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19/09/2023



REPUBLIC OF KENYA

13<sup>TH</sup> PARLIAMENT | 4<sup>TH</sup> SENATE | 2<sup>ND</sup> SESSION

**STANDING COMMITTEE ON DEVOLUTION AND  
INTERGOVERNMENTAL RELATIONS**

**REPORT ON A PETITION ON THE REFURBISHMENT AND EXPANSION  
OF KAJIADO MUNICIPALITY MARKET BY THE COUNTY GOVERNMENT  
OF KAJIADO**

**Rt. Hon. Speaker**  
You may approve for tabling  
J. M. Nyegenye, C.B.S.,  
Clerk of the senate/secretary, PSC  
Date: 19/09/23

Clerk's Chambers,  
The senate,  
Parliament Buildings,  
NAIROBI.

September, 2023

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## LIST OF ABBREVIATIONS/ACRONYMS

BQ	Bill of Quantities
IFMIS	Integrated Financial Management Information System
KUSP	Kenya Urban Support Program
PFMA	Public Finance Management Act
PS	Principal Secretary
RAP	Resettlement Action Plan
SDHUD	State Department for Housing and Urban Development

## PRELIMINARIES

### 1. Mandate of the Committee

The Senate Standing Committee on Devolution and Intergovernmental Relations is established under the Standing Order 228 (3) and the Fourth Schedule of the Senate Standing Orders. The Committee is mandated to “*consider all matters relating to devolution, intergovernmental and inter-county relations, governance and management of county governments, cities, towns and urban areas.*”

### 2. Membership of the Committee

1. Sen. Sheikh Mohamed Abbas, MP	-	<b>Chairperson</b>
2. Sen. Catherine Muyeka Mumma, MP	-	<b>Vice Chairperson</b>
3. Sen. (Dr) Oburu Oginga, MGH, MP.	-	Member
4. Sen. Richard Momoima Onyonka, EBS, MP	-	Member
5. Sen. Peris Pesi Tobiko, CBS, MP	-	Member
6. Sen. Mohamed Said Chute, MP	-	Member
7. Sen. George Mungai Mbugua, MP	-	Member
8. Sen. Hezena M. Lemaletian, MP	-	Member
9. Sen. David Wafula Wakoli, MP	-	Member

The Minutes of the Committee in considering the petition on the refurbishment and expansion of Kajiado Municipality Market by the County Government of Kajiado are attached to this Report as **Annex 1**.



## **CHAIRPERSON'S FOREWORD**

### **Hon. Speaker,**

On 27th April 2023, the Senate received a petition from Kajiado municipality clothes market traders on the refurbishment and expansion of Kajiado municipality market by the County Government of Kajiado.

The petition was presented in the Senate by the Senator for Kajiado County, Senator Seki Lenku Ole Kanar, MP on behalf of the petitioners as provided for under Standing Order 232(1)(b) of the Senate Standing Orders. Consequently, the petition was tabled on the floor of the House on Thursday, 4<sup>th</sup> May 2023 and stood committed to the Committee pursuant to Standing Order 238(1) of the Senate Standing Orders.

### **Mr. Speaker,**

The salient issues raised in petition were that, during the Financial Year 2020/2021 the County Government of Kajiado received an allocation of Kshs63,061,154.20 on 22<sup>nd</sup> July, 2021 from the World Bank via the State Department of Housing and Urban Development. The funds were meant to refurbish and expand the Kajiado Municipality Market to accommodate the clothes market vendors who had been displaced by the previous Kenya Urban Support Program (KUSP) project.

Additionally, that the tender process was undertaken by the County Government of Kajiado, and a contract awarded to Bellin Mark Contractors at a contract sum of Kshs 56,214,411.97. However, that the project was scaled down to less than 50% where critical infrastructure among them solar lights, control gates, water tanks, solid wastes sorting chambers, street-mounted solid waste bins, reconstruction of the market stormwater drainage channels, fittings and fixtures for the cultural high streets were all together left out with no corresponding review on the contract sum.

### **Hon Speaker,**

The petitioners' prayers were that the Senate looks into the matter with a view of ensuring an

amicable solution into the issues raised in the petition as well as make any other relevant recommendations in its consideration of the petition. The Committee thereafter proceeded to consider the petition extensively and the submissions received thereon.

