Assensing by the Hon organic

## GOVERNMENT OF NAIROBI CITY COUNTY on 2210004



PCA (LS, P)

### THE NAIROBI CITY COUNTY ASSEMBLY

#### OFFICE OF THE CLERK

2ND SESSION

NBI CA. PLC. 2014 / (58)

22<sup>nd</sup> October, 2014

### PAPER LAID

Pursuant to Standing Order 180 (6) I beg to lay the following Paper on the Table of the Assembly, today Wednesday 22<sup>nd</sup> October, 2014.

REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS ON SITE VISIT TO EMBAKASI SUB-COUNTY TO ASSESS THE STATE OF ON-GOING ROAD WORKS/REPAIRS, HELD ON 11<sup>TH</sup> SEPTEMBER, 2014.

(Chairperson, Sectoral Committee on Transport and Public Works)

CLERK
NAIROBI CITY
COUNTY ASSEMBLY
P. O. Box 45844-00100

NAIROBI

Copies to:

The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

Approved Land Shower Land 10/14

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Hon. Ochory

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## NAIROBI CITY COUNTY ASSEMBLY

## FIRST ASSEMBLY - SECOND SESSION

REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS

ON

SITE VISIT TO EMBAKASI SUB-COUNTY TO ASSESS THE STATE OF ON-GOING ROAD WORKS/REPAIRS, HELD ON 11TH SEPTEMBER, 2014

OCTOBER, 2014

CLERK NAIROBI CITY COUNTY ASSEMBLY P.O. Box 45844-00100 NAIROBI

TABLE O	OF CONTENTS	PAGE
1.0	Preface	3
2.0	Committee findings	7
3.0	Committee recommendations	8

## APPENDICES

- i) Copies of papers laidii) Adoption Minutes

#### 1.0 PREFACE

The Sectoral Committee on Transport and Public Works is established under Standing Order 191, and its mandate amongst others, as outlined under Standing Order 191 (5) is to:-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- study the programme and policy objectives of departments and the effectiveness of the implementation;
- c) study and review all county legislation referred to it;
- d) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments): and
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

### Committee Membership

The Committee on Transport & Public Works was constituted by the Assembly Tuesday 30th April, 2013 comprising of the following Members:-

- 1 Hon. Ken Oduru Nyarumba, MCA Chairperson
- 2 Hon. Martin Waweru Gichuhi, MCA Vice Chairperson
- 3 Hon. Maurice Gari Otieno, MCA
- 4 Hon. Clarence K Munga, MCA

- 5 Hon. Osman Adow Ibrahim, MCA
- 6 Hon. Irungu Samwel, MCA
- 7 Hon. Kenneth Irungu, MCA
- 8 Hon. Chege Mwaura, MCA
- 9 Hon. Amina Mohammed, MCA
- 10 Hon. William Abuka, MCA
- 11 Hon. Tabitha Ndigirigi, MCA
- 12 Hon. Maxwell Ochar, MCA
- 13 Hon. Mark Ndungu, MCA
- 14 Hon. Shadrack Juma, MCA
- 15 Hon. Kennedy Ng'ondi, MCA
- 16 Hon. Hellen Katangie, MCA

The Committee exercises its oversight role on the work and administration of the Transport, Roads and Public Works sector.

In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider all matters relating to: - "county transport, including county roads, street lighting, traffic and parking, public road transport and ferries and harbours, excluding the regulation of international and national shipping and matters related thereto; county public works and services including storm water management systems in built-up areas"

### Mr. Speaker sir,

In the exercise of its mandate and following complaints raised by residents of Embakasi Sub-County on the poor state of roads allegedly occasioned by delayed completion of road construction/repairs, the Committee held a site visit to the said sub-county on 11th September, 2014 to inquire into the reasons behind the current state of the roads particularly those under the jurisdiction of the County.

The Committee visited Imara Daima ward, Kwa Njenga Ward, Kwa Reuben Ward and Mihango Ward. Members had the opportunity to witness ongoing road repairs where a majority had stalled. No contractors were on site despite the same having been budgeted for in the current Financial Year. Some roads were completely impassable since they had large potholes filled with stagnant water. The drainage system was blocked posing a health risk to area residents. Residents complained that some of the road repairs had been commenced by the defunct City Council of Nairobi and had not been finalized up to now.

The Committee is thankful to the Office of the Speaker and the Clerk of the Nairobi City County Assembly for the logistical and technical support accorded to members while conducting the site visit.

#### Hon. Speaker, Sir,

On behalf of the Committee, it is my pleasant duty to table the Report of the Sectoral Committee on Transport and Public Works on the site visit to Embakasi Sub-County.

