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Ben SNA
13/10/2020

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DATE: 13 OCT 2020	REPUBLIC OF KENYA TUESDAY
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NATIONAL ASSEMBLY

12TH PARLIAMENT – FOURTH SESSION - 2020

DEPARTMENTAL COMMITTEE ON SPORTS, CULTURE AND TOURISM

**REPORT ON THE INQUIRY INTO THE STATUS OF STADIUMS IN
KENYA**

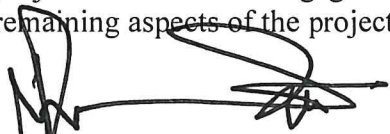
**DIRECTORATE OF COMMITTEE SERVICES,
CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI**

OCTOBER, 2020

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projects and instead engage the Public Works Department for the supervision of the remaining aspects of the projects.

A handwritten signature in black ink, appearing to be 'Patrick Makau', written over the printed name.

**THE HON PATRICK MAKAU, M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SPORTS, CULTURE AND
TOURISM**

1.0. PREFACE

1.1. Establishment and Mandate of the Committee

1. The Departmental Committee on Sports, Culture and Tourism is one of the fifteen (15) Departmental Committees of the National Assembly established under *Standing Order 216* whose mandates, pursuant to the *Standing Order 216 (5)*, are as follows:
 - a) **investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;**
 - b) study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;
 - c) study and review all the legislation referred to it;
 - d) study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
 - e) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
 - f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No.204 (Committee on appointments);
 - g) examine treaties, agreements and conventions;
 - h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - i) consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - j) examine any questions raised by Members on a matter within its mandate.
2. The Committee is charged with the following subject matter as provided for in the Second Schedule of the National Assembly Standing Orders No. 216 (M): - Sports, culture, language, arts, national heritage, betting and lotteries, tourism promotion and management.

1.2. Oversight

3. The Committee oversees the following Ministry and State Department:
 - i. Ministry of Sports, Culture and Heritage, and
 - ii. State Department for Tourism.

1.3. Committee Membership

4. The Committee on Sports, Culture and Tourism comprises of the following Members:

Hon. Patrick Makau, M.P – Chairperson

Mavoko Constituency

Wiper Democratic Party

Hon. (Dr.) Korei Ole Lemein, M.P - Vice Chairperson

Narok South Constituency

Jubilee Party

Hon. Christopher Omulele, M.P

Luanda Constituency

Orange Democratic Movement Party

Hon. Lydia Haika Mnene Mizighi, M.P

Taita Taveta County

Jubilee Party

Hon. Beatrice Kones, M.P

Bomet East Constituency

Jubilee Party

Hon. Jane Jepkorir Kiptoo Chebaibai, M.P

Elgeyo Marakwet County

Jubilee Party

Hon. Cyprian Kubai Iringo, M.P

Igembe Central Constituency

Jubilee Party

Hon. Nelson Koech, M.P

Belgut Constituency

Jubilee Party

Hon. Jones Mlolwa, M.P

Voi Constituency

Orange Democratic Movement Party

Hon. Sylvanus Maritim, M.P

Ainamoi Constituency

Jubilee Party

Hon. Daniel Wanyama Sitati, M.P

Webuye West Constituency

Jubilee Party

Hon. Jane Kihara, M.P

Naivasha Constituency

Jubilee Party

Hon. Florence Chepngetich, M.P

Kericho County

Jubilee Party

Hon. Charles Ngusya Nguna, M.P

Mwingi West Constituency

Wiper Democratic Party

Hon. (Prof.) Jacqueline Oduol, M.P

Nominated

Orange Democratic Movement Party

Hon. Titus Mukhwana Khamala, M.P

Lurambi Constituency

Amani National Congress

Hon. (Dr.) Tecla Chebet Tum, M.P

Nandi County

Jubilee Party

Hon. Mohammed Garane, M.P

Lagdera Constituency

KANU Party

Hon. Jeremiah Lomurukai, M.P

Loima Constituency

Orange Democratic Movement Party

1.4. Committee Secretariat

5. The Committee secretariat comprises of:

Mr. Samuel Kalama
Senior Clerk Assistant

Mr. Fredrick Otieno
Second Clerk Assistant

Mr. Joe Okongó
Media Relations Officer

Mr. Omar Abdirahim
Research officer III

Mr. Salem Lorot
Legal Counsel II

Mr. Vitus Okech
Fiscal Analyst III

Ms. Sheila Chebotibin
Sergeant At-Arms

CHAPTER TWO

3.0 TENDER PROCESS FOR THE STADIA IN THE COUNTRY PROCURED BY SPORTS KENYA

3.1 Submissions Received

Stakeholders made submissions on scope of works and cost of construction of each stadium as follows—

3.1.1 Cabinet Secretary for Sports, Culture and Heritage, (Dr.) Amb. Amina Mohamed, EGH, CAV

16. The Cabinet Secretary for Sports, Culture and Heritage, Dr. Amb. Amina Mohamed, EGH, CAV, accompanied by the Principal Secretary for Sports and other Ministry officials appeared before the Committee on 24th October, 2019 to make a submission on the status of stadia projects being implemented in the country by Sports Kenya.
17. She stated that at the inception of the procurement process 2016/2017 there was a proposed budget of Ksh.2,735,000,000.00, however, this was later rationalized to Kshs. 424,813,522.00 and Kshs. 439,629,030.00 was expended;
18. In 2017/2018 Financial Year, Sports Kenya suffered a budget cut from an allocation of Kshs. 100,000,000.00 to Kshs. 25,000,000.00;
19. She stated that there has been historical underfunding of Sports projects. Resources allocated and disbursed amounts to only 23% of the total projected costs over a period of 4 financial cycles.

3.1.2 Director General Sports Kenya

The Director General, Mr. Pius Metto, submitted that: -

20. The tender was advertised in two dailies, The Standard on 13th October 2016 and the Nation on 14th October 2016 and uploaded to the sports Kenya website www.sportskenya.org and ifmis supplier portal.
21. The Tender closed on 24th October, 2016 and a Tender Opening Committee was appointed pursuant to section 78 and 120 of the PPADA 2015 to open the tenders.
22. Seventy-seven (77) firms responded to the invitation to tender as follows: -
 - a) A total of forty five (45) bids in respect of tender number SK/PREQ/47/2016-2017-prequalification of main contractors for construction of various county stadia-main works (builders and civil works) were received.
 - b) A total of eighteen (18) bids in respect of tender number SK/PREQ/48/2016-2017-prequalification of subcontractors for construction of various county stadia-electrical installation and associated electrical services were received.
 - c) A total of fourteen (14) bids in respect of tender number SK/PREQ/49/2016-2017-prequalification of sub-contractors for construction of various county stadia-plumbing, drainage, sanitary fittings and mechanical installations were received.
23. A Tender Evaluation Committee was appointed in line with section 46 of the Act to carry out joint evaluation of the tender.
24. The evaluation was held from 1st November 2016 to 7th November, 2016.
25. The Evaluation Committee recommended prequalification of firms which scored 70% and above as suitable and capable to undertake the construction of various county stadia in;
 - i. SK/PREQ/47/2016-2017- prequalification of main contractors for construction of various county stadia-main works (builders and civil works) -16 firms were prequalified

- ii. SK/PREQ/48/2016-2017- prequalification of subcontractors for construction of various county stadia-electrical installation and associated electrical services -13 firms were prequalified
- iii. SK/PREQ/49/2016-2017- prequalification of sub-contractors for construction of various county stadia-plumbing, drainage, sanitary fittings and mechanical installations-13 firms were prequalified

26. The prequalified firms were invited to submit their financial proposal which were subjected to financial evaluation and awarded as follows: -

Tender No.	Contractor	Tender name	Contract value
	Kamariny Stadium, Iten- Elgeyo Marakwet County		Kshs.
SK/RT/003/2016-2017	Funan Construction Co. Ltd	Proposed development of Kamariny Stadium (Main Works)	287,837,775.00
SK/RT/003A/2016-2017	Anchor Ltd	Electrical Installation and Associated Electrical Services-Sub Contract	
SK/RT/003B/2016-2017	Bowl Plumbers Part I	Mechanical Installation, plumbing and Associated Services- Sub Contract	
	Kipchoge Keino Stadium, Eldoret- Uasin Gishu County		
SK/RT/004/2016-2017	Weihai International Economic & Technical Cooperative Ltd	Proposed development of Kipchoge Keino Stadium (Main Works)	304,204,413.00
SK/RT/004A/2016-2017	Sess Solutions Ltd	Electrical Installation and Associated Electrical Services-Sub Contract	
SK/RT/004B/2016-2017	Vanguard Engineering Part I	Mechanical Installation, plumbing and Associated Services- Sub Contract	
	Karatu Stadium, Kiambu County		
SK/RT/005/2016-2017	Smith & Gold Productions Ltd	Proposed development of Karatu Stadium, Kiambu County (Main Works)	259,604,780.00
SK/RT/005A/2016-2017	Jamuki Electrical Services	Electrical Installation and Associated Electrical Services-Sub Contract)	
SK/RT/005B/2016-2017	Bowl Plumbers	Mechanical Installation, plumbing and Associated Services- Sub Contract)	
	Wote Stadium, Makueni County		
SK/RT/006/2016-2017	Taphes & Nitrame Enterprises	Proposed development of Wote Stadium (Main Works)	299,309,554.00
SK/RT/006A/2016-2017	Jamuki Electrical Services	Electrical Installation and Associated Electrical Services-Sub Contract)	

SK/RT/006B/2016-2017	Bowl Plumbers	Mechanical Installation, plumbing and Associated Services- Sub Contract)	
Marsabit Stadium, Marsabit County			
SK/RT/007/2016-2017	Benisa Ltd	Proposed development of Marsabit Stadium (Main Works)	295,236,215.00
SK/RT/007A/2016-2017	Contemporary Elec. Enterp. Ltd	Electrical Installation and Associated Electrical Services-Sub Contract	
SK/RT/007B/2016-2017	Stoneworth Ltd	Mechanical Installation, plumbing and Associated Services- Sub Contract)	
Ruringu Stadium, Nyeri County			
SK/RT/008/2016-2017	Funan Construction Co. Ltd	Proposed development of Ruringu Stadium, Nyeri County (Main Works)	288,045,530.00
SK/RT/008A/2016-2017	Sess Solutions	Electrical Installation and Associated Electrical Services-Sub Contract)	
SK/RT/008B/2016-2017	Anchor Ltd	Mechanical Installation, plumbing and Associated Services- Sub Contract)	
Chuka Stadium, Tharaka Nithi County			
SK/RT/009/2016-2017	Toddy Civil Engineering Co. Ltd	Proposed development of Chuka Stadium, Tharaka Nithi County (Main Works)	274,208,855.00
SK/RT/009A/2016-2017	Jamuki Electrical Services	Electrical Installation and Associated Services- Sub Contract	
SK/RT/009B/2016-2017	Qoolmax Enterprises Ltd	Mechanical Installation, plumbing and Associated Electrical Services- Sub Contract	
GRAND TOTAL			2,008,447,122

27. The completion period for the stadia was set at eight (8) months.
28. The Cabinet Secretary also indicated that the tenders for refurbishment of CHAN 2018 venues (Stadia) were also done and due process followed with the completion period set at 14 calendar weeks for these projects to the host of CHAN 2018 championships. The Evaluation Committee recommended that the tenders be awarded to the lowest evaluated bidders at their respective tender price as per the table below:
29. The Tenders for refurbishment of CHAN 2018 venues (Stadia) were advertised in the Daily Nation of Wednesday 14th June, 2017 as well as in www.sportskenya.org and supplier@treasury.go.ke in line with section 96 of Public Procurement and Asset Disposal (PPAD) Act 2015.

30. The subject procurement was duly budgeted for and included in the annual procurement plan for Local Organizing Committee (LOC) CHAN 2018 for the financial year.
31. The tender closed on 11th July, 2017 and a tender opening committee was appointed pursuant section 78 and 120 of the PPAD Act 2015 to open the tenders.
32. A Tender Evaluation Committee was appointed on 10th July, 2017 via a memo ref. SK/PPAD/426/VOL II (51) in line with section 46 of the Act to carry out joint evaluation of the tender.
33. The Tender evaluation was held from 18th July 2017 - 27th July 2017.
34. The Evaluation Committee recommended that the tenders be awarded to the lowest evaluated bidders at their respective tender price as per the table below. The tender sums for each tender are within the budget allocated and are also within the average market rates as per the engineer's estimate.
35. The completion period was set at 14 calendar weeks for these projects to the host of CHAN2018 championships.

TENDER NO.	DESCRIPTION	FIRM ADDRESS	TENDER PRICE (KSH.)
VENUE 1	NYAYO NATIONAL STADIUM - NAIROBI		
SK/004a/2017-2018	Builders works	Lexis International Ltd P.O. Box 18394-00100, NAIROBI	325,829,431.00
SK/004b/2017-2018	Civil works	Lexis International Ltd P.O. Box 18394-00100, NAIROBI	206,690,139.00
SK/005/2017-2018	Supply, delivery and fixing of stadium seats	Spring Engineering Group Inc. P.O. Box 17175-00100 NAIROBI 723376188	93,595,000.00
SK/006/2017-2018	Structured cabling and Electrical Installations	Markem Ltd, P.O. Box 13696-00800 NAIROBI 712589450	98,940,000.00
SK/007/2017-2018	Plumbing, drainage and Mechanical installations	Josswa Plumbers & Gen. Contractors, P.O. Box 226-00200 NAIROBI	71,605,549.00
SK/008/2017-2018	Bore hole drilling and equipping, High-and low-level water tanks, Water reticulation and irrigation system	Farjano Construtions Co. Ltd P.O. Box 9992-00100 NAIROBI	63,319,900.00
VENUE 2	KINORU STADIUM – MERU COUNTY		
SK/009a/2017-2018	Builders works	Toddy Civil Engineering Ltd P.O. Box 30382,00100-600 NAIROBI	442,137,530.00
SK/009b/2017-2018	Civil works	Benisa Ltd, P.O. Box 22885-00400 NAIROBI	282,212,086.80

SK/011/2017-2018	Structured cabling and Electrical Installations	Markem Management Ltd, P.O. Box 13696-00800 NAIROBI	45,850,000.00
SK/012/2017-2018	Plumbing, drainage and Mechanical installations	Trident Plumbers Ltd, P.O. Box 7355-00300 Nairobi, 020-2081501	49,500,450.00

SK/013/2017-2018	Bore hole drilling and equipping, High and low level water tanks, Water reticulation and irrigation system	Dayows Construction Co. Ltd P.O. Box 11061-00400 729945929	49,421,150.00
VENUE 3	KENYATTA STADIUM – MACHAKOS COUNTY		
SK/014a/2017-2018	Builders work	Anchor ltd P.O BOX 1878 -00100	531,249,920.00
SK/014b/2017-2018	Civil works	Funan Construction Co. ltd P.O BOX 55252 – 00100 NAIROBI Email.info@funanconstruction.co.ke	189,805,603.20
SK/015/2017-2018	Supply, Delivery and fixing of Stadium seats	Join Commercial Supplies P.O BOX 69449 – 00100 NAIROBI Tel.0724147500	45,285,000.00
SK/016/2017-2018	Structured Cabling and Electrical Installations	Alua Systems Ltd P.O BOX 204- 00610 NAIROBI TEL 0729862699	62,770,800.00
SK/017/2017-2018	Plumbing, drainage and Mechanical installations	Qoolmax P.O BOX 71- 00621 Village Market	41,943,513.00
SK/018/2017-2018	Bore hole, drilling and equipping, High and Low level water tanks, Water reticulation and irrigation system	Alua Systems Ltd P.O BOX 204- 00610 NAIROBI TEL 0729862699	47,961,550.00
VENUE 4	KIPCHOGE KEINO STADIUM- UASIN GISHU COUNTY		
SK/019/2017-2018	Builders work	Shiv Construction Co. Ltd P.O. Box 2140-30100 Eldoret Shiv383@hotmail.com 0738205620	325,829,431.00

SK/020/2017-2018	Sub contract (Electrical installations)	Central Electricals International Limited, P.O. Box 999-80100 Mombasa Kenya, 020-4448029, 020-4446025	77,786,110.00
SK/021/2017-2018	Sub contract (Plumbing and Drainage)	<u>Mepani Plumbers, P.O. Box 33290-00600 NAIROBI</u> <u>mepanientreprises@gmail.com</u> <u>0734345639</u>	26,623,210.00
SK/023/2017-2018	Sub-contract (Electrical installations- Passenger lifts)	Top Choice Surveillance Limited <u>P.O. Box 1218-00618 Nairobi</u> <u>info@topchoice.co.ke 0204445140,</u> <u>0717566877</u>	13,107,266.80
SK/024/2017-2018	Sub contract (Mechanical installations – Borehole sinking and equipping)	Qool Max Enterprises <u>P.O. Box 71-00621 Village Market</u> <u>Qoolmax.enterprises@gmail.com</u> 0727141815, 0725273338	10,449,434.05
GRAND TOTAL			2,182,896,687.65

CHAPTER THREE

4.0 SCOPE, FINANCIAL DATA AND STATUS OF ALL STADIUMS

4.1 Submissions Received

Stakeholders made submissions on Scope, financial data and status of all stadiums as follows: -

Director General Sports Kenya

36. The projects estimated cost is Kshs 4.4 billion and to date the project total expenditure stands at Kshs 2.6 billion and the outstanding project cost is Kshs 1.8 billion. The projects were commenced in July, 2016 and was planned to be completed in 2019. The delays are largely due to budgetary cuts, land ownership wrangles in Ruringu and lengthy agreements with county government.
37. In 2020/ 2021 budget, the National Treasury has not allocated development budget to the projects. The Sports, Arts, and Social Development Fund (SADSDF) has been mandated to finance Sport Kenya development budget.

