



PARLIAMENT
OF KENYA
LIBRARY

THE ETHICS AND ANTI-CORRUPTION COMMISSION

THE 1ST QUARTERLY REPORT COVERING THE PERIOD FROM 1ST JANUARY 2019 TO
31ST MARCH 2019

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 24 SEP 2019	DAY: TUESDAY
TABLED BY:	MAJORITY LEADER
CLERK OF PARLIAMENT:	

APRIL 2019

PREAMBLE

The Ethics and Anti-Corruption Commission (the Commission) is required under section 36 of the Anti-Corruption and Economic Crimes Act, 2003 (ACECA), to prepare quarterly reports setting out the number of reports made to the Director of Public Prosecutions (DPP) under Section 35 of the ACECA, 2003 as read with Section 11(1) (d) of the Ethics and Anti-Corruption Commission Act, 2011, (EACCA).

Section 36 of ACECA provides that:

1. The Commission shall prepare quarterly reports setting out the number of reports made to the DPP under section 35 and such other statistical information relating to those reports, as the Commission considers appropriate.
2. A quarterly report shall indicate if a recommendation of the Commission to prosecute a person for corruption or economic crime was accepted or not accepted.
3. The Commission shall give a copy of each quarterly report to the Attorney General.
4. The Attorney General shall lay a copy of each quarterly report before the National Assembly.
5. The Commission shall cause each quarterly report to be published in the Gazette.

This report is therefore made pursuant to section 36 of ACECA. The report covers the First Quarter and is for the period commencing 1st January, 2019 to 31st March, 2019.

INVESTIGATION REPORT COVERING THE PERIOD 1ST JANUARY 2019 TO 31ST MARCH 2019

1. EACC/MLD/FI/INQ/02/2017

INVESTIGATIONS INTO ALLEGATIONS THAT THE COUNTY GOVERNMENT OF KILIFI HAD IRREGULARLY PROCURED AND AWARDED A TENDER FOR THE SUPPLY AND DELIVERY OF A SEA RESCUE BOAT TO CAPITAL SOLUTIONS LIMITED AT A TENDER SUM OF KES 14,870,750/-

The Commission received a complaint that the County Government of Kilifi had procured and awarded a tender for the supply and delivery of a Sea Rescue Boat irregularly to Capital Solutions Limited at a tender sum of Kshs. 14,870,750/-

Investigations established that the procuring entity applied the wrong procurement procedure. The Committee did not undertake the technical evaluation before using the financial criteria to award the tender. This led to the award of the tender to an incompetent firm which had never dealt with marine equipment.

A report was compiled and forwarded to the DPP on 16th January, 2019 with a recommendation that members of the Tender Evaluation Committee and Directors of Capital Solutions Limited be charged with the following offences; willful failure to comply with the law applicable to procurement contrary to section 45(2) (b) as read with section 48 of the ACECA; uttering false documents contrary to section 353 of the Penal Code; Conspiracy to commit an economic crime contrary to Section 47A(3) as read with Section 48 of the ACECA and abuse of office contrary to section 46 as read with section 48 of ACECA.

On 8th April, 2019 the DPP concurred with the Commission's recommendation for prosecution.

2. EACC/INQ/FI/14/2019

INQUIRY INTO ALLEGATIONS THAT THE GOVERNOR OF SAMBURU COUNTY TRADED WITH HIS COUNTY IN THE NAME OF ORYX SERVICE STATION BY SUPPLYING FUEL.

The Commission received a report indicating that there was gross financial malfeasance, conflict of interest and embezzlement of funds by Samburu County Officials.

Investigations established that Samburu County Officials registered companies which were awarded contracts to supply goods and services and once paid, the money would be shared out among various County employees as kickbacks.

Investigations also established that the Governor of Samburu County Government is the sole proprietor of Oryx Service Station, which business entity transacted with Samburu County Government for the supply of fuel. It was established that the Governor and a private person were signatories to the Oryx Service Station bank account.

Investigations also revealed that the said Governor did not declare to the said County Government about his private interest in Oryx Service Station.

A report was compiled and forwarded to the DPP on 29th March, 2019 with recommendations that the said Governor and his business partner, Deputy Governor, County Secretary, County Chief Officers Samburu County Government, Head of Supply Chain be charged with the following offences; conspiracy to commit an economic crime contrary to section 47A (3) as read with section 48 of ACECA; abuse of office contrary to section 46 as read with section 48(1) of ACECA; conflict of interest contrary to section 42(3) as read with section 48 of ACECA; unlawful acquisition of public property contrary to Section 45(1)(a) as read with Section 48 of ACECA.