HON. KEN ODURU NYARUMBA, MCA
(CHAIRPERSON)

DATE 21st October 2014

CLERK
NAIROBI CITY
COUNTY ASSEMBLY
P. O. Box 45844-00100
NAIROBI

#### COMMITTEE MEMBERS

- 1 Hon. Ken Oduru Nyarumba, MCA Chairperson
- 2 Hon. Martin Waweru Gichuhi, MCA Vice Chairperson
- 3 Hon. Maurice Gari Otieno, MCA
- 4 Hon. Clarence K Munga, MCA
- 5 Hon. Osman Adow Ibrahim, MCA
- 6 Hon. Irungu Samwel, MCA
- 7 Hon. Kenneth Irungu, MCA
- 8 Hon. Chege Mwaura, MCA
- 9 Hon. Amina Mohammed, MCA
- 10 Hon. William Abuka, MCA
- 11 Hon. Tabitha Ndigirigi, MCA
- 12 Hon. Maxwell-Ochar, MCA
- 13 Hon. Mark Ndungu, MCA
- 14 Hon. Shadrack Juma, MCA
- 15 Hon. Kennedy Ng'ondi, MCA
- 16 Hon. Hellen Katangie

Magin Nowen

M. D. G

K.I. Musergi

Charles Sun

Akaluj.

CLERK
NAIROBY CITY
COUNTY / EMBLY
P. O. Box 45844-00100
NAJE - I

#### 2.0 COMMITTEE FINDINGS AND OBSERVATIONS

#### 1. Imara Daima, Kwa Njenga and Kwa Reuben Wards

While inspecting the state of the roads and ongoing road construction/repairs, the Committee found out as follows;

- i) That most roads in the Wards are earth roads and no efforts were being made to upgrade them to bitumen standard. This has contributed to their destruction especially when it rains making them completely impassable. The residents complained that they always have a hard time to commute during rainy season since motorists are unable to access the area.
- ii) That a few roads which are tarmacked had been damaged due to lack of maintenance. Most of them had potholes which were filled with stagnant water making it impossible for motorists and other road users to navigate through.
- iii) That the drainage system is completely blocked leading to stagnation of storm water. This further contributes to the destruction of the already damaged roads.
- iv) That most road repairs had stalled and no contractors were on site.
  There was no evidence that repairs were ongoing particularly in Kwa Njenga ward.

#### 2. Mihango ward

While inspecting the state of the roads and ongoing road construction/repairs, the Committee found out as follows;

- i) That despite a majority of the roads being graveled, they are not maintained by the County Government. Due to the non-mentainance the roads have potholes which are likely to enlarge and make the roads impassable.
- ii) That the construction to bitumen standard of the major road linking the Ward and Kayole referred to as the Mihango estate link road has stalled. The area Member of the County Assembly tabled documents regarding the said road and further stated as follows;

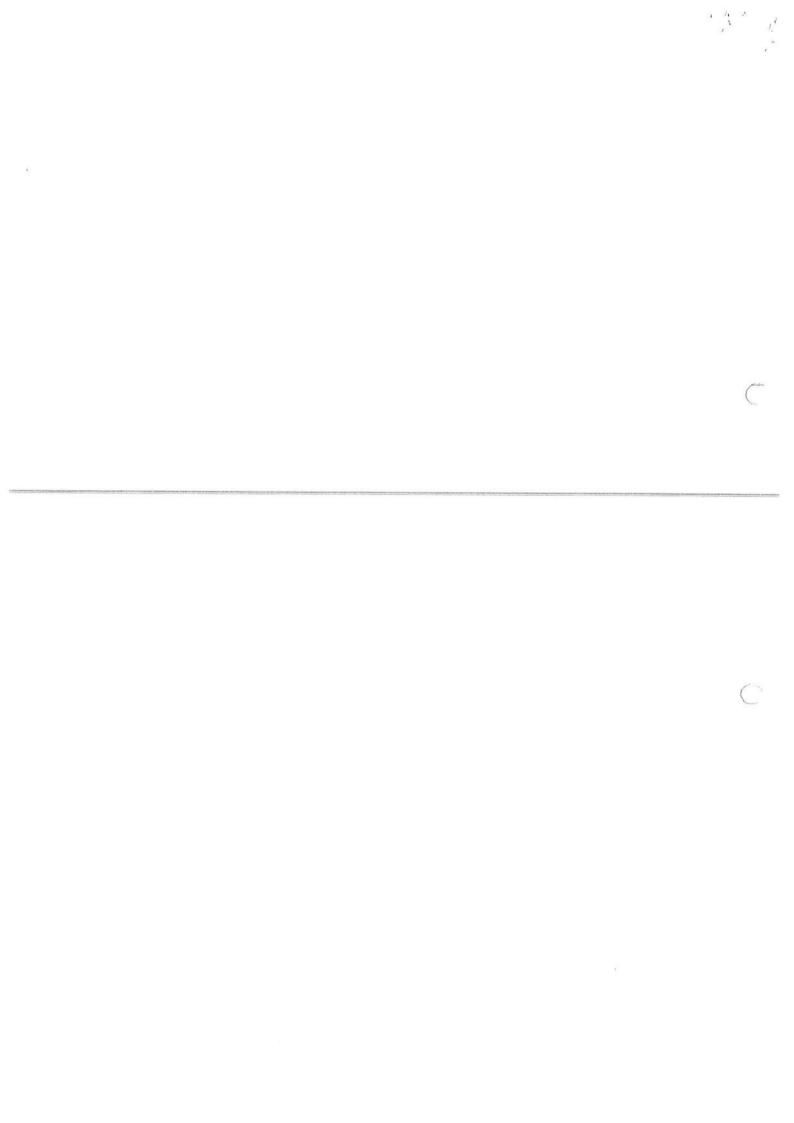
- a) Construction of the road was commissioned by the defunct Nairobi City Council in the year 2010. M/s Junjo Commercial Agencies were awarded the tender to construct the road at a total sum of Kshs. 300, 776, 232 and were expected to complete the works within 20 months.
- b) The contractor commenced the works and completed 70% of the construction. However, the defunct City Council of Nairobi did not honour its payments to the contractor amounting to Kshs 19 million of the completed work hence the contractor halted further construction.
- c) Attempts by the contractor to seek assistance from the County Government have not been fruitful despite the County Government having made budgetary provisions for the said road in the current and previous financial years.