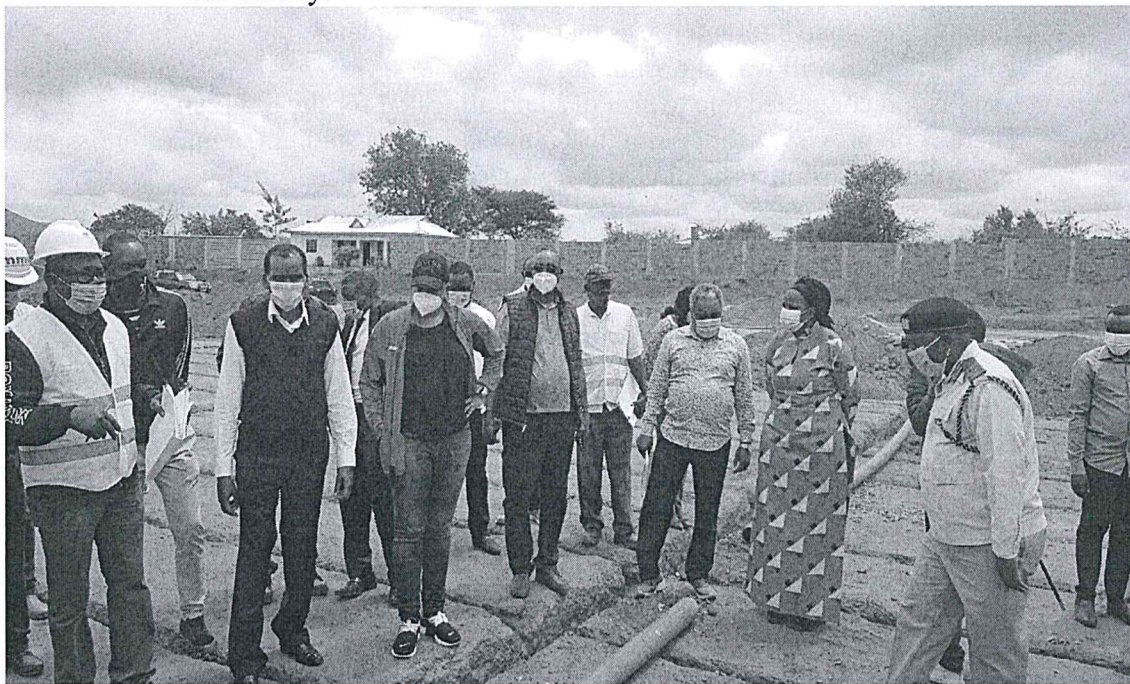
4.1.1 Wote Stadium - Makueni

38. The Project commenced on 5th January 2017. Faced with funding challenges the project stalled between 2017 and 2020. A return to work framework was signed on 12th May 2020 with a projected completion date 31st July 2020. The revised completion date is 31st December 2020.
39. The project comprises of VIP pavilion, seating terrace, football pitch and athletics running track and their associated electrical and mechanical works.
40. The current **Status** of the stadia is as shown below
 - i. Main Pitch Sub base – 70 % completed.
 - ii. French drains – 50 % completed
 - iii. Excavation works for Main Pavilion completed
 - iv. Athletics track Hand packing on going – 50 % done.
 - v. Perimeter wall – 60 % done.
41. The overall completion status is at 40%.



Artistical view of the current status of Wote Stadium

42. The project financial data is as shown below
- i. Contract sum is Ksh.299,309,554.00
 - ii. Total Amount paid to date Ksh.113,875,098.42
 - iii. Total Amount required to complete the stadium is Kshs.185,434,455.58
43. The stadium faced the challenge of change of initial site due to factors beyond Sports Kenya control. The new site allocated for the project subsequently experienced unstable geological grounds upon excavations works for the VIP pavilion occasioning variation through introduction of retaining wall and stabilization works of the ground.
44. On 11th September, 2020, a Sub-Committee consisting of five Members led by the Vice Chairperson undertook an inspection visit to Wote Stadium in Makueni County, and observed
- i. The status of completion of the stadium is approximately 20% not at 40% as presented by the Officers from Sports Kenya. Most of the work has not been done and are between 15% to 30% completion especially the pavilion, athletics running track and sitting terraces.
 - ii. Based on the labour force that was available on site, the contractor may not be able to complete the work within the given timeline of 31st December, 2020. The Sub-Committee urged the contractor to increase the labour force and put more effort to catch up with timeline.
 - iii. The amount of funds that has been paid is not commensurate to the work that has been done on the ground. It was the Sub-Committee's opinion that the funds have been mismanaged. Sports Kenya could have carried out due diligence whenever certificates were presented to them for payment before releasing or making payments to the contractor and the consultant. It is important to carry out an audit on the payments that have been made vis a vis work done to ascertain the value for money.



An inspection tour of the Stadium led by the Vice Chairperson

4.1.2 Kirubia Stadium- Chuka

45. The Project commenced on 5th January 2017. It was faced with funding challenges and the project stalled between 2017 and 2020. A Return to work framework was signed in 12th May 2020 with a projected completion date 31st July, 2020. However, this was revised to 30th September 2020.
46. The project comprises of the VIP pavilion, football pitch and athletics running track and their associated electrical and mechanical works.
47. The current status of the stadium is as shown below-
 - i. Athletics track hand packing on going – 50 %.
 - ii. Irrigation system installation ongoing – 60 %
 - iii. Drilling, dressing of borehole high level and ground level tanks complete.
 - iv. Main Pitch grassing ongoing. – 90.
48. The Overall completion status is currently at 70%.
49. The project financial data is as shown below
 - i. Contract sum is Ksh 274,208,855.00
 - ii. Total Amount paid to date Ksh. 159,380,377.67
 - iii. Total Amount required to complete the stadium is Kshs. 114,828,477.33
50. The Stadium has faced a number challenges and key among them is that the Land is too congested due to size of Land allocated for the Stadium. It is difficult to accommodate all the Sports disciplines and spectator areas within the space available. Consequently, there is no room for expansion and the facility therefore limits hosting opportunities.
51. On 12th September, 2020, a Sub-Committee consisting of five Members led by the Chairperson undertook an inspection visit to Kirubia Stadium in Tharaka nithi County, and observed-
 - i. The status of completion of the stadium is impressive approximately at 70%.. Most of the work has been done and are between especially the pavilion, athletics running truck and sitting terraces were almost complete.
 - ii. The perimeter wall was almost done.
 - iii. Land is too congested due to size of Land allocated for the Stadium
 - iv. There is no provision for stormy water system in the stadium, a major omission that would occasion variations in the project.



An inspection tour of the stadium led by the Chairperson

4.1.3 Karatu Stadium - Gatundu

52. The Project commenced on 5th January 2017. Faced with Funding challenges the project stalled between 2017 and 2020. A Return to work framework was signed on 12th May 2020 with a projected completion date 31st July 2020. However, this was revised to 31st December 2020.
53. The project comprises of the VIP pavilion, football pitch and athletics running track, their associated electrical, mechanical works and perimeter wall.
54. The Current status of the stadium is as shown below-
 - i. Perimeter fence on going – 90%
 - ii. Athletics track ongoing – 20 %
 - iii. Main Pitch Sub base ongoing – 20%
 - iv. Main Pavilion at Sub structure level – 15 %
55. The completion status is currently at 25% overall.
56. The Project Financial Data in respect of the stadium is as follows
 - i. Contract sum is Ksh.259,604,780.00
 - ii. Total Amount paid to date Ksh.102,180,205.97
 - iii. Total Amount required to complete the stadium is Kshs.157,424,574.03
57. On 11th September, 2020, a Sub-Committee consisting of five Members led by the Chairperson undertook an inspection visit to Karatu Stadium in Kiambu County, and observed
 - i. There was slow progress on the construction of the stadium. The status of completion of the stadium is approximately 20% not at 25% as presented by the Officers from Sports Kenya. Most of the work has not been done and are between 15% to 20% completion especially, athletics running truck and sitting terraces. It is only the perimeter wall that is almost complete.
 - ii. Based on the labour force that was available on site, the contractor may not be able to complete the work within the given timeline of 31st December, 2020. The contractor had not mobilized enough resources and equipment on site. The contractor is yet to apply for extension of time for completion of the work.
 - iii. The amount of funds that has been paid to the contractor so far is not commensurate to the work that has been done on the ground. The amount paid is over 40% of the contact sum while work done is at slightly below 25%.
 - iv. It was noted that Sports Kenya did not involve personnel or Clerk of works from the State Department of Public Works to oversee the implementation of the project; instead, they hired a private consultant.
 - v. There is no provision for drainage system in the field, an omission that might occasion variations. The consultant confirmed that the drawings did not capture how the pitch was to be drained.

4.1.4 Kenyatta Stadium-Machakos County

58. The Stadium was identified by FIFA/CAF delegate as a standby venue to host the 2018 African Championship (CHAN). Consequently, the Stadium was marked for reconstruction and refurbishment. The State department of Public work prepared and forwarded to Sports Kenya Complete requisite tender document towards refurbishment.
59. Sports Kenya initiated the procurement process where Anchor Ltd was awarded as the Main Contractor, (Builders works), Funan Construction Ltd (Civil works), Alua Systems (Structured Cabling and Electrical installation), Qoolmax (Plumbing, drainage and Mechanical installation), Alua Systems (Borehole drilling and equipping).

60. Unfortunately, CAF officially cancelled Kenya right to host the 2018 CHAN Championship. The county Government of Machakos also wrote a letter to the Cabinet Secretary Ministry of Sports, Culture and Arts, informing him their decision to withdrawal the consent given to refurbish Machakos Stadium and instead proposed an alternative 20 Acres Piece of land with the said county for new development. The move by the county frustrated all mobilization by the contractors engaged by Sports Kenya to carry out the said Refurbishment. Therefore, all contracts for Kenyatta Stadium stalled and lapsed without any performance on the part of the contractors.
61. Works on the stadium did not take off when the county government opted for an alternative site at a time when contracts and designs had been completed for the original site identified by CAF as a stand by venue for the 2018 CHAN Championship.
62. On 11th September, 2020, visited the Kenyatta Stadium (Machakos County) where they were joined by the Deputy Governor and other County Officials and the Officers from the State Department of Sports. The Sub-Committee was informed that;
 - i. The Stadium is co-owned by the National Government and the County Government.
 - ii. Sports Kenya duly did the tender which was awarded but the project never took off because of lack of funds.
 - iii. The County Government had proposed that the stadium be constructed in a different site instead of improving Kenyatta Stadium. However, the Chairman Sports Kenya indicated that the budget was only for upgrading of the stadium but not construction of a new one.
 - iv. The Deputy Governor informed the Committee that they are ready to work together with Sports Kenya to complete the upgrade of stadium as soon as possible even though they are still open to discussions if a new stadium can be constructed on a different site that they had already identified.
 - v. The Sub-Committee urged the Ministry Officials to urgently plan for a meeting with the county government to discuss and agree on modalities to enable the project take off.

4.1.5 Kamariny Stadium – Elgeyo Marakwet

63. The Project commenced on 5th January 2017. The completion period was set at eight (8) months. The project was faced with funding challenges and the project stalled between 2017 and 2020. A Return to work framework was signed on 12th May 2020 with a projected completion date 31st July 2020. However, this was revised to 31st December 2020.
64. The project comprises of the VIP pavilion, football pitch and athletics running track, seating terraces and their associated electrical, mechanical works and perimeter wall.
65. The Current status of the stadium is as shown below-
 - i. French drains for the Main pitch – completed
 - ii. Installation of irrigation systems ongoing – 40 %
 - iii. Hard packing for the Main Pitch works completed
 - iv. Excavation works for the Main Pavilion at Sub structure level – 10 %
 - v. Internal pitch drainage works-90 % completed
66. The completion status is currently at 30% overall.
67. The Project Financial Data in respect of the stadium is as follows
 - iv. Contract sum is Ksh.287,837,775.00
 - v. Total Amount paid to date Ksh.81,590,104.86
 - vi. Total Amount required to complete the stadium is Kshs.206,247,670.14

68. The Committee conducted visit of the Kamariny Stadium on 29th November, 2019 and made the following observations, that:

- a) The project was initially started by the County Government before the Sports Kenya took over having been approached by the county government due to lack of enough resources to complete the project. Sports Kenya in executing its mandate of constructing regional stadiums, took over the project and entered into a Memorandum of Understanding with the County Government of Elgeyo Marakwet. The County Government was to complete the pavilion which is yet to be completed while Sports Kenya was to construct VIP pavilion, seating terraces, football pitch, athletics running track and their associated electrical and mechanical works.
- b) The Sports Kenya then entered into a contract with Funan Construction Co. Ltd with the project value of **Kshs. 287,837,775.00**. This excludes the pavilion being constructed by the county government.

4.1.6 Kipchoge Keino

69. The construction and upgrade of the stadium was undertaken in two phases. The phase I was under Regional Stadia framework while the Second phase was under CHAN framework

Phase I

70. The Project commenced on 5th January 2017. Faced with Funding challenges the project stalled between July 2017 and September 2020. The Contractor has since refused to sign a Return to work framework which was prepared on 12th May 2020 citing breach of the contract by the client and unacceptable terms in the return to work framework.
71. The project comprises of the construction of eastern reinforced concrete terraces, northern and southern earth terraces and their associated electrical and mechanical works.
72. The Current status of the stadium is as shown below-
 - i. Eastern pavilion – 80% completed
 - ii. Drilling and equipping of the two boreholes-80%
73. The completion status is currently at 60% overall.
74. The Project Financial Data in respect of the stadium is as follows
 - i. Contract sum is Ksh.304,204,413.00
 - ii. Total Amount paid to date Ksh.165,808,083.04
 - iii. Total Amount required to complete the stadium is Kshs.138,396,329.96

Phase II (CHAN 2018)

75. The Project commenced on 26th August 2017 and the completion period was set at fourteen weeks. The project faced funding challenges and the project stalled between October 2017 and April 2020.
76. The project comprises of the construction of the VIP pavilion, lounges and changing rooms and their associated electrical and mechanical works as well as drilling and dressing a borehole.
77. The Current status of the stadium is as shown below-
 - i. Sub structures and associated infrastructural services for ground floor slab completed – 100% completed
 - ii. Super structures and form works on going-25%
78. The completion status is currently at 40% overall.
79. The Project Financial Data in respect of the stadium is as follows
 - i. Contract sum is Ksh.325,829,431.00
 - ii. Total Amount paid to date Ksh.95,421,0592.00
 - iii. Total Amount required to completion is Kshs.230,407,839.00

80. The Committee conducted inspection visit of the Kipchoge Keino Stadium on 29th November, 2019 and observed the following during the inspection visit, that:
- a) The Phase I of the Project was almost 70% complete, the remaining work is construction of the parking area and terraces. However, the contractor had given notice of termination of the contract due to delay in payments and is not willing to go back to the site.
 - b) The Contract sum for the project was Kshs. 304,204,413.00 and the Contractor has been paid Kshs. 165,808,082.96 including Mobilization payment of Kshs. 27,378,397.00
 - c) The Contract sum for Phase II of the project is Kshs. 325,829,431.00 with the project scope covering the VIP pavilion, lounges and changing rooms and the associated electrical and mechanical works and drilling and dressing a borehole.
 - d) It was further noted that the section of the stadium's wall is to be done by the County Government and was not included in the contract.

4.1.7 Marsabit Stadium

81. The Project commenced on 5th January 2017 and the completion period was set at eight (8) months. The project was faced with funding challenges and the project stalled between 2017 and April 2020. A Return to work framework was signed on 12th May 2020 with a projected completion date 31st July 2020. However, this was revised to 31st December 2020.
82. The project comprises of eastern reinforced concrete terraces, northern and southern earth terraces, main pitch and athletics track and their associated electrical, mechanical works.
83. The Current status of the stadium is as shown below-
- i. Athletics track compacted ready to receive hard packing – 45%
 - ii. Pitch arena, drainage, irrigation system ongoing – 50 %
 - iii. Terraces sub structures back filling and walling ongoing – 50%
 - iv. Underground tank ongoing – 25 %
84. The completion status is currently at 45% overall.
85. The Project Financial Data in respect of the stadium is as follows
- i. Contract sum is Ksh.295,236,215.00
 - ii. Total Amount paid to date Ksh.125,998,585.67
 - iii. Total Amount required to complete the stadium is Kshs.169,327,629.33
86. The Committee conducted visit of the **Marsabit Stadium** on 29th November, 2019 and made the following observations, that:
- i. The Sports Kenya then entered into a contract with Benisa Ltd with the project value of **Kshs. 295,236,215.00**.
 - ii. The Contract sum for the project was Kshs. **295,236,5215.00** and the Contractor has been paid Kshs. 88,755,994.00 including Mobilization payment of Kshs. 26,573,689
 - iii. The County Government of Marsabit had started works on the pavilion which is yet to be completed. The County Government was constructing a VIP pavilion, seating terraces. However, the Committee noted that the works undertaken by the County Government was not up to standard.

4.1.8 Ruringu Stadium-Nyeri County

87. The Project commenced on 5th January 2017 and the completion period was set at eight (8) months. The project was faced with funding challenges and the project stalled between 2017 and April 2020. A Return to work framework was signed on 12th May 2020 with a projected completion date 31st July 2020. However, this was revised to 31st December 2020.
88. The project comprises of construction of seating terraces, football pitch and athletics running track and a portion of the VIP pavilion and their associated electrical and mechanical works.
89. The Current status of the stadium is as shown below-

- i. Athletics track compacted sub base awaiting concreting – 75%
 - ii. Pitch arena, drainage complete, irrigation system installed awaiting final layer for grassing ongoing – 75 %
 - iii. VIP arena/pavilion at the ground floor slab level – 20%
90. The completion status is currently at 40% overall.
91. The Project Financial Data in respect of the stadium is as follows
- i. Contract sum is Ksh.285,045,530.00
 - ii. Total Amount paid to date Ksh.84,389,884.08
 - iii. Total Amount required to complete the stadium is Kshs.203,655,645.92
92. The Committee conducted visit of the **Ruringu** Stadium on 29th November, 2019 and made the following observations, that:
- i. The Sports Kenya then entered into a contract with Funan Construction Co. Ltd with the project value of **Kshs. 287,045,530.00**. This was for the main works.
 - ii. The Electrical Installation and Associated Electrical Services was sub contracted to SESS Solutions vide tender No. SK/RT/008A/2016-2017 and the mechanical Installation, plumbing and associated works was awarded to Anchor Ltd, tender No. SK/RT/008B/2016-2017.
 - iii. The Contract sum for the project was Kshs. **287,045,530.00** and the Contractor has been paid Kshs. 64,355,282.00 including Mobilization payment of Kshs. 20,000,000
 - iv. The total amount required to complete the stadium is 223,690,247.67
 - v. The completion status stands at 30% and the committee noted that the contractor had not done a commendable work. The contractor only excavated the pitch with no much work done and bushes clearing.

4.1.9 Nyayo National Stadium

93. The Project commenced on 26th August 2017 and the completion period was set at fourteen (14) weeks. The project was faced with funding challenges and stalled between October 2017 and February 2020. Due to pressure for the stadium to host key events, it led to consideration for funding approval ahead of the other projects.
94. The project comprises of eastern reinforced concrete terraces, northern and southern earth terraces, main pitch and athletics track and their associated electrical, mechanical works.
95. The Current status of the stadium is as shown below-
- i. Complete rehabilitation of the football pitches
 - ii. Installation of sprinkler and water reticulation systems
 - iii. Installation of access control, ticketing, CCTV systems and floodlights (soft services)
 - iv. Development of changing rooms, terraces, VIP lounges and parking
 - v. Installation of stadium seats
96. The completion status is currently at 98% overall.
97. The Project Financial Data in respect of the stadium is as follows
- i. Contract sum is Ksh.1, 156,371,142.20
 - ii. Total Amount paid to date Ksh.980,400,516.36
 - iii. Total Amount required to complete the stadium is Kshs.175,970,6625.84

4.1.10 Kinoru Stadium-Meru County

98. The Project commenced on 26th August 2017 and the completion period was set at fourteen weeks (14). The project was faced with funding challenges and the project stalled between October 2017 and February 2020.
99. The scope of works included complete rehabilitation of the football pitches, installation of sprinkler and water reticulation systems, installation of access control, ticketing, CCVTV

systems and floodlights (soft services) and the development of changing rooms, terraces, VIP lounges and parking.

