

GOVERNMENT OF NAIROBI CITY COUNTY

by Hon. Kennedy Odingo

Moi
PCA CL (P)

16/3/17



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

5TH SESSION

NBI CA. PLC. 2017 / (015)

16th March, 2017

PAPER LAID

Pursuant to Standing Order 180 (6) I beg to lay the following Paper on the Table of the Assembly, today Thursday 16th March, 2017.

THE REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT, ROADS AND PUBLIC WORKS ON THE INSPECTION VISIT TO KIMONDO ROAD, KWARE WARD.

(Chairperson, Sectoral Committee on Transport, Roads and Public Works)

- Copies to:
- The Speaker
- The Clerk
- Hansard Editor
- Hansard Reporters
- The Press

Approved
Hon. Speaker
[Signature]

GOVERNMENT OF NAIROBI CITY COUNTY

16/3/17

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Report made on 16/3/17
by Hon. Kennedy Oduor

KIMONDO ROAD INSPECTION

Phone:
PCA CLIP
161317



NAIROBI CITY COUNTY ASSEMBLY

3RD SITE VISIT REPORT

OF THE

SECTORAL COMMITTEE ON TRANSPORT, ROADS & PUBLIC WORKS

TO KIMONDO ROAD, KWARE WARD



MAR 2017

3rd Report of the Sectoral Committee on Transport, Roads & Public Works on Inspection Visit to
Kimondo Road on 25th October, 2016

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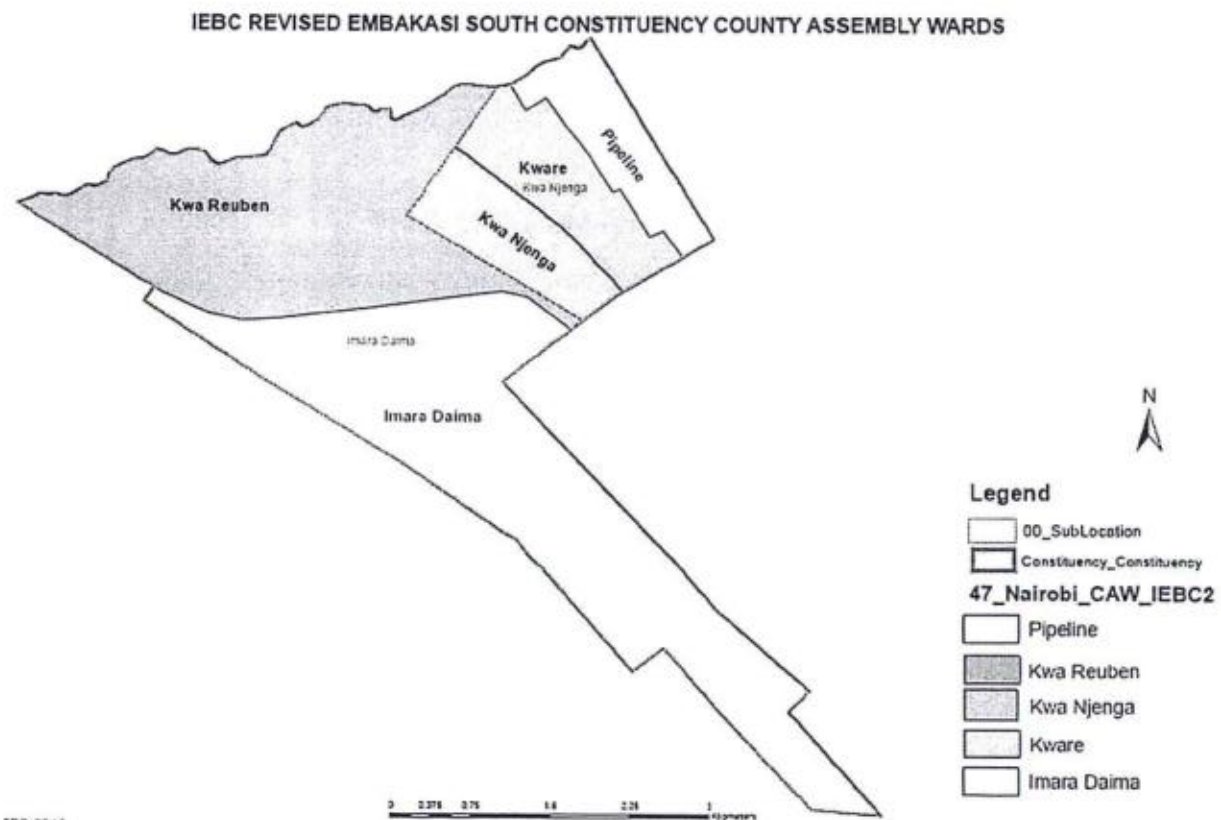
- LETTER REF NCC/RPW&T/1645/DOR/RM220 DATED 21/06/2016
- LETTER REF KURA/D&C/2(144) DATED 10/06/2016
- CONTRACT SHEET; CONTRACT NO.NCC/T/RPT/250/2014-2015