#### 3.0 COMMITTEE RECOMMENDATIONS

Following the site visits, the Committee urges the Assembly to resolve as follows:

- (i) The County Government should prioritize repair and construction of access roads within residential areas particularly in densely populated areas to enable easy mobility of residents. The County Executive should ensure that all earth roads are upgraded to bitumen standards within reasonable time frame.
- (ii) That the sector of Roads, Transport and Public Works should immediately commence construction of drainage systems on County roads to stop further destruction of the said roads.
- (iii)That the County Governemnt should fast-track payment of pending bills to contractors with priority being given to those who have already completed their work. M/s Junjo Commercial Agencies should be facilitated to finish the construction of the Mihango estate link road as there is a budgetary allocation for the said road in the current Financial Year.

(iv) That all contractors on site whose work is due should be given reasonable notice to complete their construction failure to which legal action should be taken against them as per the respective tender agreements.



SEA COUNCIL OF NAMES

TOWN CLERK
FAX: 2217704
TELEPHONE: 2224281
Web: www.citycouncilofnairobi.go.ke

OFFICE OF THE TOWN CLERK

CITY HALL P.O. BOX 30075-00100 NAIROBI KENYA.

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DOP/GKN//Min.22-11/nn/104/09

Ref No ....

4th February, 2010

M/s Junjo Commercial Agencies, P.O. Box 755-00518, NAIROBI

RE: TENDER NO. CCN/CE/T043/2009-10 CONSTRUCTION OF BY PASS - MIHANGO ESTATE LINK ROAD (PART).

### NOTIFICATION OF AWARD

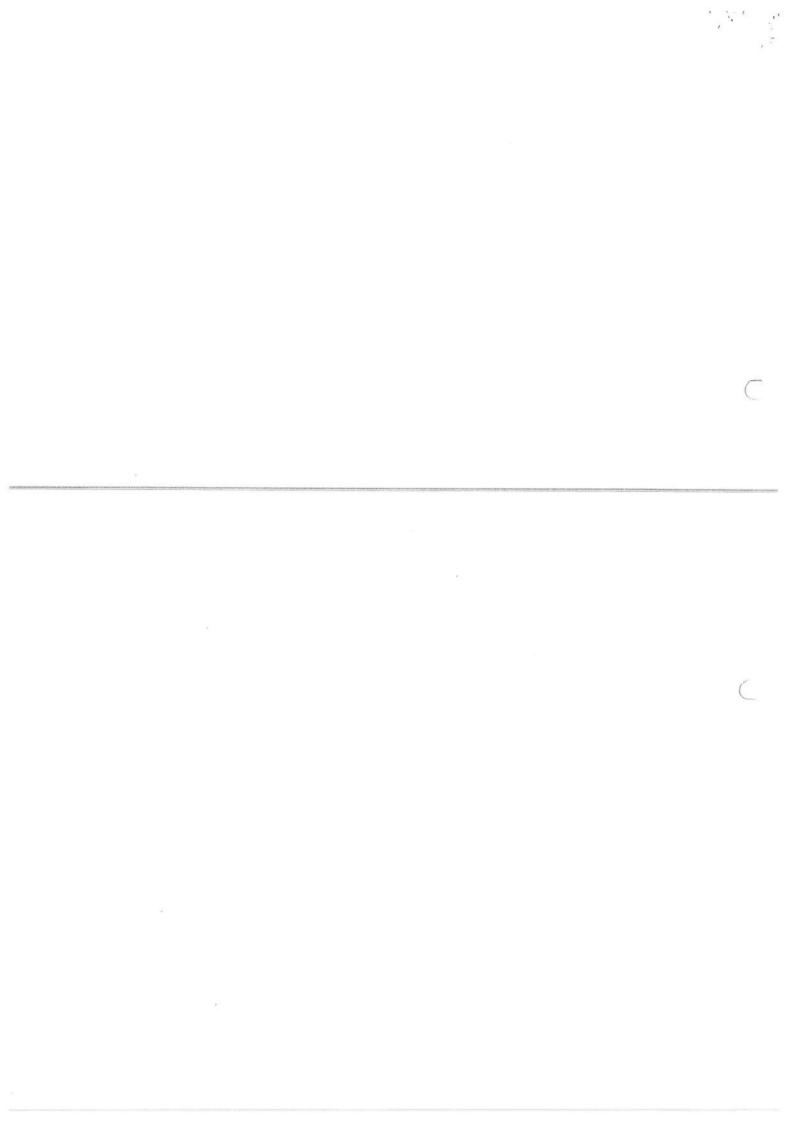
I write to inform you that the City Council of Nairobi has accepted your bid for Tender No. CCN/CE/T043/2009-10 Construction of By Pass — Mihango Estate Link Road (Part) and awarded you the works at a total sum of Kshs. 300,776,232.00 (Three hundred million seven hundred seventy six thousand two hundred thirty two) only and a completion period of 20 months.