100. The completion status is currently at 98% overall.

101. The Project Financial Data in respect of the stadium is as follows

- iv. Contract sum is Ksh.869, 121,216.00
- v. Total Amount paid to date Ksh.740,883,085.42
- vi. Total Amount required to complete the stadium is Kshs.128,238,131.38

102. The Committee conducted visit of the **Kinoru** Stadium on 29th November, 2019 and made the following observations, that:

- i. The Sports Kenya then entered into a contract with Toddy Civil Engineering Ltd with the project value of **Kshs. 869,121,216.00** for builders works
- ii. The Contract sum for the project was Kshs. **869,121,216.00**.
- iii. The completion status stands at 75% and the committee noted that the contractor had done a commendable work and the pitch was partly ready for use.
- iv. The National Government through the Ministry of interior and Coordination of National Government had carried out some works on the stadium.

CHAPTER FOUR

5.0 ROLES BY RESPECTIVE COUNTY GOVERNMENTS IN THE CONSTRUCTION, MANAGEMENT AND MAINTENANCE OF STADIUMS IN THE COUNTRY

103. The County governments in Kenya under the Fourth Schedule to the Constitution have the concurrent jurisdiction to develop, rehabilitate, manage and operate sports activities and facilities in Kenya
104. Sports Kenya entered into Memorandum of Understanding with various county governments on the construction, management and maintenance of stadiums in the country. The objective of the MOU was to establish and enhance collaboration between the parties in order to promote and strengthen the development, rehabilitation and maintenance of sports facilities and talent pool in the country.
105. The objective of the collaboration include:-
 - i. To set out a framework of cooperation, coordination and collaboration between the parties on matters of sports stadia development;
 - ii. To provide roadmap to the successful development of the sports facility for purposes of promoting sports and developing sporting culture at the grassroots; and
 - iii. To ensure the construction, proper management and maintenance of stadia.
106. In the MOUs, the parties were expected to identify and develop collaborative projects and programmes of mutual interests in sports. Such projects and programmes included-
 - i. Construction, maintenance and management of county Stadiums
 - ii. At completion of the construction of stadia, Sports Kenya would hand over the county stadiums to various county governments which shall be responsible for their management and maintenance.
 - iii. Capacity building initiatives in areas of sporting including provision of technical support
 - iv. Identification, rehabilitation and or development of other sports facilities within counties in research for health
 - v. Collaborate in any other mutually beneficial activity that may promote the conduct of sports in the country.
107. Under the agreement the county governments of were expected to
 - i. provide land or site for the project development
 - ii. Undertake coordination aspects such as sourcing for materials, labour and any equipment necessary for any identified project implementation.
 - iii. Undertake to secure storage facilities for materials and equipment that are necessary for project or programme implementation after handover of the project to the county government
 - iv. Creating awareness amongst the public about the project
 - v. to manage and operate the stadium once complete and with the assistance of Sports officers posted by sports Kenya ensures standards set by Sports Kenya are met and maintained at all times.
 - vi. Recruit and deploy technical persons to be trained by Sports Kenya on maintenance and management of the stadium after the project is handed over.

CHAPTER FIVE

6.0 COMMITTEE OBSERVATIONS

108. The Committee, having taken evidence from the various stakeholders and having conducted inspection visits to various stadiums in the country, made the following observations, that: -

- i. Most of the companies awarded the contracts for the construction of the stadia lack the requisite capacities in terms of finances and equipment to enable them deliver the projects on time;
- ii. The estimated cost of the projects is Kshs. 4.4 billion and the amount paid to date is Kshs. 2.6 billion translating to 59% of the estimate. However, the works delivered is estimated to be 49.5%. This is likely to occasion a variation in order for the projects to be completed.
- iii. There is inconsistency between the work delivered by the contractors and the payment made to them. For instance;
 - a) The contractor for Karatu Stadium has been paid Kshs. 102,180,205.97 translating to 39.36% of the contract sum of Kshs. 259,604,780.00 but has only delivered 25% of the work.
 - b) At Wote Stadium, the contractor has been paid Kshs. 113,875,098.42 which is 38% of the contract sum of Kshs. 299,309,554 but has only delivered approximately 25% of the work.
 - c) Marsabit Stadium, the contractor has been paid Kshs. 125,998,585.67 which is 42.68% of the contract sum of Kshs. 295,236,215 however, there is a discrepancy between the overall completion status of 45% as indicated by Sports Kenya and what is on the ground.
 - d) Ruringu Stadium, the contractor has been paid Kshs. 84,389,884.08 which is 29.3% of the contract sum of Kshs. 288,045,530 however, there is a big discrepancy between the overall completion status of 40% as stated by Sports Kenya and what is on the ground.
 - e) In Kamariny Stadium, the contractor has been paid Kshs. 81,590,104.86 which is 28.35% of the contract sum of Kshs. 287,837,775. The amount which has been paid does not translate to the total work done the ground.
 - f) Kinoru Stadium, the contractor has been paid Kshs. Ksh 740,883,085.42 which is 85.25% of the contract sum of Kshs. 869,121,216.80. The Committee further noted that the National Government through the Ministry of Defence and Foreign Relations and the County Government of Meru played a role in the construction of the stadium which Sports Kenya needed to provide the details.
- iv. Sports Kenya ignored personnel from the State Department of Public Works. In the contrary they engaged private consultants who did not demonstrate competency in their work. Some of the stadia lack critical components such as drainage systems;
- v. The County Governments where most of these stadia are being constructed fulfilled most of the work they were required to undertake.
- vi. Nyayo National Stadium was completed and was reopened for use on 26th September, 2020. However, the all-round canopy has not been constructed.
- vii. There were low exchequer releases at the initial stages of the projects leading to contractors suspending works on sites;

- viii. It was noted with concern that most of the contractors undertaking works are behind schedule which may lead to delay in the completion of the projects and further variations;

CHAPTER SIX

7.0 COMMITTEE RECOMMENDATIONS

109. Having considered submissions from the various witnesses, and the physical site visits undertaken, the Committee recommends

THAT;

- I. The Auditor General should undertake a value for money audit with a view to assessing the status of the projects vis-à-vis the amount incurred on the projects in order to ascertain whether there is value for money.
- II. The Ethics and Anti-corruption Commission and Directorate of Criminal Investigations should undertake thorough investigations on the award and execution of the contracts with a view to ascertain whether due diligence was undertaken in the process of awarding and execution of the contracts by Sports Kenya and the accounting officer State Department of Sports who authorized payments.
- III. The Committee further recommends that any public officer found to have violated the Public Procurement and Asset Disposal Act, 2015 and the Public Finance Management Act, 2012 should be prosecuted in accordance with the relevant laws.
- IV. Sports Kenya should not process additional payments for any company that was paid more than the scope of work they delivered until they deliver work which is commensurate with the payments they were paid.
- V. The State Department for Sports should expedite the timely completion of these projects by ensuring the projects are funded adequately. Indeed, the department should not initiate any new projects until the department delivers on the ongoing projects.
- VI. The Committee further recommends the termination of the contracts of the private consultants who were found to lack the requisite skills to competently supervise the projects and instead engage the Public Works Department for the supervision of the remaining aspects of the projects.

SIGNED: DATE: 13/10/2020

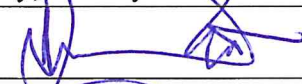
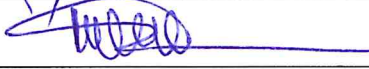
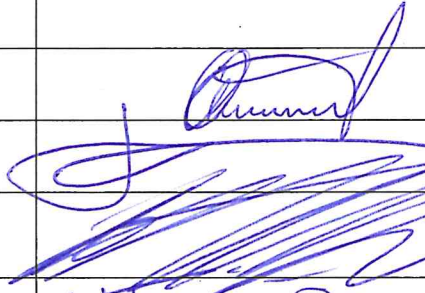
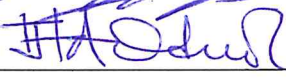
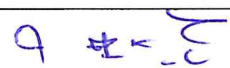
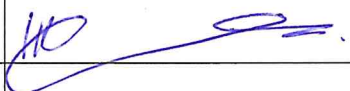




THE HON. PATRICK MAKAU KINGÓLA, MP

THE CHAIRPERSON

DEPARTMENTAL COMMITTEE ON SPORTS, CULTURE AND TOURISM

DEPARTMENTAL COMMITTEE ON SPORTS, CULTURE AND TOURISM
ADOPTION OF THE REPORT ON THE INQUIRY INTO THE STATUS OF STADIUMS IN THE COUNTRY

We, the undersigned Honorable Members of the Departmental Committee on Sports, Culture and Tourism, today 1st October, 2020 do hereby affix our signatures to this **Report on the inquiry into the Status of Stadiums in the Country** to affirm our approval and confirm its accuracy, validity and authenticity: -

1.	The Hon. Patrick Makau King'ola, MP. – Chairperson	
2.	The Hon. (Dr.) Korei Ole Lemein, MP. – Vice-Chairperson	
3.	The Hon. Christopher Omulele, MP.	
4.	The Hon. Cyprian Kubai Iringo, MP.	
5.	The Hon. Jones Mlolwa, MP.	
6.	The Hon. Daniel Wanyama Sitati, MP.	
7.	The Hon. (Prof.) Jacqueline Oduol, MP.	
8.	The Hon. (Dr.) Tecla Chebet Tum, MP.	
9.	The Hon. Jane Jepkorir Chebaibai, MP.	
10.	The Hon. Lydia Haika Mizighi, MP.	
11.	The Hon. Sylvanus Maritim, MP.	
12.	The Hon. Jeremiah Lomurukai, MP.	
13.	The Hon. Charles Ngusya Nguna, MP.	
14.	The Hon. Titus Mukhwana Khamala, MP.	
15.	The Hon. Beatrice Kones, MP.	
16.	The Hon. Jayne Nyeri Wanjiru Kihara, MP.	
17.	The Hon. Mohamed Hire Garane, MP.	
18.	The Hon. Florence Chepngetich Koskey, MP.	
19.	The Hon. Nelson Koech, MP.	

REPUBLIC OF KENYA

Twelfth Parliament

Fourth Session



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – (FOURTH SESSION)

**MINUTES OF THE 29TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
SPORTS, CULTURE AND TOURISM HELD ON FRIDAY 2ND OCTOBER, 2020 IN
DODORI HALL, PRIDEINN HOTEL, MOMBASA 10:30 AM**

PRESENT

- | | | |
|---|---|-------------------------|
| 1. The Hon. Patrick Makau Kingóla, MP. | - | Chairperson |
| 2. The Hon. (Dr.) Korei Ole Lemein, MP. | - | Vice Chairperson |
| 3. The Hon. Kubai Iringo, MP. | | |
| 4. The Hon. Jones Mlolwa, MP. | | |
| 5. The Hon. Daniel Wanyama Sitati, MP. | | |
| 6. The Hon. (Prof.) Jacqueline Oduol, MP. | | |
| 7. The Hon. Jeremiah Lomorukai, MP. | | |
| 8. The Hon. Charles Ngusya Nguna, MP. | | |
| 9. The Hon. Beatrice Kones, MP. | | |
| 10. The Hon. Mohamed Hire Garane, MP. | | |
| 11. The Hon. Florence Chepngetich Koskey, MP. | | |
| 12. The Hon. Nelson Koech, MP. | | |

APOLOGY

1. The Hon. Christopher Omulele, MP.
2. The Hon. (Dr.) Tecla Chebet Tum, MP.
3. The Hon. Jane Jepkorir Kiptoo Chebaibai, MP.
4. The Hon. Sylvanus Maritim, MP.
5. The Hon. Lydia Haika Mnene Mizighi, MP.
6. The Hon. Titus Mukhwana Khamala, MP.
7. The Hon. Jayne Nyeri Wanjiru Kihara, MP.

IN-ATTENDANCE -NATIONAL ASSEMBLY

THE SECRETARIAT

- | | | |
|------------------------|---|------------------------|
| 1. Mr. Samuel Kalama | - | Senior Clerk Assistant |
| 2. Mr. Fredrick Otieno | - | Second Clerk Assistant |

- | | | |
|-------------------------|---|--------------------------|
| 3. Mr. Salem Lorot | - | Legal Counsel II |
| 4. Mr. Abdirahim Omar | - | Fiscal Analyst |
| 5. Mr. Boniface Mushila | - | Sergeant At-Arms Officer |

MIN.NO.NA/SCT/2020/109: PRELIMINARIES & ADOPTION OF AGENDA

The Chairperson called the meeting to order at half past ten O'clock and said a prayer. The agenda of the meeting was adopted as hereunder after being proposed and seconded by the Hon. Kubai Iringo, MP. and the Hon. Jeremiah Lomurukai, MP. respectively.

Agenda:

1. Prayers
2. Introductions/preliminaries
3. Communication from the Chair
4. Confirmation of Previous Minutes
5. Matters arising
6. Pending Petition(s): None
7. Questions: None
8. **Agenda:**
 - i. **Consideration and adoption of the report on consideration of the Kenya National Library Service Bill, 2020**
 - ii. **Consideration and adoption of the report on Inquiry into the Status of Stadiums in the Country.**
9. Any Other Business
10. Adjournment & Date for the Next Sitting

MIN.NO.NA/SCT/2020/110: - CONSIDERATION AND ADOPTION OF THE REPORT ON CONSIDERATION OF THE KENYA NATIONAL LIBRARY SERVICE BILL, 2020

The Committee considered and unanimously adopted the report with the following observations and Committee Stage amendments after being proposed by the Hon. (Dr.) Korei Ole Lemein, MP. and seconded by the Hon. Florence Chepngetich Koskey, MP.:

Observations:

THAT;

1. The Kenya National Library Service Bill is a timely legislation that seeks to repeal the Kenya National Library Service Board Act (Cap. 225), an Act that has been in force since 1st April 1967.
2. Although there was an invitation for memoranda through newspaper advertisement, only one stakeholder submitted comments on the Bill.
3. There is need to amend clause 3(b) of the Bill by deleting the words "other libraries" and substituting therefor the words "public libraries" in order to bring clarity to the provision.
4. There is need to amend clause 6(1) (g) of the Bill which provides for four persons appointed by the Cabinet Secretary by reducing the number from four to three persons in order to make the total number of members nine instead of ten in order to align it to the Mwongozo Code of Governance.

5. There is need to amend clause 21(1) (a) to provide for monies appropriated by the National Assembly since it is the National Assembly that appropriates monies for State Corporations. Article 95 (4) (b) of the Constitution provides that the National Assembly appropriates funds for expenditure by the national government and other State organs.
6. There is need to delete clause 34 of the Bill which provides that an action or legal proceeding shall not be commenced against the Kenya National Library Service unless the complainant has served the Director-General with a written notice containing the particulars of the claim and of intention to commence such action or legal proceedings. The clause further provides that the written notice shall be served at least one month prior to the commencement of the proceedings. The clause is unconstitutional for the following reasons:
 - (a) Article 22 of the Constitution provides that every person has the right to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened.
 - (b) Article 23(1) of the Constitution provides that the High Court has jurisdiction, in accordance with Article 165, to hear and determine applications for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the Bill of Rights.
 - (c) Article 48 of the Constitution provides that the State shall ensure access to justice for all persons and, if fee is required, it shall be reasonable and shall not impede access to justice.
 - (d) Article 50 of the Constitution provides for the right to fair hearing.
7. The qualification for appointment of the Director-General of the Kenya National Library Service should not be restricted to professional librarians but should be an objective qualification criterion as provided in clause 15(2) (b) of the Bill which provides that the person shall hold a masters degree in library and information science, knowledge management, information technology, development studies, management or any related field from a university recognized in Kenya.

Committee Stage Amendments

THAT;

CLAUSE 3

THAT, clause 3 of the Bill be amended in paragraph (b) by deleting the words “other libraries” and substituting therefor the words “public libraries”.

Justification:

The amendment seeks to bring clarity to the provision. A public library has been defined in clause 2 of the Bill to mean a library established, maintained and managed by a county, non-governmental organization, community or private person which is open to members of the public.

CLAUSE 6

THAT, clause 6 of the Bill be amended in clause (1) (g) by deleting the word “four” appearing at the beginning of the paragraph and substituting therefor the word “three”.

Justification:

The members of the Board proposed in the Bill are ten instead of between seven and nine as required under the Mwongozo Code of Governance. The amendment seeks to reduce the number to nine.

CLAUSE 21

THAT, clause 21 of the Bill be amended in subclause (1) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) monies appropriated by the National Assembly;”

Justification:

National Assembly that appropriates monies for State Corporations. Article 95 (4) (b) of the Constitution provides that the National Assembly appropriates funds for expenditure by the national government and other State organs.

CLAUSE 34

THAT, clause 34 of the Bill be deleted.

Justification:

The clause is unconstitutional for the following reasons:

- (a) Article 22 of the Constitution provides that every person has the right to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened.
- (b) Article 23(1) of the Constitution provides that the High Court has jurisdiction, in accordance with Article 165, to hear and determine applications for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the Bill of Rights.
- (c) Article 48 of the Constitution provides that the State shall ensure access to justice for all persons and, if fee is required, it shall be reasonable and shall not impede access to justice.
- (d) Article 50 of the Constitution provides for the right to fair hearing.