The Governor of Kajiado County, H.E Joseph Ole Lenku being a key respondent to the issues raised in the petition was invited to appear before the Committee. Having failed to honour three(3) invitations to appear before the Committee that is on 25<sup>th</sup> May 2023, 8<sup>th</sup> June 2023 and 19<sup>th</sup> June 2023 respectively, the Governor was consequently summoned to appear before the Committee on Monday, 3<sup>rd</sup> July 2023. The Governor appeared before the Committee on Monday, 3<sup>rd</sup> July 2023 together with other officials from the County Government where he made submissions on the issues raised in the petition. The petitioners were also present at the meeting. Further, the State Department for Housing and Urban Development presented their written report on the petition to the committee.

The committee also undertook a county visit to Kajiado County to inspect the market. The county visit was held on Monday, 24<sup>th</sup> July, 2023 where the committee inspected the Kajiado municipal market and held deliberations with the Deputy Governor, County Executive officials and the Director and National Coordinator for the Kenya Urban Support Program (KUSP) project at the State Department for Housing and Urban Development to determine the status of its construction. Based on its deliberations, the Committee has made various observations and recommendations which are set out at Chapter Four and Chapter Five of this report respectively.

**Hon. Speaker,**

May I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Petition successful.

I also wish to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this important assignment. Lastly, I wish to thank the stakeholders who appeared before the Committee to present their submissions on the petition. In particular I wish to thank the Governor of Kajiado County, H.E Joseph Ole Lenku who appeared before the Committee on this matter.

**Hon Speaker,**

It is now my pleasant duty, pursuant to Standing Order 228 (4) (a), to present the report of the

Standing Committee on Devolution and Intergovernmental Relations on its consideration of a petition on the refurbishment and expansion of Kajiado municipality market by the County Government of Kajiado.

Signed .....  .....

Date. 18/9/2023 .....


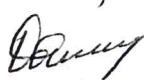


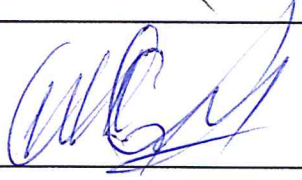
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**SEN. SHEIKH MOHAMED ABASS, MP**  
**CHAIRPERSON,**  
**STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL**  
**RELATIONS**



**ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON DEVOLUTION  
AND INTERGOVERNMENTAL RELATIONS ON THE PETITION ON THE  
REFURBISHMENT AND EXPANSION OF KAJIADO MUNICIPALITY MARKET BY  
THE COUNTY GOVERNMENT OF KAJIADO**

**We, the undersigned Members of the Standing Committee on Devolution and Intergovernmental Relations, do hereby append our signatures to adopt this Report-**

Sen. Sheikh Mohamed Abass	Chairperson	
Sen. Catherine Muyeka Mumma	Vice-Chairperson	
Sen. (Dr.) Oburu Oginga, MGH, MP	Member	
Sen. Richard Momoima Onyonka, EBS, MP	Member	
Sen. Peris Pesi Tobiko, CBS, MP	Member	
Sen. Mohamed Said Chute, MP	Member	
Sen. George Mungai Mbugua, MP	Member	
Sen. Hezena M. Lemaletian, MP	Member	



Sen. David Wafula Wakoli, MP	Member	
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## **CHAPTER ONE: INTRODUCTION**

### **1.1. The Right to Petition**

1. The right of every person to present petitions to public authorities is provided for under Article 37 of the Constitution. Further, Article 119(1) provides that 'Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.'
2. Parliament enacted the Petition to Parliament (Procedure) Act (No. 12 of 2012) to make provision for the procedure for the exercise of this right. Further, Part XXVII of the Senate Standing Orders also makes provision of how this right may be exercised.

### **1.2. Background of the Petition**

3. On 27th April 2023, the Senate received a petition from Kajiado Municipality clothes market traders on the refurbishment and expansion of Kajiado Municipality market by the County Government of Kajiado.
4. The Petition was presented in the Senate by the Senator for Kajiado County, Senator Seki Lenku Ole Kanar, MP on behalf of the Petitioners as provided for under Standing Order 232(1)(b) of the Senate Standing Orders. Consequently, the Petition was tabled on the floor of the House on Thursday, 4<sup>th</sup> May 2023 and stood committed to the Committee pursuant to Standing Order 238(1) of the Senate Standing Orders.
5. The Petitioners drew the attention of the Senate to the following:
  - (1) That, during the Financial Year 2020/2021, the County Government of Kajiado received an allocation of Kshs63,061,154.20 on 22<sup>nd</sup> July, 2021 from the World Bank via the State Department of Housing and Urban Development. The funds were meant to refurbish and expand the Kajiado Municipality Market to accommodate the clothes market vendors who had been displaced by the previous Kenya Urban Support Program (KUSP) project of public square.
  - (2) That, it had been mutually agreed between the county government through the municipality and the traders under the Resettlement Action Plan (RAP) for the World Bank; that the traders will permanently be settled in the upgraded market within a

