**REPUBLIC OF KENYA** 

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**OFFICE OF THE AUDITOR-GENERAL** 

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THE NATIONAL ASSEMBLY

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Enhancing Accountability

## **THE AUDITOR-GENERAL**

OF

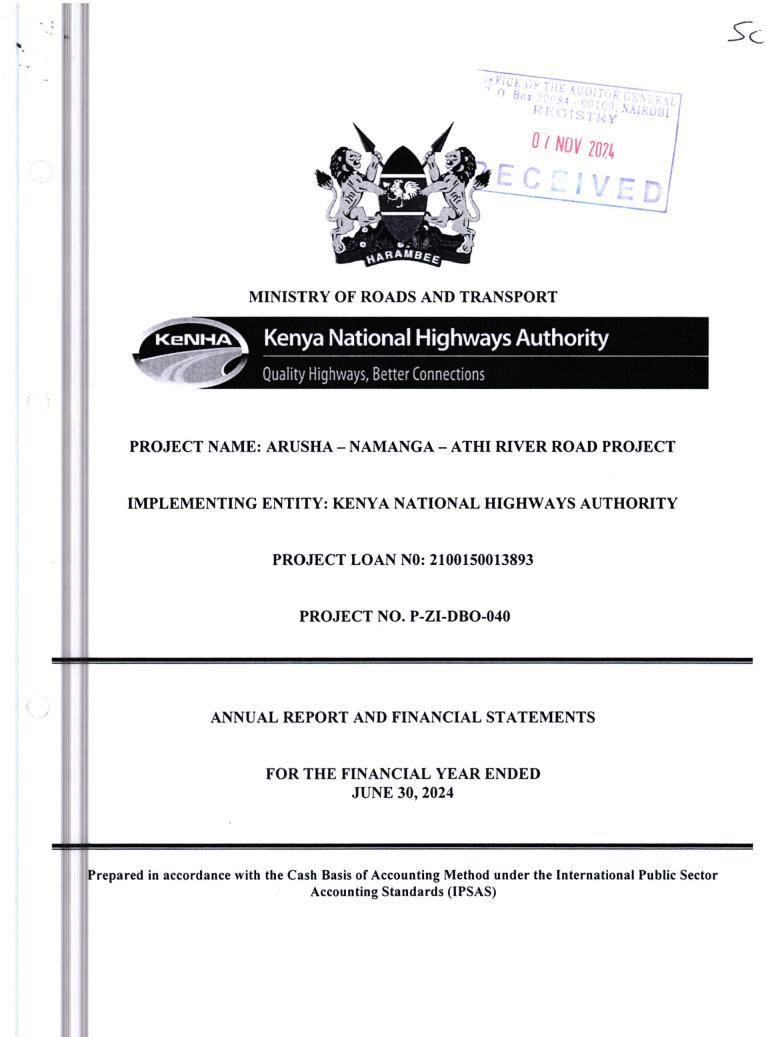
REPORT

## ON

## ARUSHA-NAMANGA-ATHI RIVER ROAD DEVELOPMENT PROJECT NO.P-Z1-DBO-040

FOR THE YEAR ENDED 30 JUNE, 2024

**KENYA NATIONAL HIGHWAYS AUTHORITY** 



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## 1. Acronyms and Definition of Terms

ADB	African Development Bank
СВК	Central Bank of Kenya
СРА	Certified Public Accountant
Comparative FY	Financial year preceding the current financial year.
EIK	Environment Institute of Kenya
FY	Financial Year
ICPAK	Institute of Certified Public Accountants of Kenya
IPSAS	International Public Sector Accounting Standards
KeNHA	Kenya National Highways Authority
Kshs.	Kenya Shillings
KISM	Kenya Institute of Supplies Management
NEMA	National Environment Management Authority
MRT	Ministry of Roads and Transport
PAP	Project Affected Persons
PFM	Public Finance Management.
PSASB	Public Sector Accounting Standards Board
SDG	Sustainable Development Goals
TNT	National Treasury
UA	Unit of Account

## **Project Information and Overall Performance**

# 2.1 Name and registered office

• ;

2.