**MIN.NO.NA/SCT/2020/111: - CONSIDERATION AND ADOPTION OF THE
REPORT ON AN INQUIRY INTO THE STATUS
OF STADIUMS IN THE COUNTRY**

The Committee considered and unanimously adopted the report with the following observations and recommendations after being proposed by the Hon. Charles Ngusya Nguna, MP. and seconded by the Hon. Jeremiah Lomurukai, MP.:

Observations

THAT;

- i. Most of the companies awarded the contracts for the construction of the stadia lack the requisite capacities in terms of finances and equipment to enable them deliver the projects on time;
- ii. The estimated cost of the projects is Kshs. 4.4 billion and the amount paid to date is Kshs. 2.6 billion translating to 59% of the estimate. However, the works delivered is estimated to be 49.5%. This is likely to occasion a variation in order for the projects to be completed.
- iii. The Committee further observed that there is inconsistency between the work delivered by the contractors and the payment made to them. For instance;
 - a) The contractor for Karatu Stadium has been paid Kshs. 102,180,205.97 which is 39.36% of the contract sum which is Kshs. 259,604,780.00 but has only delivered 25% of the work.
 - b) At Wote Stadium, the contractor has been paid Kshs. 113,875,098.42 which is 38% of the contract sum of Kshs. 299,309,554 but has only delivered approximately 25% of the work.
 - c) Marsabit Stadium, the contractor has been paid Kshs. 125,998,585.67 which is 42.68% of the contract sum of Kshs. 295,236,215 however, there is a discrepancy between the overall completion status of 45% as indicated by Sports Kenya and what is on the ground.
 - d) Ruringu Stadium, the contractor has been paid Kshs. 84,389,884.08 which is 29.3% of the contract sum of Kshs. 288,045,530 however, there is a big discrepancy between the overall completion status of 40% as stated by Sports Kenya and what is on the ground.
 - e) In Kamariny Stadium, the contractor has been paid Kshs. 81,590,104.86 which is 28.35% of the contract sum of Kshs. 287,837,775. The amount which has been paid does not translate to the total work done the ground.
 - f) Kinoru Stadium, the contractor has been paid Kshs. Ksh 740,883,085.42 which is 85.25% of the contract sum of Kshs. 869,121,216.80. The Committee further noted that the National Government through the Ministry of Defence and Foreign Relations and the County Government of Meru played a role in the construction of the stadium which Sports Kenya needed to provide the details.
- iv. Sports Kenya ignored personnel from the State Department of Public Works. In the contrary they engaged private consultants who did not demonstrate competency in their work. Some of the stadia lack critical components such as drainage systems;
- v. The County Governments where most of these stadia are being constructed fulfilled most of the work they were required to undertake.

- vi. Nyayo National Stadium was completed and was reopened for use on 26th September, 2020. However, the all-round canopy has not been constructed.
- vii. There were low exchequer releases at the initial stages of the projects leading to contractors suspending works on sites;
- viii. It was noted with concern that most of the contractors undertaking works are behind schedule which may lead to delay in the completion of the projects and further variations;

Recommendations

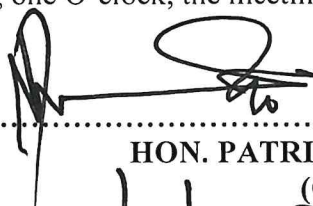
THAT;

- i. The Auditor General should undertake a value for money audit with a view to assessing the status of the projects vis-à-vis the amount incurred on the projects in order to ascertain whether there is value for money.
- ii. The Ethics and Anti-corruption Commission and Directorate of Criminal Investigations should undertake thorough investigations on the award and execution of the contracts with a view to ascertain whether due diligence was undertaken in the process of awarding and execution of the contracts by Sports Kenya and the accounting officer State Department of Sports who authorized payments.
- iii. The Committee further recommends that any public officer found to have violated the public Procurement and Asset Disposal Act, 2015 and the Public Finance Management Act, 2012 should be prosecuted in accordance with the relevant laws.
- iv. The State Department for Sports should expedite the timely completion of these projects by ensuring the projects are funded adequately. Indeed, the department should not initiate any new projects until the department delivers on the ongoing projects.
- v. The Committee further recommends the termination of the contracts of the private consultants who were found to lack the requisite skills to competently supervise the projects and instead engage the Public Works Department for the supervision of the remaining aspects of the projects.

MIN.NO.NA/SCT/2020/112: ADJOURNMENT AND DATE OF NEXT MEETING

The time being one O'clock, the meeting was adjourned.

Signed.....



HON. PATRICK MAKAU KINGÓLA, M.P
(CHAIRPERSON)

Date.....

13/10/2020

REPUBLIC OF KENYA

Twelfth Parliament

Fourth Session



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – (FOURTH SESSION)

**MINUTES OF THE 18TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
SPORTS, CULTURE AND TOURISM HELD ON THURSDAY 4TH JUNE, 2020 AT MOI
INTERNATINAL SPORTS CENTRE KASARANI AT 10:20 AM**

PRESENT

- | | | |
|---|---|------------------|
| 1. The Hon. (Dr.) Victor Kioko Munyaka, MP. | - | Chairperson |
| 2. The Hon. (Dr.) Korei Ole Lemein, MP. | - | Vice Chairperson |
| 3. The Hon. Dr. Christine Ombaka, MP. | | |
| 4. The Hon. Kubai Iringo, MP. | | |
| 5. The Hon. Jones Mlolwa, MP. | | |
| 6. The Hon. Daniel Wanyama Sitati, MP. | | |
| 7. The Hon. Benard Masaka Shinali, MP. | | |
| 8. The Hon. (Prof.) Jacqueline Oduol, MP. | | |
| 9. The Hon. Jane Jepkorir Kiptoo Chebaibai, MP. | | |
| 10. The Hon. Lydia Haika Mnene Mizighi, MP. | | |
| 11. The Hon. Annie Wanjiku Kibeh MP. | | |
| 12. The Hon. George Risa Sunkuyia, MP. | | |
| 13. The Hon. Titus Mukhwana Khamala, MP. | | |
| 14. The Hon. Charles Ngusya Nguna, MP. | | |

APOLOGY

1. The Hon. Christopher Omulele, MP.
2. The Hon. (Dr.) Tecla Chebet Tum, MP.
3. The Hon. Sylvanus Maritim, MP.
4. The Hon. Jeremiah Lomorukai, MP.
5. The Hon. Charles Kamuren, MP.

IN-ATTENDANCE -NATIONAL ASSEMBLY

THE SECRETARIAT

- | | | |
|------------------------|---|------------------------|
| 1. Mr. Fredrick Otieno | - | Second Clerk Assistant |
|------------------------|---|------------------------|

2. Mr. John Kiragu - Sergeant At-Arms Officer

MINISTRY OF SPORTS, CULTURE AND HERITAGE

- | | | |
|---------------------------------------|---|-------------------------------|
| 1. Amb. (Dr.) Amina Mohamed, EGH, CAV | - | Cabinet Secretary |
| 2. Mr. Joe Okudo, CBS | - | Principal Secretary |
| 3. Mr. Pius Metito | - | Director General Sports Kenya |
| 4. Mr. Felix Omondi | - | PA PS Sports |
| 5. Mr. Julius Mbii | - | Sports Kenya |
| 6. Mr. Rakki Asman | - | Sports Kenya |
| 7. Mr. Gabriel Komora | - | Sports Kenya |
| 8. Mr. Maurice Nyaoke | - | Sports Kenya |
| 9. Mr. Kataka Wandera | - | Sports Kenya |
| 10. Mr. John Ruga | - | Sports Kenya |
| 11. Mr. Fredrick Muema | - | Sports Kenya |

MIN.NO.NA/SCT/2020/074: PRELIMINARIES & ADOPTION OF AGENDA

The Chairperson called the meeting to order at twenty minutes past ten O'clock and said a prayer. Thereafter, everyone in attendance introduced themselves. The agenda of the meeting was adopted as hereunder after being proposed and seconded by the Hon. (Prof.) Jacqueline Oduol, MP and the Hon. Jane Chebaibai, MP respectively.

Agenda:

1. Prayers
2. Introductions/preliminaries
3. Communication from the Chair
4. Confirmation of Previous Minutes
5. Matters arising
6. Pending Petition(s): None
7. Questions: None
8. **Inspection of the Nyayo National Stadium and Moi International Sports Centre Kasarani**
9. Any Other Business
10. Adjournment & Date for the Next Sitting

MIN.NO.NA/SCT/2020/075: - BRIEFING BY THE MINISTRY OF SPORTS, CULTURE AND HERITAGE

The Chairperson invited the Cabinet Secretary to brief the Committee on the current status of the stadiums. The Cabinet Secretary, Amb. (Dr.) Amina Mohamed informed the Committee that measures have been put in place to ensure that all the stadiums are completed by December, 2020 and that funds have been set aside for these projects. She then invited the Director General, Sports Kenya to give detailed status of the stadiums. The Director General briefed the Committee as follows:

Moi International Sports Centre Kasarani

That;

1. The local organizing committee for IAAF WU20 2020 championships required the stadiums and its environs to be given facelift and adjustments be made to make the stadium compliant. Sports Kenya Board have identified the requirements for the championships as per the report from World Athletics under 20 championship.
2. The summary of the areas to be upgraded are as below: -

Summary of requirements

S/no	Description	Amount required (Kshs)
1	Main Stadium	124,440,690.00
2	Indoor Arena	15,000,000.00
3	Pump House	2,560,000.00
4	Stadion Hotel	27,000,000.00
5	Security & Administration	27,012,500.00
6	Plumbing works	14,838,028.00
7	Warm up pitches	32,300,000.00
8	Equipment	6,200,000.00
9	WU20 ICT requirements	83,314,000.00
	Total	332,465,218.00

3. In addition, Moi international Sports center require cleaning and restoration of the existing tartan that was laid during the World Under 18 in 2017. This works are yet to begin as funding and costings are underway, procurement process will begin once the costing and funding is ascertained.

Nyayo National Stadium

4. The works at the Nyayo National Stadium are at the final stages with 98% completion.
5. The Contractors have signed a commitment where the sub-contractors will complete their portions of works by 5th June 2020 and the Main Contractor to complete the work by 12th June 2020.
6. The Contractor for the refurbishment of Swimming pool is on site and works are ongoing. Sports Kenya awaits appraisal of works so far done to enable us request for funds from to pay the Contractors.
7. The proposed project of Laying of Tartan Track at Nyayo National Stadium in preparation for the upcoming World Athletics Continental Tour had approved by the committee on condition that Management presents the same before the Board together with the request from the Organizing Committee for this year's 1st Edition, World Athletics Continental

Tour and a directive to carry out the same from the Ministry of Sports, Culture and Heritage.

8. The proposed project of installing a new LED Outdoor Screen, refurbishing the Media Tribune and refurbishing the D areas, Long Jump, Triple Jump and Hammer at Nyayo National Stadium in preparation for the upcoming World Athletics Continental Tour was also approved by the committee;
9. There are other additional works estimated at a cost of Kshs. 400M. These works include upgrading of the changing rooms at the swimming pool with the associated plumbing and lighting requirements. The basketball court will be upgraded, changing rooms refurbished and the stadium gates upgraded. There will be landscaping works at the stadium to be undertaken. The management is in the process of securing funding through the Sports Arts and Social Development Fund (SASDF). Bills of quantity and architectural drawing have been received from the Ministry of Public Works.
10. Nyayo National Stadium will also receive an undertaking to install a roof canopy for the stadium, restore the terrace floor to match the newly installed seats. These scopes of works are being measures and estimates in terms of cost being prepared by the Ministry of Public works once the same is done, Sports Kenya will commence the necessary procedure of procuring including, securing funds from the Sports Arts and Social Development Fund.

Other Stadiums:

Kinoru Stadium

11. Public Works have issued the appraisal of the works done at Kinoru Stadium. Valued at Kshs.428, 398,899.43. This amount has since been requested from the Sports Arts and Social Development (SASDF) and is yet to be disbursed to Sports Kenya. The Contractors also signed the return to work framework with the completion date of 31st July 2020. The contractor is on site and works are progressing.

Regional Stadia Projects

12. The regional stadia projects included works are at the following sites: Kamariny, Wote, Karatu, Ruringu, Wote, Marsabit, and Kipchoge Keino. All contractors have signed return to work framework with the exception of Contractor for Kipchoge Keino Stadium Phase I.
13. Sports Kenya had a budget allocation of Kshs. 600 million for the Regional Stadia. However, through the Budget rationalization, this budget was reduced by Kshs. 250 Million.
14. So far, Sports Kenya has received an allocation of Kshs. 250 Million from the exchequer for Regional Stadia and awaits release of Kshs. 100 Million earmarked for Kipchoge Keino stadium.
15. A total of Kshs. 120,637,404.43 has been disbursed for Contractors and Kshs. 97,503,745.34 paid to Project Managers. Kamariny Stadium contractors have not been paid and Sports Kenya is awaiting the receipt of the appraisal of the works done so far from Public Works.
16. Sports Kenya has requisitioned for the release of funds from Sports, Arts and Social Development Fund for Kshs. 1,092,200,016.73 to enable payments of works to completion for the regional stadia and Kshs. 103,847,187 for Project Management fees.

Information on the individual Projects: -

Kipchoge Phase I

17. Phase I of Kipchoge Keino Stadium works was contracted to WEIHAI International Economic and Technical Cooperative Co. Ltd. The contractor has done 65% of the contract and has expressed the wish to terminate the contract due to delayed payments. Sports Kenya is in the process of negotiating terms with the Contractor to resume work.

Kipchoge Phase 11

18. The Contractor has signed the return to work framework to complete the work by 31st December 2020 and has since returned to work.

Ruringu Stadium

The contractor signed the return to work framework to complete the work by 31st July 2020 and has resumed work on site. Sports Kenya has honored payments for all certificates.

Chuka Stadium

19. The contractor signed the Return to work framework to complete the work by 31st July 2020 and has resumed work on site. Sports Kenya has honored payments for all certificates.

Wote Stadium

20. The contractor signed the Return to work framework to complete the work by 31st July 2020 and has resumed work on site. Sports Kenya has honored payments for all certificates.

Karatu Stadium

21. The contractor signed the Return to work framework to complete the work by 31st July, 2020 but the Contractor will resume work with effect from 2nd June 2020. Sports Kenya has honored payments for all certificates.

Kamariny Stadium

22. The contractor signed the Return to work framework to complete the work by 31st July 2020 and has resumed work on site. The contractor has not been paid pending certificates since Public Works are yet to release the appraisal on completed works.

Marsabit Stadium

23. The contractor signed the Return to work framework to complete the work by 31st July, 2020 and has resumed work on site. Sports Kenya has honored payments for all certificates.

MIN.NO.NA/SCT/2020/076: COMMITTEE OBSERVATIONS

The Committee made the following observations, that;

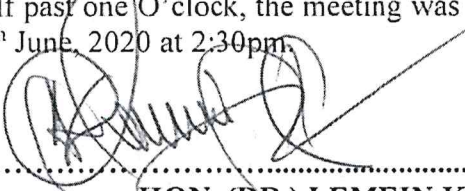
1. The renovation, restoration and replacements of spoilt seats at the Moi International Sports Centre Kasarani is ongoing. It was noted that the colour of the seats had worn out and a number of them had been plucked off by the fans during the local league competitions. The Committee felt that Sports Kenya could consider installing seats like the ones in Nyayo Stadium.

2. The surrounding of the Moi International Sports Center Kasarani and Nyayo Stadium need to have some attractive features especially the installation of billboards and statues with images of sports heroes and heroines.
3. Much has not been done in terms of security installations in the two stadiums. It was noted that the Ministry need to invest on the security installations on all the stadiums constructed by the government and should have strict rules and regulations to the users of these facilities to protect them from any unnecessary damage or destruction. The Principal Secretary for Sports however informed the Committee that they are in talks with the Ministry of Interior and Coordination of National Government to do security installations on all the stadiums that are constructed by the government.
4. A commendable work has been done at the Nyayo National Stadium with 98% completion and that the contractor signed a commitment where the sub-contractors will complete their portions of works by 5th June 2020 and the Main Contractor to complete the work by 12th June 2020.
5. The swimming pool at Nyayo Stadium is not complete though the contractor is on site. The Committee noted that there is need for the works to be fast tracked in order to complete the project in due time.
6. The basketball and volleyball courts had not been included as part of the refurbishment contract and have not been worked on. However, that Committee was informed that this was part of the extra works to be done and already the Public Works are doing the measures and estimates in terms of cost.
7. The Committee was also concerned whether there will construction of the canopy in Nyayo stadium to provide shade and protection from rains during any event in the stadium and also to protect the seats. The committee was informed that this was part of the extra works that the Ministry of Public Works is working on.
8. Most of the stadiums are set to be completed by end of July, 2020 and will be ready for use. Funds have been set aside for the projects.

MIN.NO.NA/SCT/2020/077: ADJOURNMENT AND DATE OF NEXT MEETING

The time being half past one O'clock, the meeting was adjourned. The next meeting will be held on Wednesday 10th June, 2020 at 2:30pm.

Signed.....


HON. (DR.) LEMEIN KOREI, M.P
(VICE CHAIRPERSON)

Date..... 29.06.2020

REPUBLIC OF KENYA

Twelfth Parliament

Third Session



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – (THIRD SESSION)

**MINUTES OF THE 53RD SITTING OF THE DEPARTMENTAL COMMITTEE ON
SPORTS, CULTURE AND TOURISM HELD ON THURSDAY 28TH NOVEMBER, 2019
IN THE SMALL BOARD ROOM ON 9TH FLOOR, HARAMBEE PLAZA,
PARLIAMENT BUILDINGS AT 11:30 AM**

PRESENT

- | | | |
|--|---|-------------|
| 1. The Hon. (Dr.) Victor Kioko Munyaka, MP. | - | Chairperson |
| 2. The Hon. Dr. Christine Ombaka, MP. | | |
| 3. The Hon. Kubai Iringo, MP. | | |
| 4. The Hon. Jones Mlolwa, MP. | | |
| 5. The Hon. Daniel Wanyama Sitati, MP. | | |
| 6. The Hon. Benard Masaka Shinali, MP. | | |
| 7. The Hon. (Prof.) Jacqueline Oduol, MP. | | |
| 8. The Hon. (Dr.) Tecla Chebet Tum, MP. | | |
| 9. The Hon. Sylvanus Maritim, MP. | | |
| 10. The Hon. Jane Jepkorir Kiptoo Chebaibai, MP. | | |
| 11. The Hon. Charles Ngusya Nguna, MP. | | |
| 12. The Hon. George Risa Sunkuyia, MP. | | |
| 13. The Hon. Charles Kamuren, MP. | | |

APOLOGY

- | | | |
|--|---|------------------|
| 1. The Hon. (Dr.) Korei Ole Lemein, MP. | - | Vice Chairperson |
| 2. The Hon. Christopher Omulele, MP. | | |
| 3. The Hon. Jeremiah Lomorukai, MP. | | |
| 4. The Hon. Annie Wanjiku Kibeh MP. | | |
| 5. The Hon. Lydia Haika Mnene Mizighi, MP. | | |
| 6. The Hon. Titus Mukhwana Khamala, MP. | | |

THE SPORTS KENYA

- | | | |
|-----------------------------|---|----------------------|
| 1. Mr. Pius Metito | - | Director General |
| 2. Mr. Fredrick Muema | - | CSCMO |
| 3. Mr. Japheth Kaunyo | - | ADF |
| 4. Mr. Maurice Nyaoke | - | S & P |
| 5. Ms. Lois Nderi | - | Chief Accountant |
| 6. Mr. John Ruga | - | Maintenance Engineer |
| 7. Ms. Lorine Nerea Shitubi | - | Chief Legal Officer |

STATE DEPARTMENT OF SPORTS DEVELOPMENT

Mr. Peter Kaberia- Principal Secretary

IN-ATTENDANCE

NATIONAL ASSEMBLY

THE SECRETARIAT

- | | | |
|--------------------------|---|------------------------|
| 1. Mr. Samuel Kalama | - | Senior Clerk Assistant |
| 2. Mr. Vitus Okech | - | Research Officer III |
| 3. Ms. Sheila Chebotibin | - | Sergeant At-Arm |
| 4. Ms. Jane Serem | - | Audio Officer |

MIN.NO.NA/SCT/2019/257: PRELIMINARIES & ADOPTION OF AGENDA

The Chairperson called the meeting to order at ten minutes past eleven O'clock and said a prayer. The agenda of the meeting was adopted as hereunder after being proposed and seconded by the Hon. Jones Mlolwa, MP and the Hon. (Dr.) Tecla Chebet Tum, MP. respectively.