designated open, but roofed area for their business. In the meantime, the municipality was to provide a street where the traders would temporarily operate from during the transition period.

- (3) That, as a bare minimum, the refurbished market was to meet the following objectives-
- a) Provide adequate and viable space for all the clothes traders.
  - b) Provide a business space to shed traders from environmental factors.
  - c) Provide traders a trading space that meets the health and sanitation standards.
  - d) Provide a one stop market for all merchandise where all town streets would be freed from street vendors thus guaranteeing all traders equal access to customers.
- (4) That, the mentioned conditions were adopted by the County Government, the World Bank and the State Department for Housing and Urban Development, as a condition for approving the 2019/2020 KUSP Project Expenditure.
- (5) That, in January 2021, the County Government of Kajiado put on its website a tender notice for the proposed Construction of Kajiado Market and other Works at Kajiado Town, as Tender No.2 of 2021/2022 and under IFMIS negotiation No.932676. The tender process was undertaken by the County Government, and the contract awarded to the Bellin Mark Contractors at a contract sum of Kshs56,214,411.97.
- (6) That, the project entailed the following: extension of roof cover and rainwater goods to ensure coverage of all the newly created trading space as outlined in the working drawings; coverage of the entire market space( inclusive of all walkways) with specified paving slabs to ensure cleanliness, sanitation and hygienic working environment, leaving no room for vegetation growth; doubling up the stalls capacity by ensuring all market-perimeter stalls are double-level to accommodate the ones to be demolished (to expand the open space trading capacity for the clothes vendors operating in the temporary location) and the establishment of over 150 new stalls were to be created to accommodate those whose stalls were to give way to open space for clothes vendors among other key elements.
- (7) That, despite this all the above elements were either scaled down to less than 50% while others, such as solar lights, control gates, rainwater goods, water tanks, upstairs



stalls, solid wastes sorting chambers, street-mounted solid waste bins, reconstruction of the market stormwater drainage channels, fittings and fixtures for the cultural high streets were all together left out. It is important to note that no corresponding review was made on the contract sum to give value for money.

- (8) That, the county government now claims that the market is complete and it is now whipping the traders to occupy the market despite the output of the market being a shadow of what was intended and budgeted for.
- (9) That, aware that Article 37 and 119 (1) of the Constitution provides for Petitions to Public Authorities and Government on any matter that the people of Kenya feel aggrieved by and aware that the Senate has the role of oversight.
- (10) That, the issue presented to this Petition had been raised with the relevant bodies, including the County Government of Kajiado. However, the issue has not been addressed.
- (11) That, to the best of the petitioners' knowledge the issues in respect of which the Petition was made are not pending before any court of law.

6. Therefore, the petitioners prayers were that the Senate looks into the matter with a view of ensuring the following:

- i) That any attempts by the County Government to force traders into the market shall be halted until an investigation is carried out on the money used versus the final outcome of the market.
- ii) That the State Department for Housing and Urban Development and the World Bank submit their status report to the Senate so as to ensure that taxpayers funds were well utilized through the oversight mandate of the Senate.
- iii) Should the complaints be found to be factual, the Senate to recommend a full-proof management system of Municipal/Urban area projects which are funded through third party collaborations or National Government guaranteed loans or grants. This may include but not limited to total financial accountabilities of Municipalities to County Assemblies as required by the PFMA.



7. Standing order 239 of the Senate Standing Orders requires the Clerk to, within fifteen days of tabling of the report on a petition under Standing Order 238 (Committal of Petitions), submit a copy of the report to the petitioner or petitioners.

