Masiga.* Hon. Mauti

**Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti):** Thank you, Mr. Speaker sir, I am here to support the Motion simply because even this Assembly was made during devolution whereby this is what we need to be devolved from the monopoly to the people of the grassroots so that they can experience what is happening. In the first place, this is where we have a lot of problems even corruption. This is where it is held. It is the duty of this Assembly to adopt this Motion so that decentralization will take place in every Department. It will start from Procurement because we need Procurement to take place whereby every department should have its own procurement so that when the auditing is done we will know who is responsible for what.

Secondly, we want to reduce superiority complex. It reaches a time that even getting the man concerned with procurement becomes a problem because he knows he is the only final person who can make the decision on behalf of the Assembly, or on behalf of the County. To reduce this, we should have every Department to stand on its own, for example, I am with the Public and Accounts Committee whereby when asked a question you are told it is not me, it is so and so. When you fall you get stuck somewhere. When we give it to every department, it will be effective because the people know what they require, for example if the engineering Department has motor vehicle issues you get that Procurement is done by others who get spare parts that are not needed, because they want to use some of the money. Therefore, I stand to say it is better procurement Department to be decentralized to every department.

Not only at County level but we want it to be decentralized to every Ward because in the National Assembly we have districts. When you go to district level, they are the people who procure and tender for what they need so we want it even to go from every department to the grassroots level. At the grassroot level the people will come up and say this is what we want, so let it be tendered and not somebody in City Hall who does not know what is happening in maybe Mukuru Kwa Reuben Ward. He can come up and tender for may be a road and those people do not need a road; they need toilets or they even need water. So this is why we want this department to be decentralized to every department and from there we go to the Wards. I beg, Mr. Speaker, to give the move to continue.

**Hon. Temporary Deputy Speaker:** Hon. Luchiri.

**Hon. Nancy Luchiri (Nominated Member from Kilimani):** Thank you, Mr. Speaker sir, I would not want to repeat what other fellow Hon. Members have spoken, but I would wish to support this Motion. First, the tendering procedures are very long and we only have tenure of five years. If the procedure is like two years; what will the Hon. Members be doing? We cannot serve the Wanjiku's and Otieno's. Another thing I would wish to add is that I would really wish the procurement staff to be technical staff and not those people who do contracts in this local Hotels. Thank you, Mr. Speaker sir.

**Hon. Temporary Deputy Speaker:** Akuk.

**Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk):** Thank you, Mr. Speaker sir. I would like you to protect me from this Member of Mabatini, Mr. Speaker sir, because I don't represent the people of Mabatini and he keeps on---

**Hon. Temporary Deputy Speaker:** Proceed, Hon---

**Hon. Maurice Akuk:** Thank you, Mr. Speaker sir---

**Hon. Temporary Deputy Speaker:** Hon. **odalo** refrain from unnecessary attacks. Proceed on.

**Hon. Maurice Akuk:** Mr. Speaker sir, I would like to support this Motion and while supporting this Motion I would just like to compare it with the National Government if at all it were possible for the Treasury to do all the procurement for the other entities within the National Government; it is not practical. Mr. Speaker sir, and I don't understand how it is practical in the County of Nairobi. Mr. Speaker sir, when you make your ruling, please, consider that procurement and accounting must be devolved. If devolved we will not have pressures that we have at the moment.

I want to bring to your attention the docket of Transport and Public works, Mr. Speaker sir. We were in Nakuru over the last week where they were making a presentation of the projects they are undertaking. The ongoing projects which amounts to about 1.2 billion Kenya Shillings, took seven months for the procurement Procedures to be done away with. Mr. Speaker sir, in the next financial year you might be paying a debt that could have easily been sorted out this financial year if at all the procurement process was devolved and the Transport and Public Works Department had their own procurement officers to understand what they really need and what they want to procure. Mr. Speaker sir, with those few remarks just make a comparison between the National Government and our County Government and let us know if it is actually possible to have a one procurement station for the entities we have. Thank you.

**Hon. Temporary Deputy Speaker:** Fair enough (*Applause*) Judging by the mood of the House, I will now call the Mover to reply.

**Hon. Chief Whip of Majority:** Thank you, Mr. Speaker sir, now let me take this opportunity to thank Members of this House, because it is a full House with support for the Motion. Let us now leave the business to the Committee on Implementation and let me assure Members that this process will go all the way. In every department you enter, you will see change, if this motion will be fully implemented, Mr. Speaker. Thank you and thank you very much, Members.

*(Applause)*

**Hon. Temporary Deputy Speaker:** Thank you so much, Chief Whip. *(Applause)* Hon. Members I now put the question.

*(Question that the County Procurement services be devolved put and agreed to)*

*(Applause)*

### **ADJOURNMENT**

The House stands adjourned until 2.30 p.m. tomorrow. Thank you, Members.

*(The House Rose at 4.30 p.m)*