1.0 PREFACE

Mr. Speaker Sir, on behalf of the Members of the Sectoral Committee on Transport, Roads and Public Works it is my pleasure and privilege to present to the Assembly, the Committee's 2017 3rd Report on inspection site visit to Kimondo road, Kware Ward on Tuesday 25th October 2016 to assess the construction works of the road meant to serve the area residents.

2.0 INTRODUCTION

Kimondo road is located in Kware Ward which is an electoral ward in Nairobi City County. It is one of the Wards in Embakasi South Constituency in Nairobi County approximately ten kilometres from the City Centre . Kware Ward Area In Sq. Km is approximately 2.03.It Comprises Part of Mukuru Kwa Njenga Sub-Location of Nairobi County as shown in the map below.



The Transport, Roads and Public Works Committee during its meeting held on 29th September 2016, while considering a response to a statement requested by Hon. Samuel Kagiri regarding the rehabilitation of Kimondo Road, resolved to visit the site on Wednesday 25th October 2016, to see firsthand the status of the road before further inquiring into the reasons for stalling of the rehabilitation project. The Member who had requested for the statement was not content with the response from the County Executive thus prompting the Speaker to direct the Transport Committee to conduct an inspection site visit on Kimondo road and table its findings before the House.

2.1 Committee Mandate

Mr. Speaker Sir, the Sectoral Committee on Transport, Roads 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;
- b) 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 analyze 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.

2.2 Committee Membership

Mr. Speaker Sir, the Sectoral Committee on Transport, Roads and Public Works was constituted by the Assembly on Tuesday, May 7th 2013 comprising of the following Members:-

COMMITTEE MEMBERSHIP

The Committee comprises of the following Members:-

1. Hon. Ken Oduru Nyarumba, MCA – Chairperson
2. Hon. Martin Waweru Gichohi, MCA – Vice Chairperson
3. Hon. Clarence K. Munga, MCA
4. Hon. Osman Adow Ibrahim, MCA
5. Hon. Samuel Irungu, MCA
6. Hon. Amos Mbutia, MCA
7. Hon. Chege Mwaura, MCA
8. Hon. Amina Mohammed, MCA
9. Hon. William Abuka, MCA
10. Hon. Tabitha Ndigirigi, MCA
11. Hon. Maxwell Ochar, MCA
12. Hon. Mark Ndungu, MCA
13. Hon. Kennedy Ng'ondi, MCA
14. Hon. Dianah Kapeen, MCA
15. Hon. Anthony K. Karanja, MCA
16. Hon. Margaret Sewe, MCA
17. Hon. Ronald Milare, MCA

2.3 Acknowledgement

Mr. Speaker Sir, May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the visit.

The Sectoral Committee on Transport, Roads and Public Works wishes to thank the office of the Speaker and the Clerk of the Nairobi City County Assembly for the continuous maximum support and guidance extended to it in the execution of its mandate.

Mr. Speaker Sir, It is my pleasure, duty and privilege to present the 2017 3rd report of the Committee on its findings on a site visit to Kimondo road and recommend the report to the Assembly for adoption.

Thank you.

Signed



Hon. Ken Oduru Nyarumba, MCA, Chairperson of the Transport, Roads and Public Works Committee.

2.3.1 STATEMENT REQUEST

On **Wednesday, 5th July, 2016**, Hon. Samuel Kagiri, MCA, rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested the Chairperson Transport, Roads & Public Works Committee for a Statement regarding the contract to rehabilitate Kimondo Road in Kware Ward.

According to the Member, the County Executive awarded a contract to Newtral Enterprises Limited to rehabilitate Kimondo Road but to date the road is still in a deplorable state and the contractor is not on the site.

The Member further asked the Chairperson to inquire into and report on:-

- i. Whether the contract was given to another company to rehabilitate the road (if yes, then the contract documents to be availed to the Assembly); and
- ii. Measures the County Executive is taking to improve the dilapidated state of Kimondo road.