## CHAPTER TWO : CONSIDERATION OF THE PETITION

### 2.1 Conduct of inquiry into the petition

8. Pursuant to the Senate Standing Orders and the Petition to Parliament (Procedure) Act, the Committee proceeded to consider the petition and to seek Stakeholder submissions.
9. The Committee resolved to write to the County Government of Kajiado to obtain an official response on the matters raised in the Petition. Consequently, a letter was sent out on 29<sup>th</sup> May 2023. The Manager of the Municipality of Kajiado provided a written response dated 5<sup>th</sup> June 2023. The State Department for Housing and Urban Development was also requested to submit their status report to the Committee.
10. Further, invitations were sent to the Governor of Kajiado County, the Manager of Kajiado Municipality and the Principal Secretary for the State Department of Housing and Urban Development to attend a Committee sitting and give their submissions on the issues raised in the petition.
11. The Governor of Kajiado County, H.E Joseph Ole Lenku having failed to honour three(3) invitations to appear before the Committee that is on 25<sup>th</sup> May 2023, 8<sup>th</sup> June 2023 and 19<sup>th</sup> June 2023 respectively, was consequently summoned to appear before the Committee on Monday, 3<sup>rd</sup> July 2023. The Governor appeared before the Committee on Monday, 3<sup>rd</sup> July 2023 together with other officials from the County Government where he made submissions on the issues raised in the petition. The petitioners were also present at the meeting. Further, during the meeting the State Department for Housing and Urban Development presented their written report on the petition to the Committee.
12. The Committee also resolved to undertake a County visit to Kajiado County to inspect the market. The County visit was held on Monday, 24<sup>th</sup> July, 2023 where the Committee first held meetings with the Deputy Governor, County Executive officials and the Director and National Coordinator for the KUSP project at the State Department for Housing and Urban Development. The Committee then went ahead to inspect the Kajiado Municipal Market to determine the status of its construction. After making its observations on the size, design, facilities, and the stalls allocated for the traders, the Committee held a brief meeting with the Petitioners, the Stakeholders and the traders to deliberate on the issues. The Committee also briefly toured the Public Square to check its status.

13. The submissions by the various stakeholders are analyzed and presented in the next chapter, that is Chapter Three of this report.
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## CHAPTER THREE: ANALYSIS OF THE SUBMISSIONS

### 3.0 The Kenya Urban Support Program (KUSP Project)

14. The Principal Secretary(P.S) for Housing and Urban Development in his submissions before the committee gave a brief about the KUSP project. He stated that the Kenya Urban Support Program is funded through the World Bank and the Government of Kenya to operationalize the Kenya Urban Program. The program aims at strengthening urban management and improvement of urban infrastructure in selected urban areas in forty-five (45) counties, excluding Nairobi and Mombasa.
15. The P.S noted that the Financial Agreement which was signed between the Government of Kenya and the World Bank's International Development Association (IDA), the Ministry, acting through the State Department for Housing and Urban Development (SDHUD) has the overall leadership of the implementation of the KUSP.
16. The State Department's role in the program's implementation is limited to overseeing grant disbursements and provision of guidance on various areas namely: Urban Planning and Management; Infrastructure Management; Grants management; Institutional Development and Program Management Support.
17. Further, noted that the Municipal Board is expected to identify, prioritize, design, procure and execute its infrastructure investment activities, in line with the existing national laws and regulations, for activities funded under Window 3 of the program (Urban Development Grants). He added that the Counties in executing the projects are expected to exercise independence but in a responsible and accountable manner and in line with existing/National laws and regulations pertaining to the same.
18. In conclusion the P.S informed the committee that according to conditions of the grants given by the World Bank, if monies allocated for the project are found to have been misused or embezzled, the benefiting entity will not only be ineligible from benefiting from the next phase of the program but shall also be forced to refund the whole amount allocated for that project back to the World Bank.
19. During the County visit, the Director and National Coordinator for the Kenya Urban Support Program(KUSP) at the State Department for Housing and Urban Development stated that the State Department is in support of the Kajiado County Government for the steps it had taken



in ensuring the market traders are settled in the market before the second phase of the Kenya Urban Support Program begins.

20. He brought to the attention of the Committee and other stakeholders that the current phase of the program will end on 31st July, 2023 and the next phase of the program will start from 1st August, 2023 where Kajiado County is set to receive Kshs. 400,000,000/-.
21. He cautioned that if the issues between the petitioners and the County Government are not solved before the start of the next phase, then that will penalize Kajiado County from benefiting from the fund; he therefore urged the stakeholders that for the interest of the county, it was important that the matter is resolved expeditiously and concluded so that the Country is not held back from receiving the funds for the next phase of the program.