You are required to furnish your written acceptance and provide a Performance Bond of Kshs. 15,038,810/= within 14 days from the date of this letter.

Your attention is particularly drawn to the provisions of the General Conditions of Contract and Special Conditions of Contract in respect of quality compliance, timely performance and other general and special conditions as stipulated in the quotation documents.

PHILIP M.A KISIA, MBS, FKIM

TOWN CLERK



## JUNJO COMMERCIAL GENCIES

Komarok, off spine Road

Po Box 755-00518, Nairobi

Tel 020-2012928, 0722 700 625, 0721 200 531

M/RE/Mhg/001

10th April 2014.

The Governor, Nairobi County, P.O BOX 30075-00100, Nairobi.

N 1400 2211.

Dear Sir,

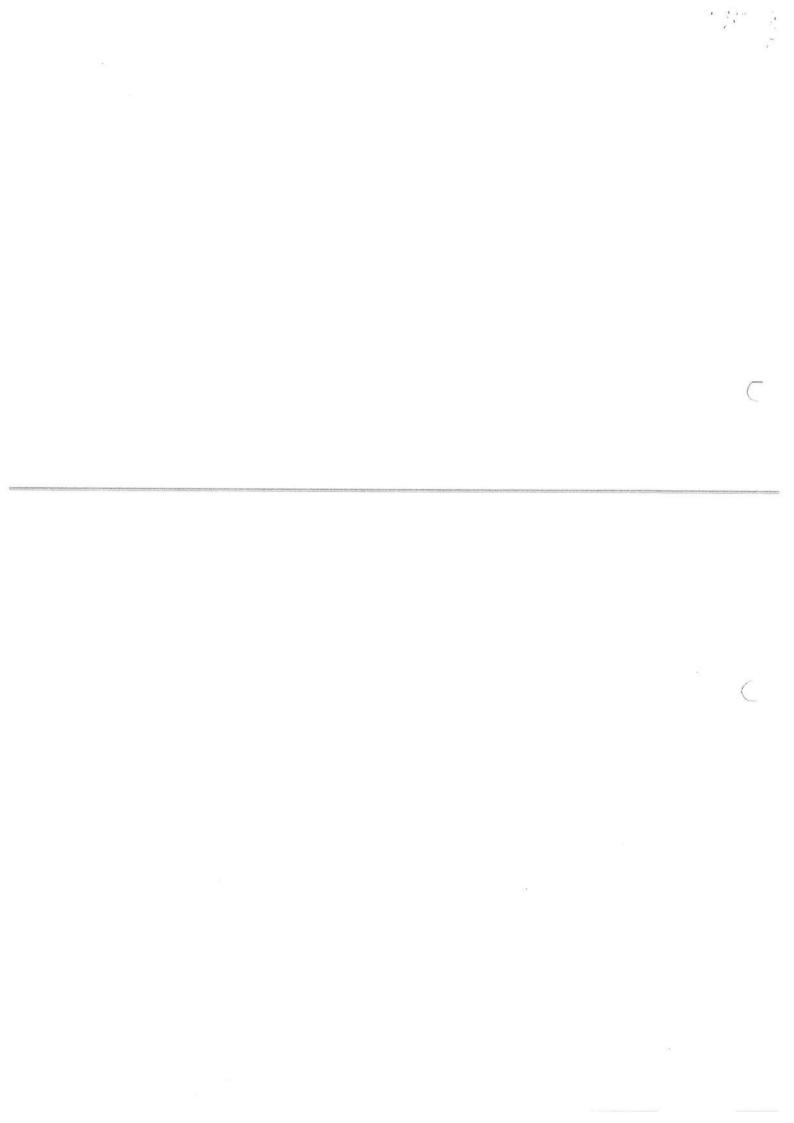
RE: CONSTRUCTION OF BY-PASS-MIHANG'O ESTATE LINK ROAD

## TENDER No. CCN/CE/T043/2009-10

We refer to the above project. In the year 2010, Nairobi City Council awarded us a contract to construct the link road through funding from Kenya Roads Board (KRB), The contract value was estimated to cost Ksh. 300 million and construction period of 30 months.

The project is in Mihang'o Ward, Embakasi East Constituency of Nairobi County and was intended to open the fast growing Mihang'o Estate through the Eastern By-Pass. The importance of this link road is greatly felt by residents of the greater Embakasi and Kasarani constituencies, it is also an alternative to the busy Outer Ring Road.