2.3.2 STATEMENT RESPONSE

On 27th July 2016, the Transport sector Chief Officer responded to the above statement As follows:-

- i. **Issue raised** - County Executive awarded a contract to Newtral Enterprise Limited to rehabilitate Kimondo Road but to date the road is still in a deplorable state and the contractor is not on site.

Response - The project was terminated on 9th March 2016 under Clause 63.1 of Conditions of Contract and vide the letter ref. CE/HS/005/250/010/TRK/mm due to contractor's failure to perform his obligations under contract and persistent non-compliance with Engineer's instructions. The same was confirmed through the letter from County Secretary ref. RPWT/212/DOR/220 of 16th May 2016 and therefore the contractor left the site.

KIMONDO ROAD INSPECTION

To make the road passable and the area accessible, the Sector has embarked on filling the deep trench excavated by the contractor as a short term measure to avert further public outcry over the deplorable state of the road. In conjunction with the Department of Environment, the sector has been providing a wheel loader for heaping and loading of solid waste to lorries for carting away.

- ii. **Issue raised** - Whether the contract was given to another company to rehabilitate the road (if yes, then the contract to be availed to the Assembly).

Response - The contract has not been given to another company to rehabilitate. Discussions are underway to have a contractor engaged by the Kenya Urban Roads Authority.

- iii. **Issue raised** - Measures the County Executive is taking to improve the dilapidated state of Kimondo Road.

Response - The following measures have been taken and are still in place to improve the dilapidated state of the road.

a. **Short term measures:-**

- Filling of the excavated area with quarry fill through the Transport sector maintenance unit.
- Carting away of solid waste along the road in conjunction with the Department of Environment.

b. **Long term measures:-**

- Kenya Urban Roads Authority (KURA) has been formally requested to take over the works and have agreed in principle vide their letter ref. KURA/D&C/2(144) of 9th June 2016 (see attached). However, the County is required to avail the funds for execution of the works to KURA upfront, this

has been communicated to Chief Officer- Finance & Economic Planning vide Transport sector letter ref. NCC/RPW&T/1645/DOR/RM220 of 21st June 2016. The sector is following up the matter with the sector of Finance & Economic Planning.

3.0 INSPECTION OF KIMONDO ROAD

The Committee delegation visited Kimondo road on Tuesday 25th October, 2016. The Technical team from the Roads, Transport & Public Works sector failed to accompany the Committee to the site despite having received a formal request to accompany the Committee. The Committee however proceeded to inspect the road.

4.0 FINDINGS & OBSERVATIONS MADE BY THE COMMITTEE

The Committee inspected Kimondo road starting from the point where there is a fenced off quarry pit all the way to Outer Ring road.

In a document obtained from the County Executive, The Committee noted that:-

- i. Rehabilitation of Kimondo road contract was awarded to Newtral Enterprises Ltd on 20th May 2015;
- ii. The contract sum of the rehabilitation was Ksh 84,791,038;
- iii. The date of commencement was 2nd November 2015 and completion for the contract was 2nd November 2016;and
- iv. More than 12 months (original contract period) have elapsed since the contract was awarded to Newtral Enterprises with only 25% of the work done.