### **3.1 Amount allocated to the project**

22. The petitioners had stated in the Petition that during the Financial Year 2020/2021, the County Government of Kajiado received an allocation of Kshs63,061,154.20 on 22<sup>nd</sup> July, 2021 from the World Bank via the State Department of Housing and Urban Development. The funds were meant to refurbish and expand the Kajiado Municipality Market to accommodate the clothes market vendors who had been displaced by the previous Kenya Urban Support Programme (KUSP) project of public square.
23. The County Government of Kajiado in their written response highlighted that the correct amount received was Kshs 60,105,054.80 and NOT Kshs 63,061,154.20 as stated in the Petition. The Governor in his oral response before the Committee stated that the amount of money that was allocated and received by the Kajiado Municipal Municipality for the refurbishment and construction of the market is Kshs 62,796,083.78.
24. At the brief meeting held during the County visit, the Deputy Governor further reiterated that the amount received for the project was Kshs 62,796,083.78 as was stated by the Governor in his submission.

### **3.2 Implementation of the Resettlement Action Plan (RAP)**

25. The petitioners stated that it had been mutually agreed between the County government through the municipality and the traders under the Resettlement Action Plan (RAP) for the World Bank; that the traders will permanently be settled in the upgraded market within a

designated open, but roofed area for their business. In the meantime, the municipality was to provide a street where the traders would temporarily operate from during the transition period.

26. The County Government in their written response confirmed that indeed, a copy of the RAP was given to the traders' committee as their guiding and reference document. The RAP extensively explains how the laid-out conditions derived from the all-inclusive consultative process with the traders were implemented to their satisfaction. Further, the traders were allocated the street within Kajiado Municipality called Redemption Church Street. When the Governor appeared before the Committee, he confirmed this response and added that during this process none of the traders were harassed by the County Government but were given ample time to go about their businesses uninterrupted.

### **3.3 Standards for the refurbished market**

27. In the petition, the traders stated that the standards for the refurbished market did not meet their expectations which were to have; adequate and viable space for all the clothes traders which would shed the traders from environmental factors and a space that meets sanitation standards; also provide a one stop market for all merchandise where all town streets would be freed from street vendors thus guaranteeing all traders equal access to customers.
28. The County Government responded that the implementation of the project was anchored on the RAP and that there was no condition for adequate and viable space for ALL clothes traders as specified in the petition. What was agreed upon, as contained in the RAP, was resettlement of the 110 traders who were displaced during the implementation of the Public Square project. This is the official list that the World Bank, State Department, and Municipality have in their custody. This was confirmed by the Governor and the Manager for Kajiado Municipality in their oral submissions.
29. The County Government added that the market as constructed currently comprises Galvanized Iron (GI) roofing which provides shade, shields traders from rain and sunshine. They ensured the market meets the health and sanitation standards by; having a floor made of concrete paving slabs eliminating exposure to dust; reconstructing the existing drainages to improve safety and facilitate ease cleaning of the open trading sheds; installing appropriate



rainwater gutters and 4 water tanks each with a capacity of 10,000 liters to improve water capacity and overall sanitation standards.

### **3.4 Tender**

30. The County Government acknowledged that the contract sum for the project for the proposed Construction of Kajiado Market and other Works was Kshs. 56,214,411.97 as stated in the Petition, however that the IFMIS No. 932676 quoted by the petitioners is wrong and does not correspond to their tender documents. The correct and official IFMIS negotiation No. is 932655. Additionally, that the advertisement date for the tender was wrongly captured as January 2021. The correct date was 21<sup>st</sup> January 2021. This was also confirmed by the County Government in their oral submissions.

### **3.5 Project works**

31. The Petitioners highlighted some of the project works that failed to be implemented which were: extension of roof cover and rainwater goods to ensure coverage of all the newly created trading space; coverage of the entire market space( inclusive of all walkways) with specified paving slabs to ensure cleanliness, sanitation and hygienic working environment, leaving no room for vegetation growth; doubling up the stalls capacity by ensuring all market-perimeter stalls are double-level to accommodate the ones to be demolished (to expand the open space trading capacity for the clothes vendors operating in the temporary location) and the establishment of over 150 new stalls to accommodate those whose stalls were to give way to open space clothes vendors among other key elements.
32. In response, the County Government provided the summary of Bill of Quantities(BQs) and stated that the project was not solely focused on the extension of the market but entailed a number of key elements among them Road works, Mechanical works, Electrical Works, Landscaping and rehabilitation work, Water storage works and Waste management works. Drawing from the Bill of Quantities and Drawings, the market expansion was to create a floor area of 1200 square meters and projected to provide trading spaces for 150 traders. The spaces created were to cater for the 110 traders who were displaced during the implementation of the KUSP project (Public Square) and the remaining 40 spaces to cater for other traders. They managed to construct 24 market stalls and expand the main market creating a floor area of 800 square meters translating to 100 trading spaces totaling up to 124