On 1st April 2019 the DPP concurred with the Commission's recommendation for prosecution.

3. EACC/MLD/FI/INQ/12/2018

INQUIRY INTO ALLEGATION OF SUSPECTED FRAUDULENT AWARD OF TENDER NO. KCG/HOSP/055/2016-2017 TO SKYWARDS AGENCIES LIMITED FOR

CONSTRUCTION OF DISPENSARY BLOCK AND 2 NO. CUBICLE PIT LATRINE AT VISHAKANI DISPENSARY KALOLENI WARD

The Commission commenced investigations following a complaint that the County Government of Kilifi had fraudulently awarded tender no. KCG/HOSP/055/2016-2017 to Skywards Agencies Limited for construction of dispensary block and two cubicle pit latrines at Vishakani Dispensary Kaloleni Ward.

Evidence obtained established that the winning bidder engaged in fraudulent practice by submitting false documents in support of its bid.

A report was compiled and forwarded to the DPP on 16th January, 2019 recommending to charge the Chief Officer and Directors of Skywards Agencies Limited with the following offences; willful failure to comply with the law applicable to procurement contrary to section 45(2) (b) as read with section 48 of the ACECA; uttering false documents contrary to section 353 of the Penal Code and fraudulent acquisition of public property contrary to section 45(1) (a) as read with section 48 of ACECA.

On 8th April, 2019 the DPP concurred with the Commission's recommendation for prosecution

4. EACC/NYR/FI/INQ/32/2016

INVESTIGATIONS INTO ALLEGATIONS OF IRREGULAR EXPENDITURE ON SHOOTING OF A DOCUMENTARY FOR MAGICAL KENYA TRAVEL EXPO BY KIRINYAGA COUNTY GOVERNMENT

The Commission commenced investigations upon receiving a report of the Auditor General on financial operations of Kirinyaga County Government for the period of 1st July 2013 to 30th June 2014. According to the report, the County Government of Kirinyaga had allocated Kshs. 9,719,406/= for printing and publishing services in the County's approved budget for financial year 2013/2014. The same was also in County's procurement plan. The report

indicates that out of the budgeted amount, Kshs. 3,712,240/= was spent on shooting a documentary for Magical Kenya Travel Expo.

Investigations established that payment was made to Design IT Fashion Ltd without existence of completion Certificate as required by law and that the Director of Supply Chain failed to propose names of members of Inspection and Acceptance Committee to the Accounting Officer for appointment.

A report was compiled and forwarded to the DPP on 16th January, 2019 recommending to charge the Kirinyaga County Officials with the following offences; Abuse of office contrary to section 46 as read with section 48 of the ACECA and willful failure to comply with applicable procedures and guidelines relating to the management of public funds contrary to section 45(2) (b) as read with section 48(1) of the ACECA.

On 6th June 2019, the DPP recommended that further investigations be carried out.

5. EACC/FI/INQ/20/2017

INQUIRY INTO ALLEGATIONS OF PROCUREMENT IRREGULARITIES AGAINST THE ASSISTANT DIRECTOR, PROCUREMENT AT THE COMMUNICATIONS AUTHORITY DURING THE EVALUATION OF TENDER NO. CCK/PPO/RFQ/33/2014-2015 FOR RENOVATION OF THE AUTHORITY'S AGRICULTURAL SOCIETY OF KENYA SHOW STAND.

Investigations commenced following a complaint received on 2nd October, 2014 with allegations that the Assistant Director, Procurement at the Communications Authority of Kenya (the Authority) was involved in procurement irregularities during the evaluation of tender no. CCK/PRO/RFO/33/2014-2015 for the Renovation of the Nairobi Agricultural Show Stand. The report alleged that the said officer had invited contractors outside the prequalified list.

THE EAST AFRICAN COMMUNITY

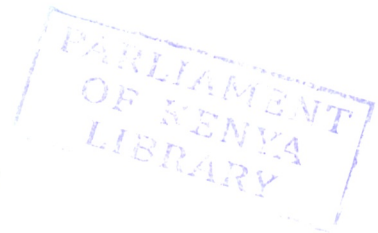
BILLS SUPPLEMENT

No. 6

24th September, 2019.

to the East African Community Gazette No. 17 of 24th September, 2019.