Agenda:

1. Prayers
2. Introductions/preliminaries
3. Communication from the Chair
4. Confirmation of Previous Minutes
5. Matters arising
6. Meeting with the Principal Secretary for the State Department of Sports-
 - i. On the issues raised by the Sports Federations on Funding of the National Teams
 - ii. Status of stadiums in Kenya
7. Any Other Business
8. Adjournment & Date for the Next Sitting

MIN.NO.NA/SCT/2019/258: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

Minutes of the 51st sitting held on Thursday 21th November, 2019 were confirmed as a true record of the proceedings having been proposed and Seconded by the Hon. Bernard Shinali, MP and the Hon. Kibai Iringo, MP respectively.

Minutes of the 52nd sitting held on Tuesday 26th November, 2019 were confirmed as a true record of the proceedings having been proposed and Seconded by the Hon. (Prof.) Jacqueline Oduol, MP and the Hon. Sylvanus Maritim, MP respectively.

MIN.NO.NA/SCT/2019/259: MATTERS ARISING

Under Min. MIN.NO.NA/SCT/2019/254 EALA Games, the following matter arose-

It was agreed that the budget of the Committee in respect of foreign travel be utilized to cater for the travel expenses of members of the Committee who are not players in the games.

MIN.NO.NA/SCT/2019/260: MEETING WITH THE DIRECTOR GENERAL FOR SPORTS KENYA ON THE INQUIRY INTO THE STATUS OF STADIUMS IN THE COUNTRY

The Director General for Sports Kenya, Mr. Pius Metto, submitted as follows: -

That: -

On the status report on all the stadiums under construction and evidence of involvement of technical officers from the Public Works during the inspection visits to the stadiums; the DG submitted that Sports Kenya has requested the State Department of Public Works to carry out re-measurement and have been following up on the same but its yet to commence the re-measurement.

As regards to the breakdown of the preliminary works undertaken at Marsabit Stadium and their cost; the DG submitted as follows

a. Initial preliminaries	Ksh. 11,300,000.00
b. Periodic preliminaries	Ksh. 8, 290,625.00
Total	<u>Ksh. 19,590,625.00</u>

On the contributions/funds from County governments towards the construction of stadiums and the Memorandum of Understanding between the County Governments and the Ministry of Sports, Culture and Arts; the DG informed the Committee that Sports Kenya is yet to receive the contributions from county governments. However, Sports Kenya entered into Memorandum of Understanding with the County Governments before construction of the Stadia in the respective counties.

On the profile and details of the contractors and consultants awarded the tenders to refurbish the stadia; he informed the Committee that, they requested for CR12 from the Registrar of Companies and they are yet to receive response.

As regards to the amount of money collected as A.I.A by Sports Kenya in the last two financial years; the DG informed the Committee that as per the Audited accounts for the last two financial years 2016-2017 & 2017-2018, Sports Kenya generated AIA of Kshs. 243,781,272.00 and Ksh.

94,179,916.00 respectively. He attributed the huge difference in the collection of the AIA due to closure of the Nyayo Stadium for renovation in the 2017-2018 financial year.

Members of the Committee the following concerns: -

On the **contributions of county governments in the construction of stadiums**; the Director General informed the Committee that they sign Memorandum of Understanding with county governments before construction of Stadiums. In regard to the Marsabit Stadium, the County Government of Marsabit decided to construct the VIP Pavilion which was not part of the Bill of Materials for the major project.

Pending certificate of Ksh. 36 million; the DG clarified that the certificate was withdrawn by the Contractor. The consultant withdrew the certificate to allow reassessment of the work done. On the why sports Kenya has not taken any action against the contractor, the DG submitted that they are awaiting Public Works to re-measure the work done so far. He further confirmed that the decision to withdraw the certificate was arrived at with officers from Public Works.

MIN.NO.NA/SCT/2019/261: MEETING WITH THE PRINCIPAL SECRETARY FOR THE STATE DEPARTMENT OF SPORTS ON THE ISSUES RAISED BY THE SPORTS FEDERATIONS ON FUNDING OF THE NATIONAL TEAMS

The Principal Secretary briefed the Committee that-

As regards to funding of Federations or National Teams in the country:

1. The Government of Kenya through the Ministry in charge of Sports have been funding sports federations to enable national teams participate in regional, continental and international competitions through the provision of;
 - a. Travel cost which includes air tickets and bus fare
 - b. Subsistence and accommodation
 - c. Insurance cover
 - d. Registration/subscription fee
 - e. Training and competition kits – There is a contract between both Nock and AK with NIKE
 - f. Cash Awards to Medalists – We have cleared all Cash Awards to date
 - g. Training expenses.
2. The amount of money provided has not been adequate to meet the demands of the federations/associations. The government established the Sports, Arts and Social Development Fund to address the problem. The Sports, Arts and Social Development Fund was inaugurated in February 2019 and operationalized in April 2019. The processes of building a Public Institution of this nature where significant Public Funds are involved require both time and proper application of the law. The Sports Arts and Social Development Fund has done extremely well and is poised to transform sports in

this country. If it is constituted properly and within the law, we should have the first full cycle and the benefits in the 2020/2021. A total of Ksh.3.4B has been provided to Sports in the last six (6) months alone.

As regards to the timeframe in processing of requests for funding by federations and communication channels between the State Department and the federations

3. The process begins with the individual federation establishing their needs and presenting a calendar to the Ministry. Currently and by law, there is a circular for all Federations interested in funding for the next financial year to apply to the Fund by 31st of December 2019. Once the request is submitted to the Ministry, it is analysed by the Fund Requests and Evaluation Committee that includes Commissioner of Sports, Secretary/Director of Administration, Head of Accounts, Head Legal, Head SCM and once it is passed the same is forwarded to the Fund for consideration. Once the Fund Secretariat has passed the request, it is forwarded to the Board of SASDF through a Board Paper and if the Board approves then the rest of the process is done within seven (7) days. The process of funding is through a standardized format which utilizes specific forms that have been provided to all federations willing to apply for funding. These are forms A & B for Athletes and official allowances processing, SCM form for uniform & equipment as needs, Timeline processing flow chart.

On the Policy guidelines on the funding and accountability by federations:

4. To enhance transparency and accountability and in accordance with the gazette PMF and SASDF with, the Oversight Board of the Fund resolved that all applicants requesting financial support from the Fund shall meet the following minimum requirements.
 - i. The name of the Program/Project/Initiative;
 - ii. State the object and purpose of the Program/Project/Initiative;
 - iii. Describe the benefits of the Program/Project/Initiative;
 - iv. Provide evidence of Registration and/or presentation of a Valid License as provided in the Regulations for State Corporations and/or Sports Organizations. Whereas for the Ministries/State Departments, the Executive Order shall suffice;
 - v. Provide evidence of approval of the funding request by the governing body / organ of the institution/organization e.g. Board or Council. Whereas, for the Ministries and State Departments, the approval of the Accounting Officer shall suffice;
 - vi. Provided confirmation by the Accounting officer that the Program/Project/Initiative is included in their Annual Work Plan, Strategic Plan and Medium-Term Plan as approved by the governing body of the sports organization, where applicable;

- vii. Disclose all sources of funding to the programme/project/initiative, and identify the funding gap which the application from the Fund seeks to bridge;
 - viii. Indicate the key performance Indicators/milestones of the programme/project/initiative and the maximum period the programme/project/initiative will be implemented/undertaken;
 - ix. For infrastructure programmes/projects, provide architectural/structural designs, plans and bills of quantities approved by the governing organ/body and the requisite regulatory approvals from relevant government institutions, where applicable;
 - x. Provide the details and signatories of the bank account where the funds shall be channeled;
 - xi. Commit to submit quarterly and annual progress reports of the programme /project /initiative, including financial and non-financial information;
 - xii. Commit to provide access by staff of the secretariat to monitor and evaluate application of funds to the programme / project / initiative funded by the Fund for the purpose of M&E and to ensure the application of the funds granted by the Board achieves the objects for which the funds were provided;
 - xiii. Commit to return any unutilized funds disbursed upon. Completion of the specific programme /project/initiative;
 - xiv. Commit to provide any other information as may be required by the Board;
 - xv. Commit that the funds disbursed shall be utilized to promote the objects and purpose of the Fund in accordance with the Fund regulations;
 - xvi. Provide a summary of the expenditure items contained in the request for funding.
5. Once funded all the federations must account fully for all the funds. This must be done before they can apply for further funding. The Fund and the State Department for Sports has put in place measures to enhance accountability by the federations and transparency in the use of public funds to ensure that applicable Government legal procedures, including provisions of the Public Finance Management and Public Procurement and Asset Disposal Act, are adhered to. Further, all beneficiaries of funding are required to submit their returns and a detailed report on the program/project within fifteen (15) days of its conclusion.

As regards to the details of how funds from the Sports, Arts and Social Development Fund have been utilized since its operationalization:

- 6. As at 1st October 2019, the Fund, under the Ministry of Sports, Culture and Heritage had approved disbursement of financial support for the following programs/activities in line with its mandate.

Members of the committee raised several concerns; key among them: -

1. Nonpayment of allowances to athletes on time, a concerned that the Principal Secretary averred that it was not true.
2. Delay in processing of funding requests from federations as well as lack of feedback on requests; the Principal Secretary undertook to ensure that all requests are attended to and replied to in time.

**MIN.NO.NA/SCT/2019/262: MEETING WITH THE PRINCIPAL SECRETARY FOR
THE STATE DEPARTMENT OF SPORTS ON THE STATUS
OF STADIAMS IN THE COUNTRY**

The Principal Secretary informed the Committee that, the State Department for Sports has put immediate plans in place to commence construction of all stalled stadia across the country. In this regard two sources of funding have been identified- the exchequer Ksh. 500 million and the Sports, Arts and Social Development Fund.

The Fund has accepted the request to allocate enough resources to complete the construction of the stalled stadia; however, there are requirements or conditionalities that are to be met.

The funds from the Fund would be allocated to fund construction of at least three stadia to completion. He also confirmed that the resources from the Exchequer would be allocated to the regional stadia, namely Kipchoge Keino, Ruringo, Kamariny and Wote.

He attributed the slow pace in the completion of the stadia to the low allocation from the Exchequer. In the last financial year, the ministry was allocated funds in the printed estimates but there was no fund from the National Treasury that was released.

As regards to the construction of the Sports Academies, the Principal Secretary submitted that with funds from the Sports Fund, works will commence before the end of January, 2020.

On the withdrawal of certificate amounting to Ksh. 36million by the contractor in respect of Marsabit Stadium; the Principal Secretary undertook to follow up on the matter with the Director General for Sports Kenya to ensure that the certificate is not withdrawn.

MIN.NO.NA/SCT/2019/263: ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at ten minutes past Two O'clock and to reconvene on Tuesday 3rd December, 2019.

Signed.....

HON. (DR.) VICTOR MUNYAKA, M.P
(CHAIRPERSON)

Date.....03/12/19.....



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – (THIRD SESSION)

**MINUTES OF THE 43RD SITTING OF THE DEPARTMENTAL COMMITTEE ON
SPORTS, CULTURE AND TOURISM HELD ON TUESDAY 22ND OCTOBER, 2019 IN
THE COMMITTEE ROOM ON 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT
BUILDINGS AT 11:15 AM**

PRESENT

- | | | |
|---|---|-------------------------|
| 1. The Hon. (Dr.) Victor Kioko Munyaka, MP. | - | Chairperson |
| 2. The Hon. (Dr.) Korei Ole Lemein, MP. | - | Vice Chairperson |
| 3. The Hon. Christopher Omulele, MP. | | |
| 4. The Hon. Kubai Iringo, MP. | | |
| 5. The Hon. Benard Masaka Shinali, MP. | | |
| 6. The Hon. Daniel Wanyama Sitati, MP. | | |
| 7. The Hon. (Dr.) Tecla Chebet Tum, MP. | | |
| 8. The Hon. Charles Ngusya Nguna, MP. | | |
| 9. The Hon. Annie Wanjiku Kibeh MP. | | |
| 10. The Hon. George Risa Sunkuyia, MP | | |
| 11. The Hon. Sylvanus Maritim, MP. | | |
| 12. The Hon. Lydia Haika Mnene Mizighi, MP. | | |

APOLOGY

1. The Hon. Dr. Christine Ombaka, MP.
2. The Hon. Jones Mlolwa, MP
3. The Hon. (Prof.) Jacqueline Oduol, MP.
4. The Hon. Jeremiah Lomorukai, MP.
5. The Hon. Titus Mukhwana Khamala, MP.
6. The Hon. Jane Jepkorir Kiptoo Chebaibai, MP.
7. The Hon. Charles Kamuren, MP.

COMMITTEE FRIEND

The Hon. Simba Arati, MP

IN-ATTENDANCE

THE SPORTS KENYA

- | | | |
|-----------------------------|---|--------------------------------|
| 1. Mr. Pius Metito | - | Director General |
| 2. Mr. Fredrick Muema | - | CSCMO |
| 3. Mr. Japheth Kaunyo | - | ADF |
| 4. Mr. Maurice Nyaoke | - | S & P |
| 5. Ms. Lois Nderi | - | Chief Accountant |
| 6. Mr. Gabriel Kamoro | - | D/Director Technical Services |
| 7. Mr. John Ruga | - | Maintenance Engineer |
| 8. Ms. Lorine Nerea Shitubi | - | Chief Legal Officer |
| 9. Mr. Peter Mbugua | - | PA, Principal Secretary Sports |

NATIONAL ASSEMBLY

- | | | |
|--------------------------|---|-------------------------|
| 1. Mr. Samuel Kalama | - | Senior Clerk Assistant |
| 2. Mr. Fredrick Otieno | - | Second Clerk Assistant |
| 3. Mr. Salem Lorot | - | Legal Counsel II |
| 4. Mr. Omar Abdirahim | - | Fiscal Analyst III |
| 5. Mr. Vitus Okech | - | Research Officer III |
| 6. Ms. Sheila Chebotibin | - | Sergeant At-Arm |
| 7. Ms. Jane Serem | - | Audio Recording Officer |

MIN.NO.NA/SCT/2019/202: PRELIMINARIES & ADOPTION OF AGENDA

The Chairperson called the meeting to order at a quarter past eleven O'clock and said a prayer. Thereafter, everyone in attendance introduced themselves. The agenda of the meeting was adopted as hereunder after being proposed and seconded by the Hon. Daniel Wanyama, MP and the Hon. Charles Ngusya Nguna, MP respectively.

Agenda:

1. Prayers
2. Introductions/preliminaries
3. Communication from the Chair
4. Confirmation of Previous Minutes
5. Matters arising
6. Pending Bills: One (1)
 - i. The Gaming Bill, 2019
7. Pending Petition(s): None
8. Questions: One (1) -Question No. 359/2019 asked by the Hon. (Dr.) James Kipkosgei Murgor, MP, Member for Keiyo North
9. **Meeting with the Director General, Sports Kenya on an inquiry into the status of Sports Stadiums in the Country**
10. Any Other Business
11. Adjournment & Date for the Next Sitting

MIN.NO.NA/SCT/2019/203: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

Minutes of the 42nd sitting held on 17th October, 2019 were confirmed as a true record of the proceedings having been proposed and Seconded by the Hon. Christopher Omulele, MP and the Hon. Daniel Wanyama, MP respectively.

MIN.NO.NA/SCT/2019/204: INQUIRY INTO THE STATUS OF THE SPORTS STADIAS

**IN THE COUNTRY – SUBMISSIONS BY THE DIRECTOR
GENERAL SPORTS KENYA**

Mr. Pius Metto, Director General for Sports Kenya appeared before the Committee and presented as follows:

1. In line with the National Vision 2030 which requires development of standard Sports facilities in 47 Counties. Sports Kenya prioritized development of seven (7) stadia, namely, Kipchoge Keino, (Uasin Gishu), Kamariny (Elgeyo marakwet), Wote (Makueni), Marsabit, Ruring'u (Nyeri), Kirubia (Chuka –Tharaka Nithi) and Karatu (Kiambu).
2. The following Stadia were also earmarked for upgrading for CHAN 2018: -
 - (i) Nyayo National Stadium
 - (ii) Kinoru Stadium
 - (iii) Kasarani Stadium
 - (iv) Kipchoge Keino Stadium (Phase II)
3. The Budgetary Allocations for Development expenditure for the agency was as below:

YEAR	FINAL PRINTED ESTIMATES (KSHS)	ACTUAL AMOUNT RECEIVED (KSHS)	ACTUAL EXPENDITURE (KSHS)
2016/2017	2,735,000,000.00	424,813,522	439,629,030
2017/2018	100,000,000.00	25,000,000	18,047,763
2018/2019	400,000,000.00	400,000,000	410,594,303
2019/2020	500,000,000	NIL	NIL
TOTAL	3,735,000,000	954,813,522	868,271,096

4. At the inception of the procurement process in 2016/2017 FY there was a proposed budget of Ksh.2,735,000,000.00, however, the budget was later rationalized to Ksh. 424,813,522.00. In 2017/2018 FY Sports Kenya suffered a budget cut from an allocation of Ksh. 100,000,000.00 to Ksh. 25,000,000.00

5. Due process was followed in tendering and the Evaluation Committee recommended prequalification of firms which scored 70% and above as suitable and capable to undertake the construction of various county stadia in;
- SK/PREQ/47/2016-2017- prequalification of main contractors for construction of various county stadia-main works (builders and civil works) -16 firms were prequalified
 - SK/PREQ/48/2016-2017- prequalification of subcontractors for construction of various county stadia-electrical installation and associated electrical services -13 firms were prequalified
 - SK/PREQ/49/2016-2017- prequalification of sub-contractors for construction of various county stadia-plumbing, drainage, sanitary fittings and mechanical installations. 13 firms were prequalified.
6. The prequalified firms were invited to submit their financial proposal which were subjected to financial evaluation and awarded as follows: -