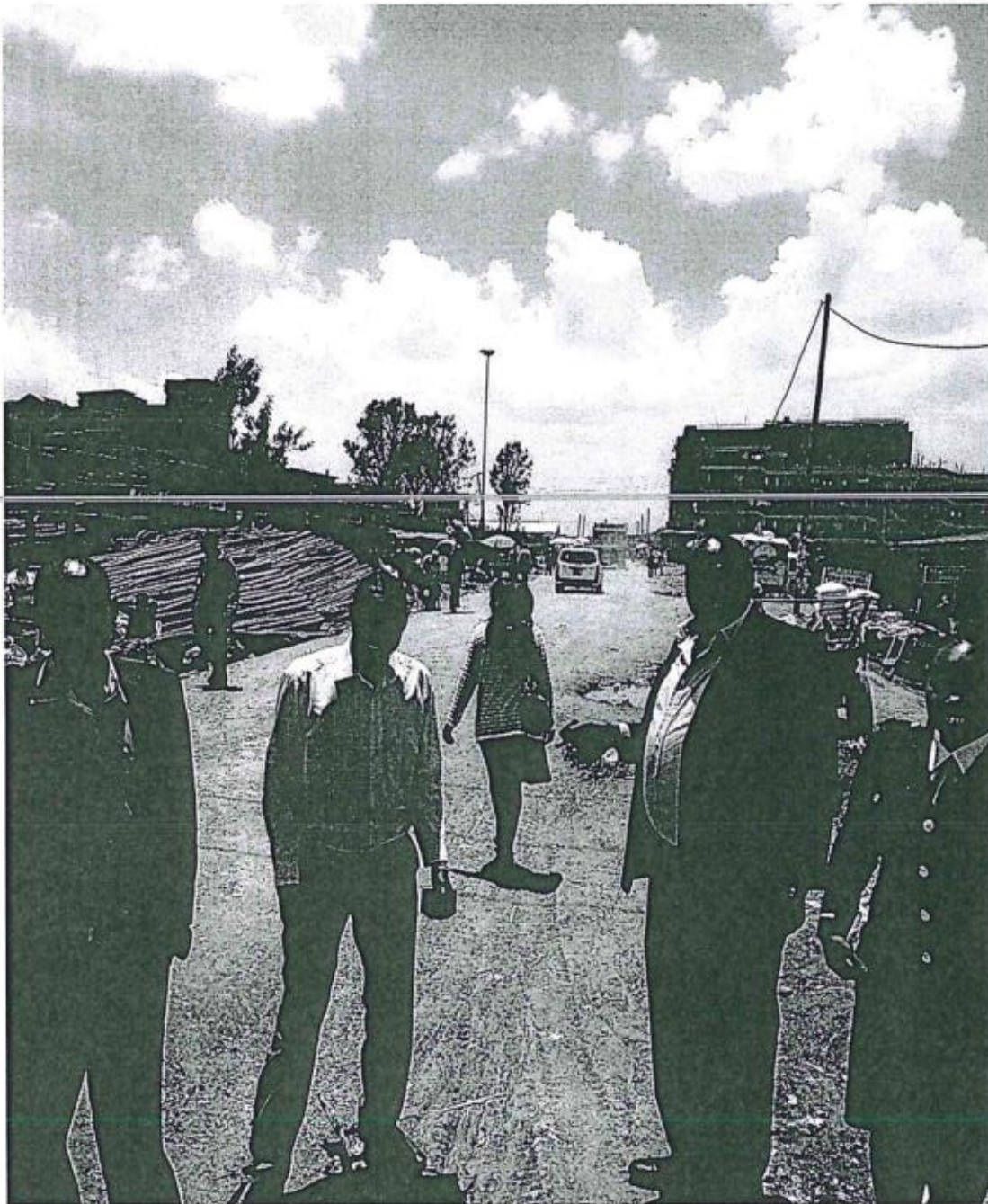
During the inspection the Committee noted that there is no contractor on site, work has been abandoned and that the road is in a deplorable state.

5.0 RECOMMENDATION

Mr. Speaker following the visit, the Committee urges this Assembly to resolve as follows;