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THE EAST AFRICAN COMMUNITY

THE EAST AFRICAN COMMUNITY CUSTOMS MANAGEMENT
(AMENDMENT) BILL, 2019


MEMORANDUM

The object of this Bill is to amend section 34 (5) of the East African Community Customs Management Act, 2004 to extend the time for removal of bulk non- containerised goods from a port of discharge beyond the twenty-one days prescribed by subsection (1).

HON. ABDIKADIR OMAR ADEN

Member

East African Legislative Assembly.

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 07 NOV 2019	DAY: Thursday
TABLED BY:	Hon. Aden Duale Leader of Majority Party
CLERK AT THE TABLE:	Lemuna Moses



East African Community Customs Management (Amendment) Bill, 2019

THE EAST AFRICAN COMMUNITY CUSTOMS
MANAGEMENT (AMENDMENT) BILL, 2019

ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Amendment of the East African Community Customs Management Act, 2004.

A Bill for an Act

ENTITLED

**THE EAST AFRICAN COMMUNITY CUSTOMS
MANAGEMENT (AMENDMENT) ACT, 2019**

An Act of the Community to amend section 34 (5) of the East African Community Customs Management Act to extend the time for removal of bulk non-containerised goods from a port of discharge without being liable to warehouse rent.

ENACTED by the East African Community and assented to by the Heads of State.

1. This Act may be cited as the East African Community Customs Management (Amendment) Act, 2019. Short title.

2. The East African Community Customs Management Act, 2004 is amended in section 34 by substituting for subsection (5) the following— Amendment of the East African Community Customs Management Act, 2004.



East African Community Customs Management (Amendment) Bill, 2019

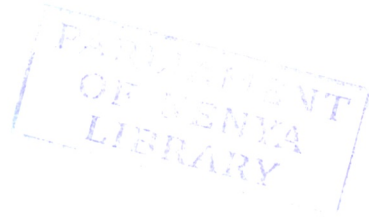
“(5) Where goods are not removed from the port of discharge within the twenty-one days prescribed by subsection (1), the goods shall be deemed to be in a customs warehouse and shall be liable to rent: Provided that bulk non-containerized goods discharged at a place designated by the Commissioner shall not be liable to rent.”

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 24th September 2019

PAPERS LAID



Hon. Aden Duale (Garissa Township, JP):

1. The First Quarterly Report from the Ethics and Anti-Corruption Commission (EACC) covering the period from 1st January to 31st March 2019.
2. The Defence Cooperation Agreement between the Government of the Republic of Kenya and the Government of the Republic of South Africa, and the explanatory memorandum from the Ministry of Defence.

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY
THE HANSARD

Wednesday, 6th November 2019

PAPERS LAID



Hon. George Gitonga (Tharaka, JP): Committee on Delegated Legislation.

1. Reports of the Committee on Delegated Legislation on its consideration of the following pieces of legislation—

- (a) The Public Service Regulations, 2019 (Legal Notice No. 65 of 2019).
- (b) The Value Added Tax (Amendment) Regulations, 2019 (Legal Notice No.86 of 2019).
- (c) The Private Security (General Regulations), 2019 (Legal Notice No.108 of 2019), and
- (d) The Political Parties Funding Regulations, 2019 (Legal Notice No.143 of 2019).

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY
THE HANSARD
Thursday, 7th November 2019
PAPERS LAID

Hon. Aden Duale (Garissa Township, JP):

1. Six Reports, one Bill and one Resolution adopted by the East African Legislative Assembly (EALA) at its 1st Meeting of the 3rd Session of the 4th Assembly held in Arusha, United Republic of Tanzania, from 16th September to 5th October, 2019 as follows –

- (i) Report of the Committee on Accounts on the oversight activity to the Lake Victoria Basin Commission (LVBC) to assess the status of implementation of the Assembly recommendations on the EAC audited accounts;
- (ii) Report of the Committee on General Purpose on the oversight activity to assess the level of preparedness of partner states in the management of Ebola and Dengue fever epidemics;
- (iii) Report on the Committee of General Purpose on the Petition from East African Civil Society Organisations Forum (EACSOFF) on matters of crucial importance to the Community;
- (iv) Report of the Committee on Communication, Trade and Investment on the Status of Ratification of the amended Article 24(2)(a) of the Protocol on the Establishment of the East African Customs Union to provide for the establishment of the Trade Remedies Committee;

(v) Report of the Committee on Regional Affairs and Conflict Resolution of the oversight activity on the proliferation of small arms and light weapons in the East African region;

(vi) Report of the Committee on Agriculture, Tourism and Natural Resources on the oversight activity on the performance of the tourism sector in the region;