Tender No.	Contractor	Tender name	Contract value
	Kamariny Stadium, Iten- Elgeyo Marakwet County		Kshs.
SK/RT/003/2016-2017	Funan Construction Co. Ltd	Proposed development of Kamariny Stadium (Main Works)	287,837,775.00
SK/RT/003A/2016-2017	Anchor Ltd	Electrical Installation and Associated Electrical Services-Sub Contract	
SK/RT/003B/2016-2017	Bowl Plumbers Part I	Mechanical Installation, plumbing and Associated Services- Sub Contract	
	Kipchoge Keino Stadium, Eldoret- Uasin Gishu County		
SK/RT/004/2016-2017	Weihai International Economic & Technical Cooperative Ltd	Proposed development of Kipchoge Keino Stadium (Main Works)	304,204,413.00
SK/RT/004A/2016-2017	Sess Solutions Ltd	Electrical Installation and Associated Electrical Services-Sub Contract	
SK/RT/004B/2016-2017	Vanguard Engineering Part I	Mechanical Installation, plumbing and Associated Services- Sub Contract	
	Karat Stadium, Kiambu County		
SK/RT/005/2016-2017	Smith & Gold Productions Ltd	Proposed development of Karatu Stadium, Kiambu County (Main Works)	259,604,780.00
SK/RT/005A/2016-2017	Jamuki Electrical Services	Electrical Installation and Associated Electrical Services-Sub Contract)	
SK/RT/005B/2016-2017	Bowl Plumbers	Mechanical Installation, plumbing and Associated Services- Sub Contract)	

	Wote Stadium, Makueni County		
SK/RT/006/2016-2017	Taphes & Nitrame Enterprises	Proposed development of Wote Stadium (Main Works)	299,309,554.00
SK/RT/006A/2016-2017	Jamuki Electrical Services	Electrical Installation and Associated Electrical Services- Sub Contract)	
SK/RT/006B/2016-2017	Bowl Plumbers	Mechanical Installation, plumbing and Associated Services- Sub Contract)	
	Marsabit Stadium, Marsabit County		
SK/RT/007/2016-2017	Benisa Ltd	Proposed development of Marsabit Stadium (Main Works)	295,236,215.00
SK/RT/007A/2016-2017	Contemporary Elec. Enterp. Ltd	Electrical Installation and Associated Electrical Services- Sub Contract	
SK/RT/007B/2016-2017	Stoneworth Ltd	Mechanical Installation, plumbing and Associated Services- Sub Contract)	
	Ruringu Stadium, Nyeri County		
SK/RT/008/2016-2017	Funan Construction Co. Ltd	Proposed development of Ruringu Stadium, Nyeri County (Main Works)	288,045,530.00
SK/RT/008A/2016-2017	Sess Solutions	Electrical Installation and Associated Electrical Services- Sub Contract)	
SK/RT/008B/2016-2017	Anchor Ltd	Mechanical Installation, plumbing and Associated Services- Sub Contract)	
	Chuka Stadium, Tharaka Nithi County		
SK/RT/009/2016-2017	Toddy Civil Engineering Co. Ltd	Proposed development of Chuka Stadium, Tharaka Nithi County (Main Works)	274,208,855.00
SK/RT/009A/2016-2017	Jamuki Electrical Services	Electrical Installation and Associated Services- Sub Contract	
SK/RT/009B/2016-2017	Qoolmax Enterprises Ltd	Mechanical Installation, plumbing and Associated Electrical Services- Sub Contract	
GRAND TOTAL			2,008,447,122.00

7. Accordingly, the tenders for refurbishment of CHAN 2018 venues (Stadia) were also done and due process followed with the completion period set at 14 calendar weeks for these projects to the host of CHAN2018 championships. These was as below:

TENDER NO.	DESCRIPTION	FIRM ADDRESS	TENDER PRICE (KSH.)
VENUE 1	NYAYO NATIONAL STADIUM - NAIROBI		
SK/004a/2017-2018	Builders works	Lexis International Ltd P.O. Box 18394-00100, NAIROBI	325,829,431.00
SK/004b/2017-2018	Civil works	Lexis International Ltd P.O. Box 18394-00100, NAIROBI	206,690,139.00
SK/005/2017-2018	Supply, delivery and fixing of stadium seats	Spring Engineering Group Inc. P.O. Box 17175-00100 NAIROBI 723376188	93,595,000.00
SK/006/2017-2018	Structured cabling and Electrical Installations	Markem Ltd, P.O. Box 13696-00800 NAIROBI 712589450	98,940,000.00
SK/007/2017-2018	Plumbing, drainage and Mechanical installations	Josswa Plumbers & Gen. Contractors, P.O. Box 226-00200 NAIROBI	71,605,549.00
SK/008/2017-2018	Bore hole drilling and equipping, High and low level water tanks, Water reticulation and irrigation system	Farjano Construtions Co. Ltd P.O. Box 9992-00100 NAIROBI	63,319,900.00
VENUE 2	KINORU STADIUM – MERU COUNTY		
SK/009a/2017-2018	Builders works	Toddy Civil Engineering Ltd P.O. Box 30382,00100-600 NAIROBI	442,137,530.00
SK/009b/2017-2018	Civil works	Benisa Ltd, P.O. Box 22885-00400 NAIROBI	282,212,086.80
SK/011/2017-2018	Structured cabling and Electrical Installations	Markem Management Ltd, P.O. Box 13696-00800 NAIROBI	45,850,000.00
SK/012/2017-2018	Plumbing, drainage and Mechanical installations	Trident Plumbers Ltd, P.O. Box 7355-00300 Nairobi, 020-2081501	49,500,450.00
SK/013/2017-2018	Bore hole drilling and equipping, High and low level water tanks, Water reticulation and irrigation system	Dayows Construction Co. Ltd P.O. Box 11061-00400 0729945929	49,421,150.00

VENUE 4	KIPCHOGE KEINO STADIUM- UASIN GISHU COUNTY		
SK/019/2017-2018	Builders work	Shiv Construction Co. Ltd P.O. Box 2140-30100 Eldoret Shiv383@hotmail.com 0738205620	325,829,431.00
SK/020/2017-2018	Sub contract (Electrical installations)	Central Electricals International Limited, P.O. Box 999-80100 Mombasa Kenya, 020-4448029, 020-4446025	77,786,110.00
SK/021/2017-2018	Sub contract (Plumbing and Drainage)	Mepani Plumbers, P.O. Box 33290-00600 NAIROBI mepanientreprises@gmail.com 0734345639	26,623,210.00
SK/023/2017-2018	Sub-contract (Electrical installations- Passenger lifts)	Top Choice Surveillance Limited P.O. Box 1218-00618 Nairobi info@topchoice.co.ke 0204445140, 0717566877	13,107,266.80
SK/024/2017-2018	Sub contract (Mechanical installations – Borehole sinking and equipping)	Qool Max Enterprises P.O. Box 71-00621 Village Market Qoolmax.enterprises@gmail.com 0727141815, 0725273338	10,449,434.05
GRAND TOTAL			2,182,896,687.65

MIN.NO.NA/SCT/2019/205: OBSERVATIONS

The following were observed after the deliberations:

1. The percentage of works done as presented by the Director General are not commensurate to the amounts already spent and the quality of the real work on the sites. The conditions of most of the stadiums, especially Nyayo are very poor and does not meet the international standards.
2. In the Financial year 2016/2017 and 2018/2019, Sports Kenya made extra payments of Kshs. 14,815,508 and Kshs. 10,594,303 respectively from the actual amounts received from exchequer. Though, the Director General informed the meeting that the extra amounts were from A.I.A, there were no supporting documents on the same.
3. The Marsabit Stadium being 20% complete which according to the Committee was not the correct position of the actual status of the stadium based on the Committee's findings during its inspection visit to the stadium. Further, the amount of funds that have been paid are not commensurate to the work that has been done. There is no value for money since Kshs. 88,755,994 has been paid to the contractor yet there is no tangible work on the ground.

The Director General however concurred with the Committee and informed it that the contractor front loaded their bills to preliminary works. The contractor has been questioned by the Ministry and instructed to go back to site. The Committee raised concerns on the quality of work done by the Evaluation committee and in this regard the Committee demanded for the breakdown of the preliminary works and the associated costs. The Committee also sought clarification as to whether the county government of Marsabit spent money in the construction of the stadium.

4. That M/s Toddy Civil Engineering Co. Ltd and M/s Funan Construction Co. Ltd were each awarded tender for construction of two stadiums, Chuka and Kinoru Stadiums and Kamariny and Ruringu Stadiums respectively. The Committee was of the view that this could have led to the projects being stalled because either contractors did not have the capacity to handle two projects at ago.

The Committee resolved that Sports Kenya should:

1. Redo the inspection visits to the stadiums with the involvement of technical officers from the Public Works and report back to the Committee with a detailed report on the actual current status of the stadiums within two weeks;
2. Provide the breakdown of the preliminary works of Marsabit Stadium and their cost;
3. Breakdown of the contributions/funds from the County governments and the Memorandum of Understanding;
4. Provide the profile and details of the contractors and consultants; and
5. Details and breakdown of A.I.A.

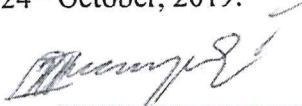
MIN.NO.NA/SCT/2019/206: ANY OTHER BUSINESS

The Committee resolved to extend the planned report writing retreat on Gaming Bill, 2019 in Mombasa by two more days to enable it do the extensive analysis of the Bill clause by clause and the stakeholders' proposals and finally compile its report.

MIN.NO.NA/SCT/2019/207: ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at twenty-five minutes to one O'clock and to reconvene on Thursday, 24th October, 2019.

Signed.....



**MINUTES OF THE 40TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
SPORTS, CULTURE AND TOURISM HELD ON TUESDAY 8TH OCTOBER, 2019 IN THE
BOARDROOM, 11TH FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS AT
11:55 AM**

PRESENT

- | | | |
|---|---|-------------------------|
| 1. The Hon. (Dr.) Victor Kioko Munyaka, MP. | - | Chairperson |
| 2. The Hon. (Dr.) Korei Ole Lemein, MP. | - | Vice Chairperson |
| 3. The Hon. Kubai Iringo, MP. | | |
| 4. The Hon. Christopher Omulele, MP. | | |
| 5. The Hon. (Prof.) Jacqueline Oduol, MP. | | |
| 6. The Hon. Annie Wanjiku Kibeh MP. | | |
| 7. The Hon. Sylvanus Maritim, MP. | | |
| 8. The Hon. Jane Jepkorir Kiptoo Chebaibai, MP. | | |
| 9. The Hon. Charles Kamuren, MP. | | |

APOLOGY

1. The Hon. Dr. Christine Ombaka, MP.
2. The Hon. Daniel Wanyama Sitati, MP.
3. The Hon. Lydia Haika Mnene Mizighi, MP.
4. The Hon. Charles Ngusya Nguna, MP.
5. The Hon. Jeremiah Lomorukai, MP.
6. The Hon. Titus Mukhwana Khamala, MP.
7. The Hon. (Dr.) Tecla Chebet Tum, MP.
8. The Hon. George Risa Sunkuyia, MP
9. The Hon. Benard Masaka Shinali, MP.
10. The Hon. Jones Mlolwa, MP

IN-ATTENDANCE

NATIONAL ASSEMBLY

- | | | |
|--------------------------|---|------------------------|
| 1. Mr. Samuel Kalama | - | Senior Clerk Assistant |
| 2. Mr. Fred Otieno | - | Second Clerk Assistant |
| 3. Mr. Omar Abdirahim | - | Fiscal Analyst |
| 4. Ms. Sheila Chebotibin | - | Serjeant At-Arm |

MIN.NO.NA/SCT/2019/187: PRELIMINARIES & ADOPTION OF AGENDA

The Vice Chairperson called the meeting to order at five minutes to noon and said a prayer. The agenda of the meeting was adopted as hereunder after being proposed by Hon. Kubai Iringo, MP. and seconded by the Hon. Prof. Jacqueline Oduol, MP.

MIN.NO.NA/SCT/2019/188: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

Minutes of the 39th sitting held on 3rd October, 2019 were confirmed as a true record of the proceedings having been proposed by the Hon. (Prof.) Jacqueline Oduol, MP and Seconded by the Hon. Kubai Iringo, MP

MIN.NO.NA/SCT/2019/189: PROPOSED INQUIRY INTO THE STATUS OF STADIUMS IN THE COUNTRY

The Committee noted that the government promised Kenyans in 2013 five modern stadiums across the country to help nurture talent, and to host local and international championships. In 2017, the government pledged to finalize construction of three new stadia in Nairobi, Mombasa and Eldoret along with the Sports Kenya.

The government also promised to upgrade regional stadiums in Kiambu, Makueni, Elgeyo Marakwet, Marsabit, Nyeri and Chuka. Very little has been done to build these new stadia or to renovate existing ones.

The Committee further noted that Kinoru Stadium in Meru, Kipchoge Keino Stadium in Eldoret and Kenyatta Stadium in Machakos together with Nyayo had all been earmarked for refurbishment by the government as venues to host the 2018 African Nations Championship (CHAN). However, two years down the line, all the four stadiums are yet to be completed or upgraded to the international standards as required by the Confederation of African Football (CAF) and the Fédération Internationale de Football Association (FIFA) after the country was stripped of the CHAN hosting rights due to unpreparedness. There has been a concern by the public on the status of these stadiums and the value for money as compared to the current status of the Stadiums.

The Committee deliberated on this matter and resolved to undertake an inquiry into the status of stadiums in the Country. Further the Committee resolved that the said inquiry be guided by the following terms of references (TORs)

1. To determine the total allocations to the 7 regional stadium and the 5 CHAN stadiums since inception to date.
2. To determine the amount of money that has been spent in the construction/refurbishment of the 7 regional stadiums and the 5 CHAN stadiums to date. This will help the Committee know whether the funds allocated were rightly used and whether there is value for money.
3. To determine the stipulated start dates of the projects and the expected completion dates as per the tender documents.
4. To establish the current status of all the stadiums and the timeframes the Ministry has put for the completion of their renovation or construction.
5. To establish the amount of money allocated by various county governments towards refurbishment and construction of Stadiums across the country.
6. To table a report in the House on the findings and recommendations of the inquiry

To address the aforementioned terms of references, the Committee resolved to meet the following witnesses among others as follows:-

- i. The Director General Sports Kenya on 22nd October, 2019
- ii. The Cabinet Secretary Sports, Culture and Heritage on 24th October, 2019

MIN.NO.NA/SCT/2019/190: ANY OTHER BUSINESS

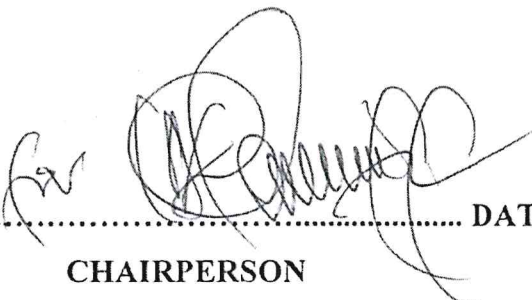
The Committee resolved to hold committee activities as follows:-

1. 15th October, 2019 - Meeting with the Cabinet Secretary for Sports, Culture and Heritage to respond to Question by the Hon. (Dr.) James Kipkosgei Murgor, MP, Member for Keiyo North on Kamariny Stadium.
2. 17th October, 2019 - Consideration and adoption of the Report on the 12th African Games in Morocco
3. 22nd October, 2019 - Meeting with the Director General Sports Kenya on the Status of the Sports Stadiums.
4. 24th October, 2019 - Meeting with the Cabinet Secretary Sports, Culture and Heritage on the Status of the Sports Stadiums.

5. Report writing retreat on the Gaming Bill, 2019 between 24th and 27th October, 2019 in Machakos County.
6. Report writing retreat on the status of sports stadiums between 7th and 10th November, 2019 (Either in Mombasa or Kisumu)
7. Consultative retreat on Budget tracking, implementation and review with the State Department of Heritage between 21st and 24th November, 2019.

MIN.NO.NA/SCT/2019/191: ADJOURNMENT AND DATE OF THE NEXT MEETING

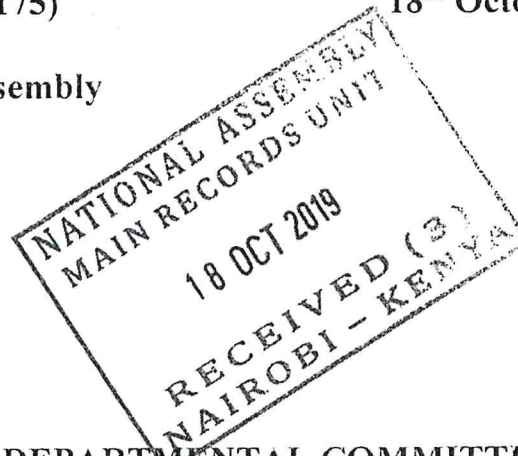
The meeting was adjourned at twenty minutes past noon and to reconvene on Tuesday, 15th October, 2019.

SIGN:  DATE: 15.10.19
CHAIRPERSON

REF: SK/CSG/196 VOL. II (175)

18th October, 2019

The Clerk of the National Assembly
National Assembly
Parliament Building
P. G. BOX 41874-00100
NAIROBI



① D10-1100,
22/10/19

Attn: Jeremiah W. Ndombi

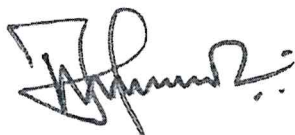
RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON
SPORTS, CULTURE AND TOURISM

② KAZAMA
Please deal
for

Your letter Ref. No. NA/DCS/SCT/2019 (68) dated 11th October, 2019 on the above-mentioned subject refers.

Please find attached the status report on the stadiums including the tender process for the same.

23/10/19

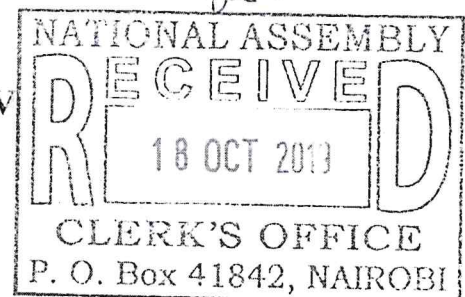


PIUS METTO
DIRECTOR GENERAL

③ CHENWENO
Please note
for

23/10/19

Copy to: Amb. Amina C. Mohammed, EGH, CAV
Cabinet Secretary
Ministry of Sports, Culture & Heritage
KENCOM House
NAIROBI



Amb. Kirimi P. Kaberia, CBS
Principal Secretary
State Department for Sports Development
Ministry of Sports, Culture & Heritage
KENCOM House
NAIROBI





STATUS REPORT OF STADIA UNDER CONSTRUCTION AND REFURBISHMENT PRESENTED TO PARLIAMENTARY COMMITTEE ON SPORTS, CULTURE AND TOURISM ON 22ND OCTOBER 2019

INTRODUCTION

Sports Kenya is a corporate body under the Ministry of Sports, Culture and Heritage established by the Sports Act 2013 with the mandate of harnessing sports development encouraging and promoting drug free sports and recreation, providing for establishment of sports institutions facilities, administration and management of sports in the country and for connected purposes.