The creation of Kenya Urban Roads Authority (KURA) in late 2010 assumed the KRB funding for Nairobi urban roads but this project was among those left to be implemented, managed and financed fully by Nairobi City Council. In the start we have had a good working relationship with the employer and the progress was remarkable and in course but come late year 2012/13 funding has being a challenge, our



last payment was received in February 2012. No other payment has come forth to date.

We have had difficulties implementing this project mainly due to delayed funding resulting from none payment by the employer. We have forwarded two interim certificates whose payments are still pending. Certificate No. 5 valued 11 million was certified and approved for payment in July 2012 while certificate No. 6 valued 8 million was forwarded to the Resident engineer in October 2012, this was for the contraction of the important Mihang'o Bridge.

Enclosed please find a copy of the last progress meeting data of year 2012 analyzing the project status. We have managed to accomplish (work in progress), 70% of the project with 50% already approved and 45% paid. We are requesting for assistance to have our interim certificates No.05 paid such that we can have funds to resume work. We tirelessly try following this payments and the final stage of processing the cheque has being unfruitful resulting to suspending the construction works. The contract's performance bond and insurance CAR are renewed. It is our wish to finish this project in high standards.

We humbly seek your intervention to have our cheque processed and paid, assuring you of our best co-operation,

Thanking you in advance.

Yours faithfully.

Junjo Commercial Agencies Ltd.

P.O. Box 755 - 00518

Nairobi

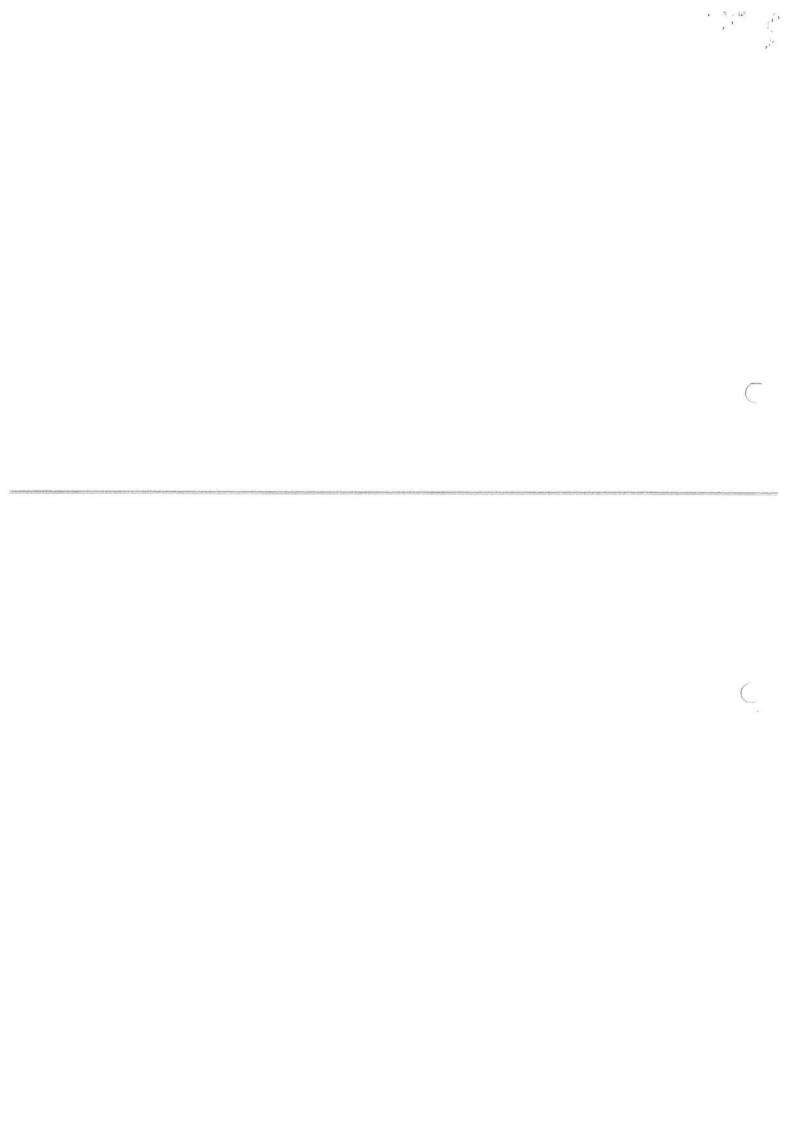
Project Manager.

Cc: City Engineer (City council of Nairobi)

Cc: Resident Engineer (By-pass-Mihang'o Estate link Road Project)

Cc: MCA Mihang'o Ward.

Encis.





# CONTRACTOR'S PERFORMANCE BOND

By this agreement, we, Africa Merchant Assurance Company Limited (surety) of P.O Box 61599 - 00200, Nairobi are bound to City Council of Nairobi in the sum of KShs. 15,038,810.00 (Kenya Shillings Fifteen Million, Thirty Eight Thousand, Eight Hundred and Ten Only).

WHEREAS it has been stipulated by City Council of Nairobi (employer) in the contract that M/S Junjo Commercial Agencies Ltd (contractor) of P:O Box 755 the sum specified above as security for compliance with an insurance guarantee for performance obligations in accordance with the said contractor's of works, that is, Construction of By Pass - Mihango Estate Link Road (Part) (Quotation No. CCN/CE/T043/2009-10).