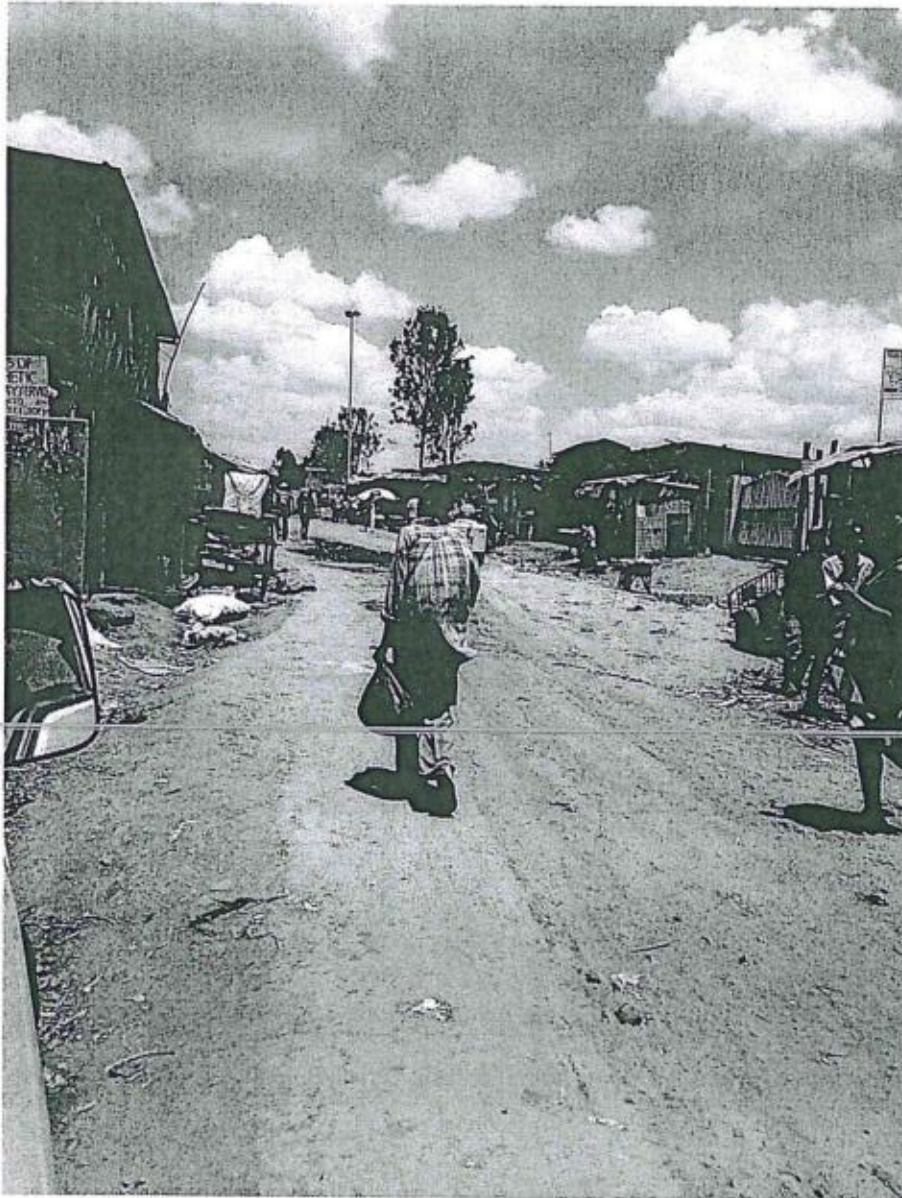
1. That the County Executive moves with speed and avails funds to Kenya Urban Roads Authority (KURA) to complete the rehabilitation of Kimondo road that stalled after the previous contractor was terminated.