Under Sports Act 2013, two Stadia are gazetted under the management of Sports Kenya

- (i) Moi International Sports Centre, Kasarani, Nairobi; and
- (ii) Nyayo National Stadium
- (iii) All others belongs to the respective counties

Sports Kenya embarked on a number of projects during the second Medium Term Plan (MTP II) between years 2012 and 2017. They were aligned to the National Vision 2030 and the Jubilee government manifesto. During the same period Kenya secured hosting rights for a soccer championship known as CHAN2018 (Total African Nations Championship) leading to targeted upgrading of some facilities in compliance to the requirements of the championship. The projects include the following:

A. Upgrading and development of 7 regional Stadia.

In line with the National Vision 2030 which requires development of standard Sports facilities in 47 Counties, Sports Kenya prioritized development in 7 regions namely,

- (i) Kipchoge Keino, (Uasin Gishu)
- (ii) Kamariny (Elgeyo marakwet),
- (iii) Wote (Makueni),
- (iv) Marsabit,
- (v) Ruring'u (Nyeri),
- (vi) Kirubia (Chuka –Tharaka Nithi) and
- (vii) Karatu (Kiambu).

B. Upgrading of Stadia earmarked for CHAN 2018.

- (i) Nyayo National Stadium
- (ii) Kinoru Stadium
- (iii) Kasarani Stadium
- (iv) Kipchoge Keino Stadium (Phase II)

The status of the respective projects and support required from the board is summarized below.

1. Budgetary Allocations for Development expenditure

YEAR	FINAL PRINTED ESTIMATES (KSHS)	ACTUAL AMOUNT RECEIVED (KSHS)	ACTUAL EXPENDITURE (KSHS)	REMARKS
2016/2017	2,735,000,000.00	424,813,522	439,629,030	Appendix I
2017/2018	100,000,000.00	25,000,000	18,047,763	Appendix II
2018/2019	400,000,000.00	400,000,000	410,594,303	Appendix III
2019/2020	500,000,000	NIL	NIL	Appendix IV
TOTAL	3,735,000,000	849,813,522	868,271,096	

NB:

- a) At the inception of the procurement process 2016/2017 there was a proposed budget of Ksh.2,735,000,000.00, however, this was later rationalized to Ksh. 424,813,522.00
- b) 2017/2018 Sports Kenya suffered a budget cut from an allocation of Ksh. 100,000,000.00 to Ksh. 25,000.00

TENDER PROCESS FOR THE STADIA IN THE COUNTRY PROCURED BY SPORTS KENYA

A. SEVEN (7) COUNTY STADIA

1. The tender was advertised in two dailies, The Standard on 13th October 2016 and the Nation on 14th October 2016 and uploaded to the sports Kenya website www.sportskenya.org and ifimis supplier portal.
2. The tender closed on 24th October 2016 and a tender opening committee appointed pursuant section 78 and 120 of the PPADA 2015 to open the tenders.
3. Seventy seven (77) firms responded to the invitation to tender as follows:-
 - a) SK/PREQ/47/2016-2017- prequalification of main contractors for construction of various county stadia-main works (builders and civil works) - **45 bids**

- b) SK/PREQ/48/2016-2017- prequalification of subcontractors for construction of various county stadia-electrical installation and associated electrical services -18 bids
- c) SK/PREQ/49/2016-2017- prequalification of sub-contractors for construction of various county stadia-plumbing, drainage, sanitary fittings and mechanical installations-14bids
4. A Tender Evaluation Committee was appointed in line with section 46 of the Act to carry out joint evaluation of the tender.
5. The evaluation was held from 1st November 2016 to 7th November 2016.
6. The Evaluation Committee recommended prequalification of firms which scored 70% and above as suitable and capable to undertake the construction of various county stadia in;
- SK/PREQ/47/2016-2017- prequalification of main contractors for construction of various county stadia-main works (builders and civil works) -16 firms were prequalified
 - SK/PREQ/48/2016-2017- prequalification of subcontractors for construction of various county stadia-electrical installation and associated electrical services -13 firms were prequalified
 - SK/PREQ/49/2016-2017- prequalification of sub-contractors for construction of various county stadia-plumbing, drainage, sanitary fittings and mechanical installations-13 firms were prequalified

The prequalified firms were invited to submit their financial proposal which were subjected to financial evaluation and awarded as follows: -

Tender No.	Contractor	Tender name	Contract value
	Kamariny Stadium, Iten- Elgeyo Marakwet County		Kshs.
SK/RT/003/2016-2017	Funan Construction Co. Ltd	Proposed development of Kamariny Stadium (Main Works)	287,837,775.00
SK/RT/003A/2016-2017	Anchor Ltd	Electrical Installation and Associated Electrical Services- Sub Contract	
SK/RT/003B/2016-2017	Bowl Plumbers Part I	Mechanical Installation, plumbing and Associated Services- Sub Contract	
	Kipchoge Keino Stadium, Eldoret- Uasin Gishu County		
SK/RT/004/2016-2017	Weihai International Economic & Technical Cooperative Ltd	Proposed development of Kipchoge Keino Stadium (Main Works)	304,204,413.00
SK/RT/004A/2016-2017	Sess Solutions Ltd	Electrical Installation and Associated Electrical Services- Sub Contract	

SK/RT/004B/2016-2017	Vanguard Engineering Part I	Mechanical Installation, plumbing and Associated Services- Sub Contract	
	Karatu Stadium, Kiambu County		
SK/RT/005/2016-2017	Smith & Gold Productions Ltd	Proposed development of Karatu Stadium, Kiambu County (Main Works)	259,604,780.00
SK/RT/005A/2016-2017	Jamuki Electrical Services	Electrical Installation and Associated Electrical Services- Sub Contract)	
SK/RT/005B/2016-2017	Bowl Plumbers	Mechanical Installation, plumbing and Associated Services- Sub Contract)	
	Wote Stadium, Makueni County		
SK/RT/006/2016-2017	Taphes & Nitrame Enterprises	Proposed development of Wote Stadium (Main Works)	299,309,554.00
SK/RT/006A/2016-2017	Jamuki Electrical Services	Electrical Installation and Associated Electrical Services- Sub Contract)	
SK/RT/006B/2016-2017	Bowl Plumbers	Mechanical Installation, plumbing and Associated Services- Sub Contract)	
	Marsabit Stadium, Marsabit County		
SK/RT/007/2016-2017	Benisa Ltd	Proposed development of Marsabit Stadium (Main Works)	295,236,215.00
SK/RT/007A/2016-2017	Contemporary Elec. Enterp. Ltd	Electrical Installation and Associated Electrical Services- Sub Contract	
SK/RT/007B/2016-2017	Stoneworth Ltd	Mechanical Installation, plumbing and Associated Services- Sub Contract)	
	Ruringu Stadium, Nyeri County		
SK/RT/008/2016-2017	Funan Construction Co. Ltd	Proposed development of Ruringu Stadium, Nyeri County (Main Works)	288,045,530.00
SK/RT/008A/2016-2017	Sess Solutions	Electrical Installation and Associated Electrical Services- Sub Contract)	
SK/RT/008B/2016-2017	Anchor Ltd	Mechanical Installation, plumbing and Associated Services- Sub Contract)	
	Chuka Stadium, Tharaka Nithi County		
SK/RT/009/2016-2017	Toddy Civil Engineering Co. Ltd	Proposed development of Chuka Stadium, Tharaka Nithi County (Main Works)	274,208,855.00
SK/RT/009A/2016-2017	Jamuki Electrical Services	Electrical Installation and Associated Services- Sub Contract	

SK/RT/009B/2016-2017	Qoolmax Enterprises Ltd	Mechanical Installation, plumbing and Associated Electrical Services-Sub Contract	
GRAND TOTAL			2,008,447,122

7. The completion period was set at 8 calendar months.

B. CHAN 2018 PROCUREMENT PROCESS

- The tenders for refurbishment of CHAN 2018 venues (Stadia) were advertised in the Daily Nation of Wednesday 14th June, 2017 as well as in www.sportskenya.org and supplier@treasury.go.ke in line with section 96 of Public Procurement and Asset Disposal (PPAD) Act 2015.
- The subject procurement was duly budgeted for and included in the annual procurement plan for Local organizing Committee (LOC) CHAN 2018 for the financial year.
- The tender closed on 11th July, 2017 and a tender opening committee was appointed pursuant section 78 and 120 of the PPAD Act 2015 to open the tenders.
- A Tender Evaluation Committee was appointed on 10th July 2017 via a memo ref. SK/PPAD/426/VOL II (51) in line with section 46 of the Act to carry out joint evaluation of the tender.
- The Tender evaluation was held from 18th July 2017 - 27th July 2017.
- The Evaluation Committee recommended that the tenders be awarded to the lowest evaluated bidders at their respective tender price as per the table below.
- The tender sums for each tender are within the budget allocated and are also within the average market rates as per the engineers estimate.
- The completion period was set at 14 calendar weeks for these projects to the host of CHAN2018 championships.

TENDER NO.	DESCRIPTION	FIRM ADDRESS	TENDER PRICE (KSH.)
VENUE 1	NYAYO NATIONAL STADIUM - NAIROBI		
SK/004a/2017-2018	Builders works	Lexis International Ltd P.O. Box 18394-00100, NAIROBI	325,829,431.00
SK/004b/2017-2018	Civil works	Lexis International Ltd P.O. Box 18394-00100, NAIROBI	206,690,139.00
SK/005/2017-2018	Supply, delivery and fixing of stadium seats	Spring Engineering Group Inc. P.O. Box 17175-00100 NAIROBI 723376188	93,595,000.00

SK/006/2017-2018	Structured cabling and Electrical Installations	Markem Ltd, P.O. Box 13696-00800 NAIROBI 712589450	98,940,000.00
SK/007/2017-2018	Plumbing, drainage and Mechanical installations	Josswa Plumbers & Gen. Contractors, P.O. Box 226-00200 NAIROBI	71,605,549.00
SK/008/2017-2018	Bore hole drilling and equipping, High and low level water tanks, Water reticulation and irrigation system	Farjano Construtions Co. Ltd P.O. Box 9992-00100 NAIROBI	63,319,900.00
VENUE 2	KINORU STADIUM – MERU COUNTY		
SK/009a/2017-2018	Builders works	Toddy Civil Engineering Ltd P.O. Box 30382,00100-600 NAIROBI	442,137,530.00
SK/009b/2017-2018	Civil works	Benisa Ltd, P.O. Box 22885-00400 NAIROBI	282,212,086.80
SK/011/2017-2018	Structured cabling and Electrical Installations	Markem Management Ltd, P.O. Box 13696-00800 NAIROBI	45,850,000.00
SK/012/2017-2018	Plumbing, drainage and Mechanical installations	Trident Plumbers Ltd, P.O. Box 7355-00300 Nairobi, 020-2081501	49,500,450.00
SK/013/2017-2018	Bore hole drilling and equipping, High and low level water tanks, Water reticulation and irrigation system	Dayows Construction Co. Ltd P.O. Box 11061-00400 729945929	49,421,150.00
VENUE 4	KIPCHOGE KEINO STADIUM- UASIN GISHU COUNTY		
SK/019/2017-2018	Builders work	Shiv Construction Co. Ltd P.O. Box 2140-30100 Eldoret Shiv383@hotmail.com 0738205620	325,829,431.00
SK/020/2017-2018	Sub contract (Electrical installations)	Central Electricals International Limited, P.O. Box 999-80100 Mombasa Kenya, 020-4448029, 020-4446025	77,786,110.00
SK/021/2017-2018	Sub contract (Plumbing and Drainage)	Mepani Plumbers, P.O. Box 33290-00600 NAIROBI mepanientreprises@gmail.com 0734345639	26,623,210.00
		Top Choice Surveillance Limited	13,107,266.80

SK/023/2017-2018	Sub-contract (Electrical installations- Passenger lifts)	P.O. Box 1218-00618 Nairobi info@topchoice.co.ke 0204445140, 0717566877	
SK/024/2017-2018	Sub contract (Mechanical installations – Borehole sinking and equipping)	Qool Max Enterprises P.O. Box 71-00621 Village Market Qoolmax.enterprises@gmail.com 0727141815, 0725273338	10,449,434.05
GRAND TOTAL			2,182,896,687.65

2. Status of Stadia Vis-À-Vis The Amount Incurred

Summary of Stadia contracts Payments				
Stadium	Contractor	Contract Value	Amount Paid	Amount Pending
Kamariny Stadium	Funan Construction Co. Ltd	287,837,775.00	58,938,774.70	202,993,600.60
Kipchoge Keino Stadium - Phase I	Weihai International Economic & Technical Cooperative Ltd	304,204,413.00	165,808,082.96	111,017,933.04
Kipchoge Keino Stadium - Phase II	Weihai International Economic & Technical Cooperative Ltd	325,829,431.00	41,607,661.00	307,778,470.00
Chuka Stadium	Toddy Civil Engineering Co. Ltd	274,208,855.00	119,118,646.00	130,411,412.00
Marsabit Stadium	Benisa Ltd	295,236,215.00	88,755,994.00	206,480,220.00
Ruringu Stadium	Funan Construction Co. Ltd	288,045,530.00	64,355,282.00	223,690,247.00
Karatu Stadium	Smith & Gold Productions Ltd	259,604,780.00	62,577,632.00	220,391,577.00
Wote Stadium	Taphes & Nitrame Enterprises	299,309,554.00	89,409,831.00	170,461,862.00
Nyayo National Stadium	Lexis International	1,156,371,142.00	525301321.81	612,979,620.39
Kinoru Stadium	Toddy Civil Engineering Co. Ltd	869,121,216.00	309,722,355.00	559,398,860.00
Total		4,359,768,911	1,525,595,580.47	2,745,603,802.03

Summary of Consortium/Project Managers Payments						
Consortium/Project Managers	Stadium	Project Value	Consultancy Fees	70% Of Consultancy Fees	Amount Paid	Balance Outstanding
Tectura International Ltd	Kipchoge Keino	304,204,413.00	31,403,219.00	21,982,253.30	8,250,000.00	13,732,253.30
Tectura International Ltd	Kipchoge Keino II	325,829,431.00	33,922,966.00	23,746,076.20	0	23,746,076.20
Tectura International Ltd	Kamariny	287,837,775.00	31,037,368.00	21,726,157.60	8,900,000.00	12,826,157.60
Mutiso Menezes International	Chuka	274,208,855.00	25,729,976.00	18,010,983.20	6,495,922.00	11,515,061.20
Mutiso Menezes International	Karatu Ndarugu	259,604,780.00	23,479,034.00	16,435,323.80	7,002,739.00	9,432,584.80
Mutiso Menezes International	Wote	299,309,554.00	27,354,711.00	19,148,297.70	9,693,146.00	9,455,151.70
Mruttus Salmann Associates	Ruringu	288,045,530.00	25,168,659.00	17,618,061.30	9,674,228.00	7,943,833.30
Mruttus Salmann Associates	Marsabit	295,236,215.00	25,882,498.00	18,117,748.60	10,115,209.00	8,002,539.60
State Department of Public Works	Nyayo National Stadium	1,156,371,142.00	-	-	-	-
State Department of Public Works	Kinoru Stadium	869,121,216.00	-	-	-	-
Total		4,359,768,911.00	223,978,431.00	-	60,131,244.00	96,653,657.70

Note: The consultancy fees are tabulated based on the scales of fees as per CAP 525

1. Kamariny Stadium-Elgeyo Marakwet

Project scope

This project comprises of VIP pavilion, seating terraces, football pitch, athletics running track and their associated electrical and mechanical works.

The completion status is currently at 30% overall.

Project Data

- i. Contract sum is Ksh 287,837,775.00
- ii. Total Amount required to complete the stadium is Kshs. 202,993,600.60
- iii. Mobilization payment to the contractor Kshs. 25,905,399.70
- iv. Pending certificates amounts to Kshs. 22,651,330.16
- v. Uncertified Pending works amounts to Kshs. 206,247,670.14

KAMARINY STADIUM, ITEN								
Tender No.	Contractor	Tender name	Contract value Kshs.	Certificate No.	Amount Certified	Paid	Outstanding	Pending works
SK/R T/003 /2016-2017	Funan Construction Co. Ltd	Kamariny Stadium (Main Works & subcontracts)	287,837,775.00	Mobilization	25,905,399.70	25,905,399.70		
				1st	33,033,375.00	33,033,375.00		
				2nd	22,651,330.16		22,651,330.16	
Subtotal					81,590,104.86	58,938,774.70	22,651,330.16	206,247,670.14
Total amount needed to complete Kamariny stadium (outstanding payments + Pending works less Mobilization)							202,993,600.60	

Status Rationalization with Contractors

- Upon the Boards project assessment which was occasioned by the contractors' abandonment of site, it was resolved that the mobilization fees which had not been deducted from the raised certificates be fully recovered. Therefore, mobilization fee of Kshs. 25,905, 399.75 is to be recovered in full against pending certificate raised of ksh. 22,651,330.16.
- The contractor agreed to return to site given the above status.

2. KIPCHOGE KEINO

The construction and upgrade of Kipchoge Keino Stadium was in two phases. Phase 1 was under Regional Stadia framework while the Second Phase was under CHAN framework.

Phase I (Regional)

Project scope

This phase is comprised of eastern reinforced concrete terraces, northern and southern earth terraces and their associated electrical and mechanical works. The completion status is currently at 60% overall.

Project Data

- Contract sum is Ksh 304,204,413.00
- Total Amount required to completion is Kshs. 111,017,933.04
- Mobilization payment to the contractor Kshs. 27,378,397.00
- Pending certificates amounts to Kshs. **40,763,695.58**
- Uncertified Pending works amounts to Kshs. **97,632,634.46**

KIPCHOGE KEINO STADIUM, ELDORET (REGIONAL)				Certificate No.	Amount	Paid	Outstanding	Pending works
SK/RT/004/ 2016-2017	Weihai International Economic & Technical Cooperative Ltd	Kipchoge Keino Stadium (Main Works & subcontracts)	304,204, 413.00	Mobilization	27,378,397.00	27,378,397.00	0	
				1st	20,074,499.00	20,074,499.00	0	
				2nd	17,111,319.47	17,111,319.47	0	
				3rd	35,806,968.90	35,806,968.90	0	
				4th	15,434,802.00	15,434,802.00	0	
				5th	30,964,860.00	30,964,860.00	0	
				6th	10,740,728.00	0	10,740,728.00	
				7th	957,849.84	0	957,849.84	
				8th	2,260,524.44	0	2,260,524.44	
				9th	19,037,236.59	19,037,236.59	0	
				10th	12,928,745.10	0	12,928,745.10	
				11 th	1,223,236.53	0	1,223,236.53	
				12 th	12,652,611.67	0	12,652,611.67	
Total				206,571,778.54	165,808,082.96	40,763,695.58	97,632,634.46	
Total amount needed to complete Phase I (outstanding payments + Pending works less Mobilization)				Kshs. 111,017,933.04				

Status Rationalization with Contractors

- a) Upon the Boards project assessment which was occasioned by the contractors' abandonment of site, it was resolved that the mobilization fees which had not been deducted from the raised certificates be fully recovered. Therefore, mobilization fee of Kshs. 27,378, 397.00 is to be recovered in full against pending certificate raised of ksh. 40,763,695.58. Sports Kenya owes the contractor sum of Ksh. 13,385,298.58
- b) The contractor has issued a notice to terminate the contract and Sports kenya is seeking legal guidance on the matter.