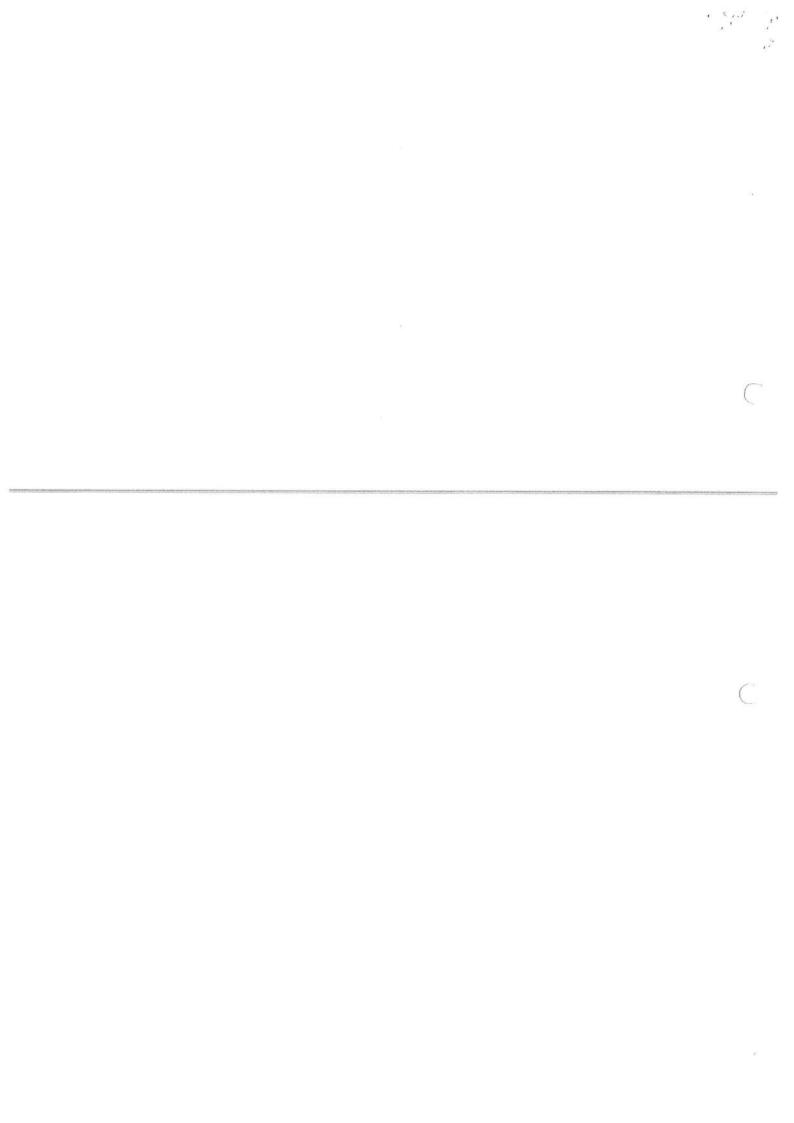
NOW the condition of this written bond is such that if the said contractor, his executors, administrators, successors or assigns shall duly perform his obligation under the contract, or if in default by the contractor the surety shall satisfy and discharge the damages sustained by the employer thereby up to the amount of this written bond, then this bond shall be void, otherwise shall remain in full prejudice to employer's other rights under the contract, the employer shall be the demand forfeiture of the bond and we (surety) undertake to honor and declared that there shall be no alteration in the terms of the said contract that day of October 2011, this guarantee will become null and void and will be of.

N WITNESS, whereof, we have set our hands this 5th day of February 2010.

ce Cheruiyot

horized Official of the Company

Witness



CITY COUNCIL OF NAIROBI P.O BOX 30075 – 00100 NAIROBI

5<sup>th</sup> Feb 2010

Our Ref: Junjo/T043/02/10/JNN:

Dear Sir,

RE: TENDER NO CCN/CE/T043/2009-10 CONSTRUCTION OF BYPASS – MIHANGO ESTATE LINK ROAD (PART)

### LETTER OF ACCEPTANCE

Your reference DOP/GKN/ Min 22-11/nn/104/09 dated 4<sup>th</sup> February 2010 on the above subject refers.

We write to confirm that we ACCEPT the above tender at a bid sum of Ksh 300,766 232.00 (three hundred million seven hundred seventy six two hundred and thirty two) only and a completion period of twenty (20) months.

We hereby submit a performance bond of ksh 15,038 810/= for your necessary action.

We also commit ourselves to abiding by all the contract conditions (General and special) as stipulated in the tender document. We further commit ourselves to complete the project within the stipulated construction period.

Yours faithfully

Jylius N. Wgare

Director

Yours faithfully

# Junjo Commercial Agencies

## Komarok, off spine Road

Po Box 755-00518, Nairobi

Tel 020-2012928, 0722735278, 0724417922

M/RE/Mhg/0019

20th May 2013,

The Resident Engineer,
Construction of By-pass-Mihang'o Estate link Road,
City council of Nairobi,
P.O BOX 30075-00100,
Nairobi.