Picture Gallery

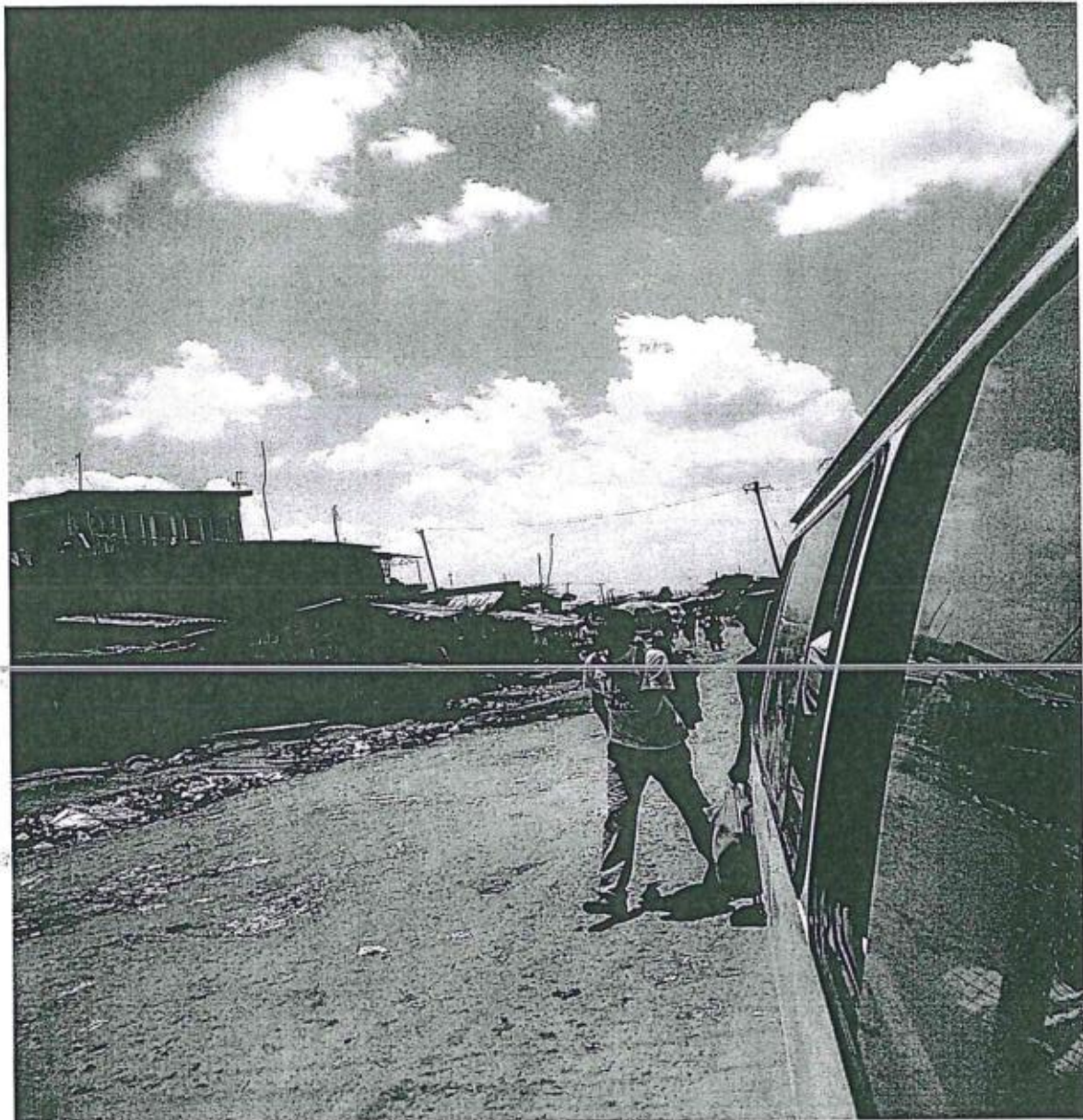


Transport Committee Chair (second right) and Members inspecting Kimondo road.

KIMONDO ROAD INSPECTION



Pic 2; Members of the public walking along Kimondo road (note there is no drainage on the untarmacked road thus when it rains the situation worsens with waters stagnating on the road surface).



Pic 2; The road side (left) has been turned into a dumping site.

-END-

NAIROBI CITY COUNTY



ROADS, PUBLIC WORKS AND TRANSPORT

CONFIDENTIAL INTERNAL MEMO

TO: COUNTY CHIEF OFFICER – FINANCE & ECONOMIC PLANNING
FROM: COUNTY CHIEF OFFICER – ROADS, PUBLIC WORKS & TRANSPORT
REF : NCC/RPW&T/1645/DOR/RM220
DATE : 21ST JUNE, 2016

ENGAGEMENT OF KENYA URBAN ROADS AUTHORITY'S (KURA) CONTRACTOR WORKING ON OUTER RING ROAD TO COMPLETE OUTSTANDING WORKS ON KIMONDO ROAD

The above subject matter refers.

The contract, NCC/RPT/250/2014-2015 - Rehabilitation of Kimondo Road was awarded to M/s Newtral Enterprises Limited of P. O. Box 1590 – 00502, Nairobi. The works commenced on 2nd November 2015 with expected completion date as 1st November 2016. Due to contractor's slow progress of works and contravention of Conditions of Contract, the works were terminated on 13th May, 2016.

During a meeting chaired by H.E. the Governor on 13th May 2016, it was proposed that the Nairobi City County Government engages with the Kenya Urban Roads Authority with a view having their contractors complete the work. KURA has been formally requested to take over the works and have agreed in principle. It is estimated that the contract will cost KShs.124m for completion.

They have however vide their letter ref. KURA/D&C/2 (144) dated 9th June 2016 requested that the funds be availed upfront. This is due to the fact that this project is neither in their budget nor procurement plan.

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KENYA URBAN ROADS AUTHORITY
Efficient and safe urban roads

IKM PLACE, Bishops Road, Tel: 254-020-8013844
Email: info@kura.go.ke Web: www.kura.go.ke
P.O. Box 41727-00100, GPO, NAIROBI

REF: KURA/D&C/2(144)

Date: 9th June, 2016

Dr. R. K. Ayisi, MBS
Ag. County Secretary & Head of
County Public Service
P.O. Box 30075-0025
NAIROBI



Dear Sir,

RE: ENGAGEMENT OF KENYA URBAN ROADS AUTHORITY'S (KURA) CONTRACTOR WORKING ON OUTER RING ROAD TO COMPLETE OUTSTANDING WORKS ON KIMONDO ROAD

Your letter Ref. No. RPWT/1584/DD (O&PMIU)/RM220 dated 26th May, 2016 refers.

We take this opportunity to thank you sincerely for giving us a chance to work together in improving the road network in the City of Nairobi. We are eager to commence the process of procuring works for Kimondo-road as requested, however it is not featuring in our procurement Plan and budget and it will not be possible from our end to commence exercise without the funds.

We therefore humbly request your office to facilitate the process by availing the funds required. Upon receiving the funds, KURA shall procure the works using the best and convenient method of procurement which is within the Public Procurement and Asset Disposal Act 2015.