Phase II (CHAN2018)

Project scope

This phase covers the VIP pavilion, lounges and changing rooms and the associated electrical and mechanical works and drilling and dressing a borehole. The completion status is currently at 20% overall.

Project Data

- i. Contract sum is Ksh 325,829,431.00
- ii. Total Amount required to completion is Kshs. 307,778,470.85
- iii. Pending certificates amounts to Kshs. 53,773,929.95
- iv. Uncertified Pending works amounts to Kshs. 254,004,540.90

Detailed analysis is shown in the matrix below;

KIPCHOGE KEINO STADIUM- UASIN GISHU COUNTY - CHAN 2018				PAYMENT CERTIFICATES					
TENDER NO.	CONTRACT OR	DESCRIPTION	CONTRACT AMOUNT (KSH.)	Certificate No.	Amount Certified	Amt Paid	outstanding Amt	Pending works	
SK/019/2017-2018	Shiv Construction Ltd	Builders work	325,829,431.00	1 st	28,158,852.00	28,158,852.00			
				2 nd	13,448,809.00	13,448,809.00			
				3 rd	5,232,641.61		5,232,641.61		
				4 th	14,066,796.00		14,066,796.00		
				5 th	10,181,036.13		10,181,036.13		
				6 th	24,293,456.21		24,293,456.21	230,447,840.05	
SK/023/2017-2018	Topchoice	Sub-contract (Passenger lifts)	13,107,266.80					13,107,266.80	
SK/024/2017-2018	Qoolmax	Sub contract (Mechanical installations – Borehole sinking and equipping)	10,449,434.05					10,449,434.05	
SUB TOTAL			349,386,131.85		95,381,590.95	41,607,661.00	53,773,929.95	254,004,540.90	
Total amount needed to complete Phase II (outstanding payments + Pending works)						Kshs. 307,778,470.85			

Note: The amount needed to complete Phase I & II is Kshs. 423,874,538.20

3. KIRUBIA STADIUM. CHUKA

Project scope

This project comprises of the VIP pavilion, football pitch and athletics running track and their associated electrical and mechanical works. The completion status is currently at 75% overall.

Project Data

- I. Contract sum is Ksh 274,208,855.
- II. Total Amount required to complete the stadium is Kshs. 130,411,412.74
- III. Mobilization payment to the contractor Kshs.24,678,796.00
- IV. Pending certificates amounts to Kshs. 41,899,334.04
- V. Uncertified Pending works amounts to Kshs. 113,190,874.74

CHUKA STADIUM, THARAKA NITHI COUNTY								
Tender No.	Contract or	Tender name	Contract value	Certificate No.	Amount Certified	Amount Paid	Amount Outstanding	Pending works
SK/RT/009/2016-2017	Toddy Civil Engineering Co. Ltd	Chuka Stadium (Main Works & subcontracts)	274,208,855.00	Mobilization	24,678,796.00	24,678,796.00		
				1st	26,599,821.00	26,599,821.00		
				2nd	13,078,931.20	13,078,931.20		
				3rd	26,112,547.50	26,112,547.50		
				4th	32,260,480.87	32,260,480.87		
				5th	41,899,334.04		41,899,334.04	

Subtotal	161,017,980.30	119,118,646.26	41,899,334.04	113,190,874.74
Total amount needed to complete Chuka stadium (outstanding payments + Pending works less mobilization fees)				
				130,411,412.74

Status Rationalization with Contractors

- Upon the Boards project assessment which was occasioned by the contractors' abandonment of site, it was resolved that the mobilization fees which had not been deducted from the raised certificates be fully recovered. Therefore, mobilization fee of Kshs. 24,678,796.00 is to be recovered in full against pending certificate raised of ksh. 41,899,334.04
- The contractor is on site.

4. MARSABIT STADIUM

Project scope

This project comprises of eastern reinforced concrete terraces, northern and southern earth terraces, main pitch and athletics track and their associated electrical and mechanical works. The completion status is currently at 20% overall.

Project Data

- Contract sum is Ksh 295,236,215.
- Total Amount required to complete the stadium is Kshs.206,480,220.27
- Mobilization payment to the contractor Kshs. 26,573,689.00
- Pending certificates amounts to Kshs.36,608,077.63
- Uncertified Pending works amounts to Kshs.198,846,393.64

Detailed analysis is shown in the matrix below;

MARSABIT STADIUM, MARSABIT COUNTY								
Tender No.	Contractor	Tender name	Contract value Kshs.	Certificate No.	Amount Certified	Amount Paid	Outstanding	Pending works
SK/RT/007/2016-2017	Benisa Ltd	Marsabit Stadium	295,236,215.00	Mobilization	26 573 689.00	26 573 689.00		

	(Main Works)	1st	62,182,305.73	62,182,305.73		
	Subtotal		88,755,994.73	88,755,994.73	nil	206,480,220.27
	Total amount needed to complete Marsabit Stadium (Pending Works)					206,480,220.27

Status Rationalization with Contractors

- Upon the Boards project assessment, which was occasioned by the contractors' abandonment of site, it was resolved that the mobilization fees of Kshs. 26,573,689.00, which had not been deducted from the raised certificates, is still owing.
- The contractor has agreed to go back to site.

5. RURINGU STADIUM, NYERI

Project scope

This project comprises of seating terraces, football pitch and athletics running track and a portion of the VIP pavilion and their associated electrical and mechanical works. The completion status is currently at 30% overall.

Project Data

- Total Contract sum is Ksh 288,045,530.00.
- Total Amount required to complete the stadium is Kshs. 223,690,247.67
- Mobilization payment to the contractor Kshs. 20,000,000.00
- Pending certificates amounts to Kshs. 42,825,950.60
- Uncertified Pending works amounts to Kshs. 212,994,499.07

Detailed analysis is shown in the matrix below;

Tender No.	RURINGU STADIUM, NYERI COUNTY	Certificate No.	Amount Certified	Amount Paid	Outstanding	Pending works
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SK/RT/008/2016-2017	Funan Construction Co. Ltd	Ruringu Stadium, Nyeri County (Main Works)	288,045,530.00	Mobilization	20,000,000.00	20,000,000.00	
				1	44,355,282.33	44,355,282.33	
				2	42,825,950.60	42,825,950.60	200,864,297.07
	Subtotal				107,181,232.93	64,355,282.33	42,825,950.60
Total amount needed to complete (outstanding payments + Pending works less mobilization fees)							223,690,247.67

Status Rationalization with Contractors

- Upon the Boards project assessment which was occasioned by the contractors' abandonment of site, it was resolved that the mobilization fees which had not been deducted from the raised certificates be fully recovered. Therefore, mobilization fee of Kshs. 20,000,000.00 is to be recovered in full against pending certificate raised of ksh. 42,825,950.60
- The Board noted that there was a problem of frontloading where preliminaries have substantial amount than its allowed, the consultant and the contractor agreed to harmonize.
- The contractor agreed to resume works on site.

6. KARATU STADIUM, GATUNDU

Project scope

This project comprises of the VIP pavilion, football pitch and athletics running track, their associated electrical, mechanical works and perimeter wall. The completion status is currently at 30% overall.

Project Data

- Contract sum is Ksh 259,604,780.

- II. Total Amount required to complete the stadium is Kshs. 220,391,577.76
- III. Mobilization payment to the contractor Kshs. 38,364,430.00
- IV. Pending certificates amounts to Kshs. 39,602,573.73
- V. Uncertified Pending works amounts to Kshs. 180,789,004.03

Detailed analysis is shown in the matrix below;

KARATU STADIUM, KIAMBU COUNTY							
Tender No.	Contractor	Tender name	Contract value Kshs.	Certificate No.	Amount Certified	Amount Paid	Pending works
SK/RT/005/2016- 2017	Smith & Gold Productions Ltd	Karatu Stadium(Main Works& subcontracts)	259,604,780.00	1 st Mobilization	15,000,000.00	15,000,000.00	
				2 nd Mobilization	23,364,430.00	23,364,430.00	
				1st	24,213,202.24	24,213,202.24	
				2nd	39,602,573.73		39,602,573.73
				Subtotal			102,180,205.97
Total amount needed to complete (outstanding payments + Pending works less Mobilization)							
182,027,147.76							

Status Rationalization with Contractors

- a) Upon the Boards project assessment which was occasioned by the contractors' abandonment of site, it was resolved that the mobilization fees which had not been deducted from the raised certificates be fully recovered. Therefore, mobilization fee of Kshs. 38,364,430.00 is to be recovered in full against pending certificate raised of ksh. 39,602,573.73
- b) The contractor agreed to resume works on site.

7. WOTE STADIUM, MAKUENI

Project scope

This project comprises of VIP pavilion, seating terraces, football pitch and athletics running track and their associated electrical and mechanical works. The completion status is currently at 30% overall.

Project Data

- I. Contract sum is Ksh 299,309,554.
- II. Total Amount required to complete the stadium is Kshs. 170,461,862.08
- III. Mobilization payment to the contractor Kshs 39,437,860.00
- IV. Pending certificates amounts to Kshs. 5,552,441.08
- V. Uncertified Pending works amounts to Kshs. 209,899,722.08

Detailed analysis is shown in the matrix below;

WOTE STADIUM, MAKUENI COUNTY									
Tender No.	Contractor	Tender name	Contract value Kshs.	Certificate No.	Amount Certified	Amount Paid	Outstanding	Pending works	
SK/RT/006/2016- 2017	Taphes & Nitrame Enterprises	Wote Stadium (Main Works & subcontracts)	299,309,554.00	1 st Mobilization	26,937,860.00	26,937,860.00			
				2 nd Mobilization	12,500,000.00	12,500,000.00			
				1 st certificate	55,524,413.00	49,971,971.92	5,552,441.08		
Subtotal					94,962,273.00	89,409,831.92	5,552,441.08	209,899,722.08	
Total amount needed to complete (outstanding payments + Pending works less mobilization fees)								170,461,862.08	

Status Rationalization with Contractors

- a) Upon the Boards project assessment which was occasioned by the contractors' abandonment of site, it was resolved that the mobilization fees which had not been deducted from the raised certificates be fully recovered. Therefore, mobilization fee of Kshs. 38,364,430.00 is to be recovered in full against pending certificate raised of ksh. 5,552,441.08
- b) The contractor agreed to resume works on site.

8. NYAYO NATIONAL STADIUM

Project scope

The scope of works included and is not limited to the following

- a) Complete rehabilitation of the football pitches
- b) Installation of sprinkler and water reticulation systems
- c) Installation of access control, ticketing, CCTV systems and floodlights (soft services)
- d) Development of changing rooms, terraces, VIP lounges and parking
- e) Installation of seats

Project Data

- i. Contract sum for all contracts is Kshs. 1,156,371,142.20
- ii. Total Amount required to complete Nyayo Stadium is Kshs. 612,979,620.39
- iii. Pending certificates amounts to Kshs. 227,975,054.72
- iv. Uncertified Pending works amounts to Kshs. 385,004,565.67

Detailed analysis for each stadium is shown in the matrix below

NYAYO NATIONAL STADIUM – NAIROBI			PAYMENT CERTIFICATES					
TENDER NO.	CONTRACTOR	DESCRIPTIO N	CONTRACT AMOUNT (KSH.)	Certifi cate No.	Amount Certified	Amt Paid	outstanding Amt	Pending works
SK/004a/2017-2018	Lexis	Builders works	325,829,431.00	1 st	41,762,745.00	41,762,745.00		
				2 nd	16,542,971.20	16,542,971.20		
				3 rd	64,059,273.80	64,059,273.80		
				4 th	14,831,824.00	14,831,824.00		
				5 th	36,307,760.97	36,307,760.97		
				6 th	18,435,710.00	18,435,710.00		
				7 th	12,119,198.99		12,119,198.99	121,769,947.04
SK/004b/2017-2018	Lexis	Civil works	206,690,139.00	1 st	36,076,000.00	36,076,000.00		
				2 nd	29,991,104.00	29,991,104.00		
				3 rd	40,743,611.40		40,743,611.40	
				4 th	44,887,782.60	44,887,782.60		
				5 th	18,028,253.40	18,028,253.40		

				6 th	25,398,385.20			25,398,385.20	11,565,002.40
SK/006/2017-2018	Markem	Structured cabling and Electrical Installations	98,940,000.00	1 st	5,896,668.81		5,896,668.81		
				2 nd	2,490,882.12			2,490,882.12	
				3 rd	11,284,553.51			11,284,553.51	79,267,895.56
SK/007/2017-2018	Josswa	Plumbing, drainage and Mechanical installations	71,654,930.00	1 st	3,267,584.00		3,267,584.00		
				2 nd	11,861,982.60		11,861,982.60		
				3 rd	6,741,821.00			6,741,821.00	
				4 th	8,336,633.00			8,336,633.00	41,446,909.40
SK/008/2017-2018	Farjano	Bore hole drilling and equipping. High and low level water tanks, Water reticulation and irrigation system	63,319,900.00	1 st	6,450,000.00		6,450,000.00		
				2 nd	9,970,350.00		9,970,350.00		
				3 rd	17,197,795.00		11,117,000.00	6,080,795.00	
				4 th	10,870,000.00		10,870,000.00		
				5 th	9,815,525.00			9,815,525.00	9,016,230.00
SK/27/2017-018	Topchoice	Lifts installation	20,258,833.00	1 st	15,563,177.59		15,563,177.59		4,695,655.41
				Mobilization	18,719,000.00		18,719,000.00		
SK/005/2017-2018	Spring Engineering Group Inc.	Supply, delivery, fixing of stadium seats	93,595,000.00	1 st	18,090,200.00		18,090,200.00		
				2 nd	27,883,860.00			27,883,860.00	
				3 rd	28,901,940.00			28,901,940.00	

SK/RT/002/2 017-2018	Tawe Enterprises	proposed Extension of Western Wing Restaurant	32,704,930.00	Mobili zation	6,540,986.00	6,540,986.00		
				1 st	11,767,391.00	11,767,391.00		14,396,553.00
SK/RT/003/2 017-2018	Stiff Enterprises	proposed Extension of Eastern Wing Restaurant	33,178,470.00	Mobili zation	6,635,694.00	6,635,694.00		
					8,410,784.00	8,410,784.00		18,131,992.00
SK/RT/001/2 017-2018	Sunbeam Computer systems	Proposed Amateur pool extension	27,315,800.00	Mobili zation	5,463,160.00	5,463,160.00		
				1 st	10,267,377.00	10,267,377.00		
				2 nd	7,843,640.00		7,843,640.00	3,741,623.00
SK/026/2017 -2018	Topchoice	Supply, delivery, installation of power generators	182,883,709.20	Mobili zation	36,576,741.84	36,576,741.84		
				1 st	65,334,209.50	25,000,000.00	40,334,209.50	80,972,757.86
TOTAL			1,156,371,142.20		771,366,576.5	525,301,321.81	227,975,054.72	385,004,565.67
TOTAL AMOUNT NEEDED TO COMPLETE NYAYO STADIUM					3		612,979,620.39	

Status Rationalization with Contractors

Upon the Boards project assessment which was occasioned by the contractors' abandonment of site, it was resolved that the contractors be paid the pending certificates to resume works and complete within three months.

9. KINORU STADIUM

Project Data

The scope of works included and is not limited to the following

- a) Complete rehabilitation of the football pitches
- b) Installation of sprinkler and water reticulation systems
- c) Installation of access control, ticketing, CCTV systems and floodlights (soft services)
- d) Development of changing rooms, terraces, VIP lounges and parking

Project Data

- I. Total Contract sum (including sub contracts) is Ksh 869,121,216.80.
- II. Amount certified-Ksh 697,033,732.71.
- III. Pending unpaid certificates amount to Ksh 387,311,376.72.
- IV. Amount required to completion Ksh 559,398,860.81.
- V. Total Amount required to complete Kinoru Stadium is Kshs. 559,398,860.81
- VI. Pending certificates amounts to Kshs. 387,311,376.72
- VII. Uncertified Pending works amounts to Kshs. 172,087,484.09

Detailed analysis is shown in the matrix below;

KINORU STADIUM – MIERU COUNTY			PAYMENT CERTIFICATES				
TENDER No.	Contractor	CONTRACT AMOUNT (KSH.)					
			Certificate No.	Amount Certified	Amt Paid	Outstanding Amount	Pending Works
SK/009a/2017-2018	Toddy Builders works	442,137,530.00	1 st	25,758,036.00	25,758,036.00		
			2 nd	56,424,092.00	56,424,092.00		
			3 rd	169,732,770.00		169,732,770.00	
			4 th	127,978,895.45		127,978,895.45	62,243,736.55
			1 st	68,105,166.00	68,105,166.00		
SK/009b/2017-2018	Benisa Civil works	282,212,086.80	2 nd	80,266,084.00	80,266,084.00		
			3 rd	48,495,076.00	48,495,076.00		
			4 th	20,254,412.00		20,254,412.00	
			5 th	43,243,362.76		43,243,362.76	21,847,986.04
			1 st	1,522,179.64	1,522,179.64		
SK/011/2017-2018	Markem Structured cabling and Electrical Installations	45,850,000.00	2 nd	2,234,827.35	2,234,827.35		
			3 rd	3,711,220.51		3,711,220.51	38,381,772.50
SK/012/2017-2018	Trident Plumbing, drainage and	49,500,450.00	1 st	3,315,773.00		3,315,773.00	
			2 nd	6,390,224.00		6,390,224.00	

		Mechanical installations		3 rd	7,718,902.00		7,718,902.00	32,075,551.00	
SK/013/2017-2018	Dayows	Bore hole drilling and equipping, High and low level water tanks, Water reticulation and irrigation system		1 st	4,116,000.00	4,116,000.00			
				2 nd	17,197,795.00	17,197,795.00			
				3 rd	5,603,100.00	5,603,100.00			
SUB TOTAL				869,121,216.80		697,033,732.71	309,722,355.99	387,311,376.72	172,087,484.09
Total Amount Needed to Complete Kinoru Stadium									559,398,860.81

Status Rationalization with Contractors

Upon the Boards project assessment which was occasioned by the contractors' abandonment of site, it was resolved that the contractors be paid the pending certificates to resume works and complete within three months.

Conclusion

Sports Kenya has requisitioned the allocated funds from the National Treasury and is seeking further finances from the Sports, Arts and Social Development Fund to complete all the proposed works for the stadia and commission them into use.

Prepared by:



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Director General