Dear Sir,

Attention Eng. Kamau

## RE: CONSTRUCTION OF BY-PASS-MIHANG'O ESTATE LINK ROAD

TENDER No.CCN/CE/T043/2009-10

## SUB: INTERIM PAYMENT CERTIFICATE NO 6.

Attached herewith please find our interim payment certificate No 6. Amounting to Ksh 8,533,308.00 Eight million fill and thirty three thousand three hundred and eight shillings.

Your urgent response shall be highly appreciated,

Thank you.

Yours Faithfully,

LM, NHRU

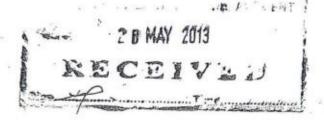
JUNJO COMMERCIAL AGENCIES
P. O. Box-755-00518,
NAIROBI.

7772 1 57772

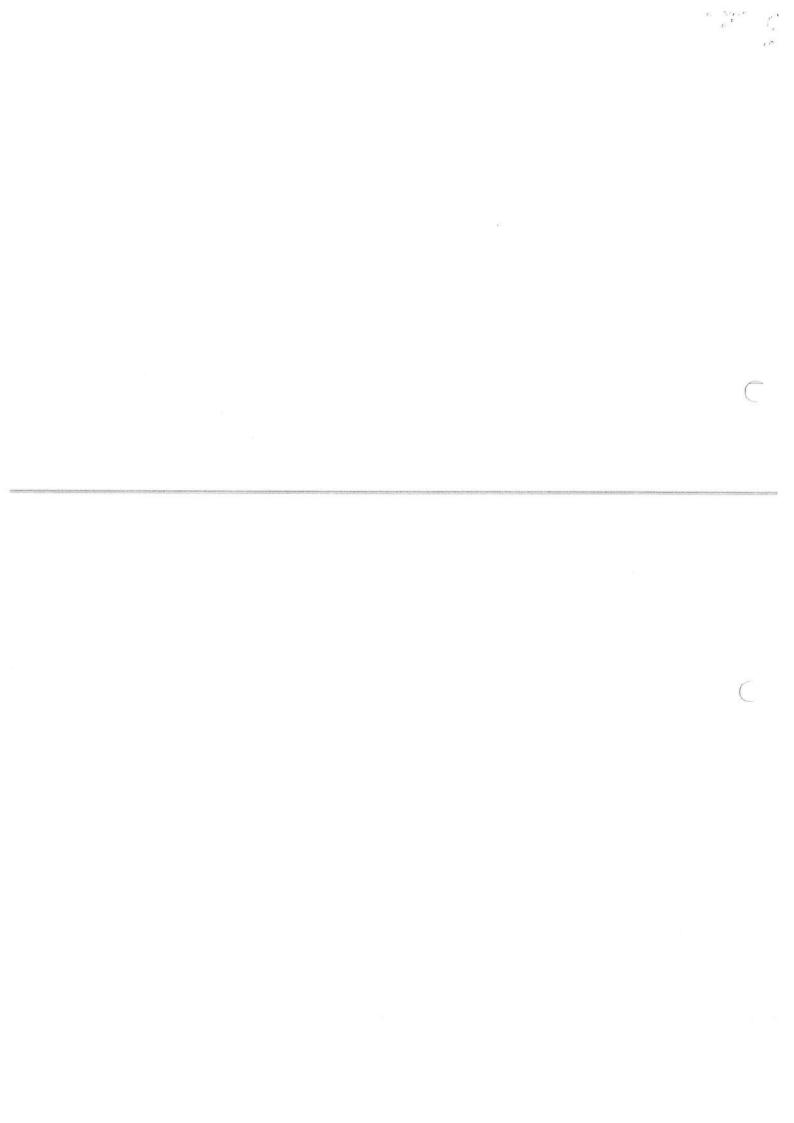
THE AGENT

UNIO COMMERCIAL AGENCIES





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157,567,350.39	8,533,308.00	149,034 042.39	273,432,938.00	TOTANALKUBI.	
21,733,427.64	1,177,008.00	20,556,419.64	37,714,888.00	P. O. Box 755 - 00518,	ADD 16% VAT
135,833,922.75	7,356,300.00	128,477,622.75	235,718,050.00	JUNIO COMMERCIAT ACTA	SUB-TOTAL
0.00	0.00	0.00	1,033,550.00	BILL NO. 22 – DAYWORKS	BILL NO. 22
0.00	0.00	0.00	5,500,000.00	BILL NO. 21 - STREET LIGHTING	BILL NO. 21
5,006,650.00	0.00	5,006,650.00	25,934,000.00	BILL NO. 20 - ROAD FURNITURE	BILL NO. 20
7,706,988.00	822,000	6,884,988		BOX CULVERT	
0.00	0	0	1,786,000	BILL NO. 17 - CONCRETE WORKS	BILL NO. 17
24,128,096.00	0.00	24,128,096.00	98,630,000.00	BILL-NO: 16 - BITUMINOUS MIX BASES, BINDER COURSES AND WEARING COURSES	BILL NO. 16
52,301,720.00	5,589,100.00	46,712,620.00	32,700,000.00	BILL NO. 12 – QUARRY FILL STONE FOR SUB-BASE AND QUARRY CHIPS FOR BASE	BILL NO. 12
3,940,600.00	0.00	3,940,600.00	7,500,000.00	BILL NO. 11 -WALKWAYS	BILL NO. 11
1,620,000.00	200,000.00	1,420,000.00	700,000.00	BILL NO. 9 -PASSAGE OF TRAFFIC	BILL NO. 9
14,420,606.75	0.00	14,420,606.75	39,035,500.00	BILL NO. 8 – CULVERTS AND DRAINAGE WORKS	BILL NO. 8
12,076,262.00	745,200.00	11,331,062.00	6,225,000.00	BILL NO. 5 - EARTH WORKS	BILL NO. 5
5,788,000.00	0.00	5,788,000.00	4,824,000.00	BILL NO. 4 – SITE CLEARANCE	BILL NO. 4
8,845,000.00	0.00	8,845,000.00	11,850,000.00	BILL NO. 1 – GENERAL	BILL NO. 1
Total to date (Ksh)	This certificate(Ksh)	Previous certificates(Ksh)	Contract Amount(Ksh)	Description	Item
	2	26TH OCTOBER 2012	2	JUNJO COMMERCIAL AGENCIES	CONTRACTOR:
MBER -06	CERTIFICATE NUMBER -06	0	ROAD (PART)		CONTRACT NAME :

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## JUNJO COMMERCIAL ENCIES

Komarok, off spine Road

Po Box 755-00518, Nairobi

Tel 0722 700 625, 0721 200 531

M/RE/Mhg/002

30th April 2014

The Chairman,

Committee on finalization of pending bills and Audit of procurement process

Nairobi County,

P.O BOX 30075-00100,

M. April adam.

Nairobi.

Dear Sir/Madam,

Received on 7/3/2014 by Cervy for Secretariat