Your positive response of the matter will be highly appreciated.

Thanking you for your continued cooperation.

Yours faithfully,

Eng. S. M. Kinoti
Ag. DIRECTOR GENERAL

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Contract Data

Project Title:	Rehabilitation of Kimondo Road Contract No. NCC/T/RPT/250/2014-2015
Financier:	Nairobi City County, P.O. Box 30075 - 00100 NAIROBI
Employer:	County Secretary, Nairobi City County P.O. Box 30075 - 00100 NAIROBI
Employer's Representative:	Chief Officer-Roads, Public Works & Transport Sector Nairobi City County, P.O. Box 30075 - 00100 NAIROBI
Engineer:	Director of Roads, Nairobi City County P.O. Box 30075 - 00100 NAIROBI
Engineer's Representative:	Resident Engineer, Nairobi City County P.O. Box 30075 - 00100 NAIROBI.
Contractor:	M/S Newtral Enterprises Ltd, P.O. Box 1590-00502, Nairobi
Date of Award:	20 th May 2015
Contract Sum:	KShs. 84,791,038 /
Revised Contract Sum:	Nil
Date of order to commence:	30 th October 2015 /
Period of commencement:	14 days
Commencement date:	2 nd November 2015
Original Contract Period:	12 (Twelve) months ⁱ
Revised Contract Period	Nil
Original date of Completion:	2 nd November 2016 /
Revised date of Completion	Nil
Defects Liability Period:	6 (Six) months
Time elapsed:	12 Months
% of Contract period elapsed:	100%
% Of works done (Approx.): /	25% /
Amount certified to date:	Nil
Amount paid:	Nil
% of contract Sum Certified:	Nil
Date of this report:	19 th January 2017
Project Status	Project terminate

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PRESENT

1. Hon. Ken Oduru Nyarumba, MCA – Chairperson
2. Hon. Martin Waweru, MCA – Vice-Chairperson
3. Hon. Amos Mbuthia, MCA
4. Hon. Ronald Milare, MCA
5. Hon. Amina Mohammed, MCA
6. Hon. Tabitha Ndigirigi, MCA
7. Hon. Anthony Karanja, MCA

ABSENT

1. Hon. Kennedy Ng'ondi, MCA
 2. Hon. Samuel Irungu, MCA
 3. Hon. Maxwell Ochar, MCA
 4. Hon. Chege Mwaura, MCA
 5. Hon. Clarence Munga, MCA
 6. Hon. Margaret Sewe, MCA
 7. Hon. Mark Ndung'u, MCA
 8. Hon. Osman Adow, MCA
 9. Hon. Dianah Kapeen, MCA
 10. Hon. William Abuka, MCA
-

COMMITTEE SECRETARIAT

1. Mr. Joshua Mbilla - Clerk Assistant

MIN.64 /TRPW/MAR 2017 – PRELIMINARIES

The Chairperson called the meeting to order at 11.45 am and the opening prayers were led by Hon Mbuthia. The Chairperson welcomed the Members present to the meeting.

The agenda of the meeting was read by Hon. Oduru as:-

1. Prayers
2. Confirmation of Minutes
 - 2017 Min 5 February To 2017 Min 10 February
3. Adoption of 3rd report on Kimondo road inspection visit
4. Matters arising
5. Any Other Business
6. Date of next meeting

It was adopted for discussion as proposed by Hon. Waweru and seconded by Hon. Ndigirigi.

MIN.65 /TRPW/MAR 2017 – CONFIRMATION OF MINUTES

The following minutes were read and confirmed as true records of the respective sittings.

	Minute No.	Adoption Status	Read By	Proposer	Seconder
1	Min 5 Feb /2017	Adopted	Hon Waweru	Hon Oduru	Hon Ndigirigi
2	Min 6 Feb /2017	Adopted	Hon Waweru	Hon Karanja	Hon Oduru
3	Min 7 Feb /2017	Adopted	Hon Waweru	Hon Karanja	Hon Milare
4	Min 8 Feb /2017	Adopted	Hon Waweru	Hon Amina	Hon Karanja
5	Min 9 Feb /2017	Adopted	Hon Waweru	Hon Amina	Hon Oduru
6	Min 10 Feb /2017	Adopted	Hon Waweru	Hon Mbutia	Hon Karanja
7	Min 15 Mar/2017	Adopted	Hon Oduru	Hon Waweru	Hon Mbutia

MIN.66 /TRPW/MAR 2017 – ADOPTION OF 3RD REPORT ON KIMONDO ROAD INSPECTION VISIT

The 3rd Report of 2017 on an inspection visit to kimondo road, kware Ward on 25th October, 2017 was read by Hon Waweru. The report was adopted for tabling in the House. The adoption was proposed by Hon Amina and seconded by Hon Oduru. The report to be tabled on 16th march 2017.