new trading spaces. The 40 additional traders, who largely comprise cultural ware traders, would be accommodated within the remaining 14 spaces of the expanded market and the 54 spaces at the completed Cultural Trading Street.

33. The size of the space allocated was a major concern to the petitioners and the market traders who stated that it was not enough for them to do their business. The County Government acknowledged that the trading space given to the traders is not adequate. Further, the Deputy Governor in his response stated that the County government increased the size of the stall for the clothes traders from the initial 4 by 4 square feet, to 5 by 6 square feet after listening to the traders' plea for a bigger space. He also noted that they had jointly resolved with the petitioners that the traders move into the market and after settling, the County will plan to find ways of expanding the spaces.
34. Further, the County Government noted that the project variations realized and implemented during the execution of the permanent works, led to changes to the quantities, quality, positions and/or dimensions and additional work, plant, materials and services necessary for the permanent works. Consequently, in order to avoid cost overruns and to remain within the provisions of the BQ, various changes were made thereby scaling down the remaining scope of works, without compromising the main project objectives and the functionality of the infrastructural components. The variations the County responded to were done in line with the Public Procurement and Asset Disposal Act (2020).

### **3.6 Scaling down of the project**

35. The petitioners asserted that the project had been scaled to less than 50%, while others, such as solar lights, control gates, rainwater goods, water tanks, upstairs stalls, solid wastes sorting chambers, street-mounted solid waste bins, reconstruction of the market stormwater drainage channels, fittings and fixtures for the cultural high streets were all together left out with no corresponding reviews made on the contract sum.
36. The Governor in his submission noted that no element of the Bill of Quantities was scaled down to 50% and none was left out contrary to the petitioners' assertions. In the written response the County Government provided a list of works done which were as follows:
  - i. Three (3) control gates
  - ii. Twelve(12) solar street lights were installed



- iii. Rainwater goods were done for all newly constructed market sheds and integrated with the existing market rainwater collection system
  - iv. Four(4) water tanks were installed with a capacity of 10,000 Liters each.
  - v. Twenty Four (24) storied stalls were done
  - vi. Solid waste sorting chambers
  - vii. Street mounted solid waste bin which were installed in the public square
  - viii. Reconstruction of the market storm water drainage. This was done for all newly constructed sheds
- 
- ix. Fittings and fixtures for cultural streets-trading units were done but NOT the display platforms

37. Additionally, the County Government highlighted that appropriate and requisite reviews were made on the individual Bills of Works affected by the variations and project payments were made in conformity with the actual scope and quantities of work done as portrayed in the Bill of Quantities.

### **3.7 Completion of the project**

- 38. The petitioners stated that the County government now claims that the market is complete and it is now whipping the traders to occupy the market despite the output of the market being a shadow of what was intended and budgeted for.
- 39. In their written response the County Government asserted that the project was complete as per the RAP, and indicated the amounts expended on the project based on the quantities of work done. The County Government averred that no fraud had taken place contrary to the petition filed against the County and the Municipality of Kajiado.
- 40. After deliberations from the Committee sitting, the Governor was asked to have a stakeholders meeting involving the petitioners with the aim of ensuring their concerns are amicably addressed. During the County visit, the Deputy Governor highlighted that they held three meetings with the petitioners which were successful and all the issues raised had been addressed and the market traders had agreed to move to the market to occupy the allocated stalls.

## **CHAPTER FOUR : COMMITTEE OBSERVATIONS**

41. Following stakeholder engagements and an analysis of the submission from the various stakeholders the Committee made the following observations:

### **4.1 Amount allocated to the project**

42. Regarding the amount allocated to the Kenya Urban Support Program (KUSP) project, the Committee observed that the amount of money that was allocated and received by the Kajiado Municipality for the refurbishment and construction of the market was Kshs 62,796,083.78 as was submitted by the Governor of Kajiado.