Project Name Arusha – Namanga – Athi River Road Project				
	Arusha – Namanga – Athi River Road Project			
	The objective of the Project was to improve the essential road transpinfrastructure between Kenya and Tanzania, and particularly betwee Arusha and Nairobi, Arusha and Mombasa, and Malindi and Dar es Salaam. The indicators will improve transport service and lower transport costs between the two countries which may be measured be assessing the road roughness, estimating vehicle operating costs, and counting traffic both to the border from both countries (national traffic and across the border (international traffic).	n y d		
Project Objectives	Support regional integration, cross border trade, tourism, socio - economic development of the zone of influence and a contribution to the reduction of poverty. The indicators or the sector goal will be enhanced cross border economic activity. The principal beneficiaries will be the tourism industry in both countries, cross border trading, regional integration (social and economic aspects), and population in areas of the Arusha region, Kajiado and Nairobi, Malindi, Mombasa, Tanga and Dar es Salaam districts. The project impact includes increased cross border traffic, increased cross border tourism, increased social-economic activities across the two countries.			
Project Registered Office and Physical Location:	The project headquarters offices were at Barabara Plaza, Jomo Keny International Airport, Nairobi, Off Mazao Road	ratta		
Project Address	P.O. Box 49712-00100 Nairobi			
Contacts: Telephone: 020-8013842; Email dg@kenha.co.ke; Website www.kenha.co.ke				
2.2 Project Informatio	n			
Project Start Date:	8th February, 2007			
Project End Date:	14 <sup>th</sup> May 2015			
Project Management:	Eng. Henry Gakuru – Director, Development			
	Eng. Cleophas Makau – Project Coordinator			
Project Sponsor:		African Development Bank (ADB) and the Government of		

## 2.3 Project Overview

2.3 Project Overview	
Line Ministry/State Department of the project	The project was under the supervision of the State Department of Roads under the Ministry of Roads and Transport
Project number	P-ZI-DBO-040
Strategic goals of the Project	<ul> <li>The strategic goals of the project were as follows: -</li> <li>(i) Increase efficiency of road transport along the Arusha-Namanga-Athi River Road Project to facilitate trade and regional integration.</li> <li>(ii) Promote private sector participation in the management, financing and maintenance of roads assets.</li> <li>(iii) Reduce transit time and costs incurred in cross-border movement.</li> </ul>
Summary of Project Strategies for achievement of strategic goals	The project management achieved the goals by Implementing the project in timely, efficient and effective manner
Other important background information of the project	Main Arusha-Namanga-Athi River Road: Lot K: Athi River- Namanga Section (A104), and addendum No. 3 for the Construction of the One Stop Border Post at Namanga Component 1: Civil Works
	The works consisted of the reconstruction of the existing bitumen surfaced road to an international trunk road standard with a 7 m wide carriageway and 2 m wide shoulders on each side for a total length of 136km.
	Construction of One-Stop Border Post at Namanga whose objective was to reduce transit time and costs incurred in cross-border movement by combining the activities of both country's border organizations and agencies at single location in either direction without increasing the risk to public safety or revenue collection.
	Component 2: Consulting Services Under the component the project contracted consultants to undertake: (i) Design Review and Supervision of the works above; (ii) road safety; (iii) sensitization and mitigation activities on the human immunodeficiency virus (HIV) and the acquired immunodeficiency syndrome (AIDS), sexually transmitted infections (STI) and gender issues; (iv) baseline data collection and monitoring of the Environmental and Social Management Plan (ESMP) implementation (v) technical audit; and (iv) financial audit.
	Component 3: Compensation and Resettlement: The component provided for compensation and resettlement of the Project Affected Persons (PAPs) in accordance with the Resettlement Action Plans (RAPs).