MIN.67/TRPW/MAR 2017 – MATTERS ARISING

There were no matters arising.

MIN.68/TRPW/MAR 2017 – ANY OTHER BUSINESS

There was no AOB.

MIN.69/TRPW/MAR 2017 – ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 12.35 noon. Next meeting was scheduled for Thursday 16th March, 2017 at 11.00 am in Charter hall, City Hall Buildings.

Confirmed as true record of the proceedings

CHAIRMAN.....

DATE 16/3/17

HON. KEN ODURU NYARUMBA, MCA

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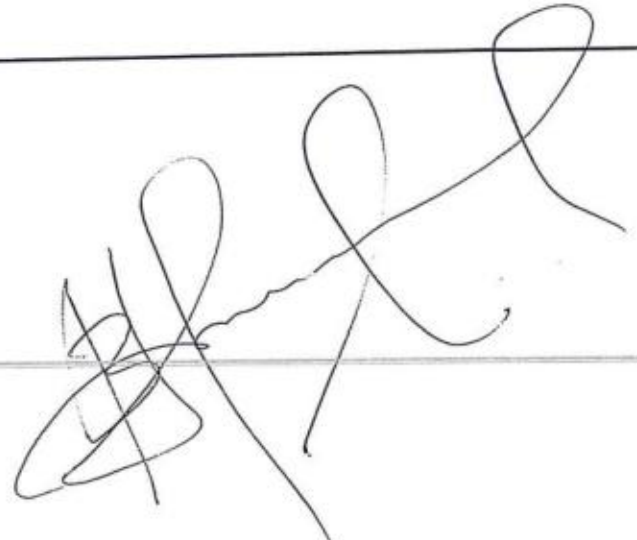


PRESENT

1. Hon. Ken Oduru Nyarumba, MCA – Chairperson
2. Hon. Martin Waweru, MCA – Vice-Chairperson
3. Hon. Ronald Milare, MCA
4. Hon. William Abuka, MCA
5. Hon. Clarence Munga, MCA
6. Hon. Amos Mbuthia, MCA
7. Hon. Amina Mohammed, MCA
8. Hon. Anthony Karanja, MCA

ABSENT

1. Hon. Margaret Sewe, MCA
2. Hon. Kennedy Ng'ondi, MCA
3. Hon. Tabitha Ndigirigi, MCA
4. Hon. Dianah Kapeen, MCA
5. Hon. Samuel Irungu, MCA
6. Hon. Maxwell Ochar, MCA
7. Hon. Osman Adow, MCA
8. Hon. Mark Ndung'u, MCA
9. Hon. Chege Mwaura, MCA

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COMMITTEE SECRETARIAT

1. Mr. Joshua Mbila – Clerk Assistant

MIN.222/TRPW/OCT 2016 – PRELIMINARIES

The Committee delegation arrived at the road site at 11.30 am. This is the site where a statement requested Hon Samuel Kagiri claims that the County Executive awarded a contract to Newtral Enterprises Limited to rehabilitate the Kimondo Road but to date the road is still in a deplorable state and the contractor is not on the site.

The Committee delegation was not accompanied by the Technical team from the Transport Sector as they were inconvenienced by traffic jam on the road.

The Chairperson directed that the Committee should go ahead and inspect the road and give a response to the Assembly so as to satisfactorily address the statement requested by Hon Samuel Kagiri .

MIN.223/TRPW/OCT 2016 – PROCEEDINGS OF THE SITE VISIT

The Committee drove along Kimondo road starting from the point where there is a fenced off quarry pit all the way to the main road leading to Taj Mall.

The delegation indeed noted that there is no contractor on site and that the road is in a deplorable state.

MIN.224/TRPW/OCT 2016 – COMMITTEE RESOLUTION

Upon conclusion of the road tour, the committee resolved that it will generate a report for tabling in the House so as to comprehensively respond to the statement requested by Hon Samuel Kagiri.

MIN.225/TRPW/OCT 2016 - ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 12.13 noon. Next meeting was scheduled for Wednesday 26th October, 2016 at 10.00 am in Charter hall, City Hall Buildings.

Confirmed as true record of the proceedings

CHAIRMAN.....
HON. KEN ODURU NYARUMBA, MCA

DATE 15th Feb 2017,