### **4.2 Implementation of the Resettlement Action Plan (RAP)**

43. The RAP extensively explains how the laid-out conditions derived from the all-inclusive consultative process with the traders were implemented to their satisfaction. Upon considering the Stakeholder submissions and inspecting the market, the Committee observed that the traders were allocated the street within Kajiado Municipality called Redemption Church Street where they would operate from temporarily as they waited to be permanently settled in the upgraded market.

### **4.3 Standards for the refurbished market**

44. The County Government's response stated that during the implementation of the project, there was no condition for adequate and viable space for **all** clothes traders as specified in the petition. What was agreed upon, as contained in the RAP, was resettlement of the 110 traders who were displaced during the implementation of the Public Square project.

45. The Committee found that the market has space allocated for the 110 traders who were displaced during the KUSP project and 14 extra spaces for other traders. The market has a roof made of Galvanized Iron (GI) sheets which provides shade, shields traders from rain and sunshine and was constructed to meet the health and sanitation standards.

### **4.4 Project works**

46. The County Government provided the summary of the Bill of Quantities. The Committee

observed that the project was not solely focused on the extension of the market but entailed a number of key elements among them road works, mechanical works, electrical works, landscaping and rehabilitation work, water storage works and waste management works. These were all part of the allocation by the Kenya Urban Support Program for the construction of the Public Square which was the main project. The amount allocated for construction of the market was ksh.14,000,000/= hence the larger amount was allocated for the road construction and other works.

47. Regarding the market expansion, the County Government managed to construct 24 market stalls in the multi-storey building. Further, they expanded the main market creating 124 new trading spaces to accommodate the 110 traders who were displaced during the KUSP project. The 40 additional traders, who largely comprise cultural ware traders, were accommodated within the remaining 14 spaces of the expanded market and the 54 spaces at the completed cultural trading street.
48. Additionally, the Committee observed that the size of the space allocated for the market traders was not enough for them to do their business. The County Government acknowledged that the trading space was still not adequate despite having increased the size of each space from the initial 4 by 4 square feet, to the current 5 by 6 square feet. The County Government submitted that they would allocate more trading space in the second phase(the second phase was meant to begin on 1<sup>st</sup> August, 2023) of the project where the market will be expanded.<sup>1</sup>

#### **4.5 Scaling down of the project**

49. The petitioners had submitted that some projects were scaled down to less than 50% and other works were all together left out. The County Government in their response noted that none of the projects was scaled down nor left out and went on to provide a list of works done which included;
- 1) Three(3) control gates
  - 2) Twelve (12) solar street lights were installed
  - 3) Rainwater goods were done for all newly constructed market sheds and integrated with the existing market rainwater collection system
  - 4) Four (4) water tanks were installed with a capacity of 10,000 Liters each

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<sup>1</sup> A photo of the allocated space is provided in pictorial one and two.



- 5) 24 storied stalls were done
- 6) Solid waste sorting chambers
- 7) Street mounted solid waste bin. This was put in the Public Square and not the market
- 8) Reconstruction of the market storm water drainage. This is done for all newly constructed sheds
- 9) Fittings and fixtures for cultural streets. Trading units were done but the display platforms were pending

50. Following the inspection of the market, the Committee observed that the projects highlighted were done as per the list provided by the County Government in their response.

#### **4.6 Completion of the KUSP project (Market and the Public Square)**

51. As for the expansion and refurbishment of the market, the Committee observed that the Kajiado municipality market is complete but needs a few improvements, mainly the size of the trading space allocated for each trader, that is, both the clothes traders and the cultural ware traders. This the County submitted as highlighted previously, would be dealt with in the second phase of the project where it is expected the market will be expanded hence more space will be availed to the traders.
52. The Committee toured the Kajiado public square which was the original project by the Kenya Urban Support Program that resulted in the relocation of the clothes traders pending construction of the market. At the public square, the Committee made the following observations;
- a) That the public square is yet to be completed with proper landscaping, installation and maintenance of security features like functioning street lights that are not limited to using solar energy.
  - b) That the public square was spacious, well equipped with toilets, and has water tanks installed for water supply.
53. The Deputy Governor informed the Committee that the County Government is faced with a major challenge of water shortage within the area but efforts are being made to have a reliable source for water supply, which will aid in maintaining a green environment at the public square.