## RE: COMMITMENT LETTER TO FINISH CONSTRUCTION WORKS ON BYPASS - MIHANG'O ESTATE LINK ROAD PROJECT:

## Tender No. CCN/CE/T043/2009/10

We refer to the above project which is in Nairobi County Government Roads jurisdiction. We appreciate you and your team for finding time to come inspect and verify the progress and quality of works done. We had managed a 70% work progress before challenges forced us to suspend construction though it was our wish to honor the contract. Enclosed please find a copy of our last site progress meeting dated July 2012 summarizing the projects status.

We have had major difficulties implementing this project due to none payment and delayed funding by the employer. Kindly note our interim certificates No. 5 of 11 million was certified and approved for payment in July 2012 while certificate No. 6 of 8 million was forwarded to the Resident engineer. This are invoiced bills for works already done and certified and to date payments have not come forth.



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# Junjo Commercial Agencies

## Komarok, off spine Road

Po Box 755-00518, Nairobi

Tel 020-2012928, 0722735278, 0724417922

M/RE/Mhg/005

16" July 2012,

16th July 2012

The Resident Engineer,
Construction of By-pass-Mihang'o Estate link Road,
City council of Nairobi,
P.O BOX 30075-00100,
Nairobi.

Dear Sir,

Attention Eng. Kamau

RE: CONSTRUCTION OF BY-PASS-MIHANG'O ESTATE LINK ROAD

TENDER No.CCN/CE/T043/2009-10

## SUB: INTERIM PAYMENT CERTIFICATE NO 5.

At the derewith please find our interim payment certificate No 5. Amounting to Ksh. 11,091,713.60 (Kenya Shill) as Eleven million and Ninety One thousand Seven hundred and Thirteen Cents Sixty Only).

our urgent response shall be highly appreciated,

Thank you.

ours Faithfully,

.M. NJIRU

ITE AGENT

UNJO COMMERCIAL AGENCIES

12 5

# Junjo Commercial Agencies

Komarok, off spine Road

Po Box 755-00518, Nairobi

Tel 020-2012928, 0722735278, 0724417922

M/RE/Mhg/0019

20th May 2013,

The Resident Engineer,
Construction of By-pass-Mihang'o Estate link Road,
City council of Nairobi,
P.O BOX 30075-00100,
Nairobi:

Dear Sir,

Attention Eng. Kamau

RE: CONSTRUCTION OF BY-PASS-MIHANG'O ESTATE LINK ROAD

TENDER No.CCN/CE/T043/2009-10

## SUB: INTERIM PAYMENT CERTIFICATE NO 6.

Attached herewith please find our interim payment certificate No 6. Amounting to Ksh 8,533,308.00 Eight million find and thirty three thousand three hundred and eight shillings.

Your urgent response shall be highly appreciated,

Thank you

Yours Faithfully,

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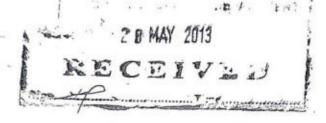
JUNJO COMMERCIAL AGENCIES P. O. Box 755-00518, NAIROBI.

M. NHRU

TELAGENT

UNIO COMMERCIAL AGENCIES

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