## CHAPTER FIVE: COMMITTEE RECOMMENDATIONS

54. Based on the observations above, the Standing Committee on Devolution and Intergovernmental Relations recommends that –

### **5.1. Expansion of the market under Phase 11 of the KUSP Project**

55. There was indication that Phase 2 of the project was scheduled to start on 1<sup>st</sup> August, 2023, the Committee therefore recommends that the County Government should engage with the traders when planning and implementing the project as is required in the Resettlement Action Plan(RAP). In the meantime, the traders should consider occupying the available spaces until more funding is availed for the project and the spaces are adequately increased for all the traders.

56. Having established that the space provided in the completed market for each trader that is the 5 by 6 square feet is inadequate, the County Government should as a matter of priority during the planning, design and implementation of phase two of the project increase the space to be occupied by each trader to a size agreeable between all concerned parties. Upon completion of the expansion under phase two, the County Government should reallocate some of the traders in the first phase to create more room for the traders.

57. The County Government should during their expansion of the market consider and create ease of access to the market for Persons with Disabilities(PWDs).

58. The County Government of Kajiado and the Ministry of Water, Sanitation and Irrigation should look into lasting solutions into the water supply problems in Kajiado Municipality and Kajiado County at large. The two entities should work to resolve the perennial water shortage faced by the traders and the residents of the County.

### **5.2 Status report**

59. The County Government of Kajiado, the State Department for Housing and Urban Development and the World Bank shall submit their status report to the Senate during the undertaking and upon completion of phase 11 of the project. The report should highlight how issues raised by the petitioners have been dealt with.

### **5.3 Oversight of projects**

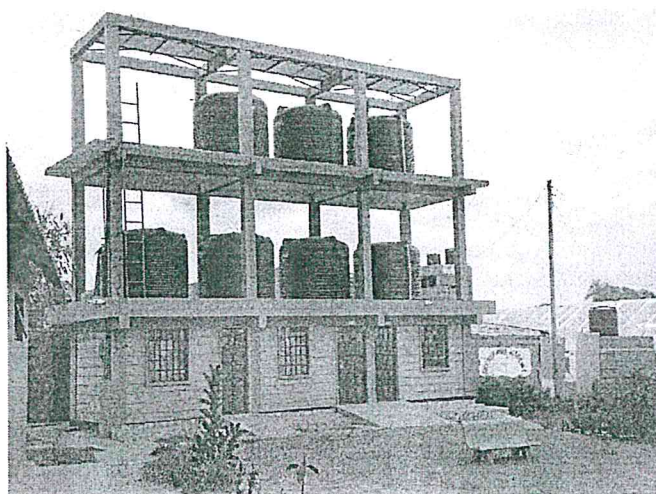
60. The committee shall re-evaluate the existing oversight framework for municipal/urban area projects which are funded through third party collaborations or national government guaranteed loans or grants. There is need to enhance financial accountabilities of municipalities to County Assemblies as required by the Public Finance Management Act, 2012.
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**PICTORIALS: INSPECTION VISIT TO KAJIADO MARKET ON MONDAY,  
24<sup>TH</sup> JULY 2023**



Picture 1 and 2: Some of the spaces provided for the traders

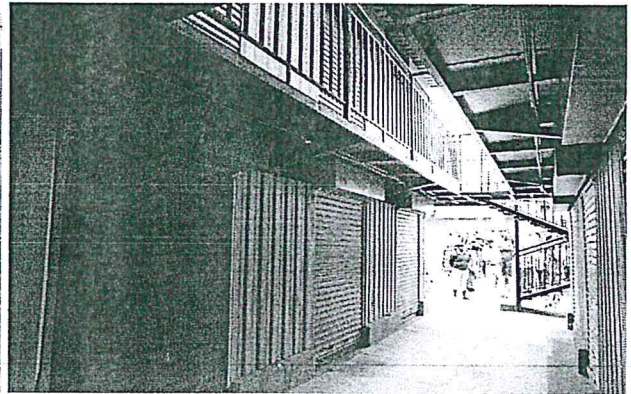




Picture 3: Available water storage tanks



Picture 4: Access roads to the market



Picture 5: Sheds in the market



Picture 6: Stalls in the market



Picture 7 and 8: Committee members at the meeting with the stakeholders in the market



Picture 9: Committee members together with the stakeholders inspecting the market