## Project Overview (Continued)

Project Components and Costs - Loan Components under Kenya National Highways Authority (KeNHA) The following components of the project were being implemented by the Kenya National Highways Authority

Categories of Expenditure (In Million UA)						
Category of F.E L.C Total Expenditure						
Works	44.827	1.226	46.053			
Services	2.869	0.319	3.188			
TOTAL	47.696	1.545	49.241			

The project was financed by African Development Bank at 90% on Civil Works Construction inclusive of works consultancy supervision while 10% is financed by the Government of Kenya. Following the Exhaustion of ADB's funding and the lapse of credit agreement, the project was subsequently 100% financed by the Government of Kenya.

Arears that the project was formed to intervene	<ul> <li>The project was formed to intervene in the following areas:</li> <li>(i) Poor transport infrastructure along the Arusha- Namanga-Athi River Road Corridor</li> <li>(ii) Excessive travel time and high vehicle operating costs along the Northern Corridor</li> </ul>
Project duration	Main Project – Arusha-Namanga-Athi River Project The project started on 5th November, 2007 and ended on 5th November, 2011. Addendum No. 4 (Namanga OSBP) The project started on 9th January, 2013 and ended on 14 <sup>th</sup> May 2015.

## 2.4 Bankers

The following are the bankers for the project:

Co-operative Bank of Kenya Ltd Upper Hill Branch, Nairobi Account Number:'01141160979900

### 2.5 Independent Auditor

The project is audited by:

Auditor General Office of the Auditor - General P.O. Box 30084 – 00100 GPO Nairobi

No.	NAMES	Title Designation	Key	Responsibilities
			qualification	
1	Eng. Henry	Director, Development	Registered	Project Implementing
	Gakuru		Engineer	Team Leader
2	Eng. Cleophas	Deputy Director, Special	Registered	Project Co-Ordinator
	Makau	Projects	Engineer	
3	Mr. Chanje Kera	Deputy Director, Finance	Certified Public	Project Financial
		& Accounts	Accountant	Management
				Specialist
4	Mr. Brian Shikoli	Engineer	Registered	Assistant Project Co-
			Engineer	ordinator
5	Mr. Walter	Deputy Director	Registered	Project
	Nyatwanga	(Environmental &	Environmental	Environmentalist
		Social)	Specialist	
6	Mr. Richard	Assistant Director,	Registered	Project Procurement
	Kilel	Supply Chain Services	Member KISM	Specialist

#### 2.6 Roles and Responsibilities

#### 2.7 Funding summary

The project financing was for a duration of seven years from 8<sup>th</sup> February, 2007 to 30<sup>th</sup> November, 2014 with an approved budget of UA 49,241,000 which is equivalent to Kshs. 5,353,288,072 by AfDB and Kshs 4,026,952,076 by GoK as highlighted in the table below:

#### A. Source of Funds

Source of funds	Donor Commitments		Amount receiv 20	ved to 30 June 24		balance to ate*
	Donor Currency	Kshs	Donor Currency	Kshs	Donor Currency	Kshs
	(A)	(A')	(B)	(B')	(A)-(B)	(A')–(B')
(i)Loan	- African Develop	ment Bank (AfDB)	)			
	UA	Kshs	UA	Kshs	UA	Kshs
	49,241,000	5,353,288,072	47,894,663	5,206,919,613	1,346,337	146,368,459
(ii) Co	unterpart Funds	– Government of k	Kenya (GoK)			
	Kshs	Kshs	Kshs	Kshs	Kshs	Kshs
	4,026,952,076	4,026,952,076	4,026,952,076	4,026,952,076	-	-
Total		9,380,240,148		9,233,871,689		146,368,459

\*The undrawn balance from the Development Partner was not utilized since the Project was completed in FY 2014/2015.

## B. Application of Funds

:

Applicat ion of fundsAmount received to 30 Ju 2024			Cumulative Amount paid to 30th June 2024		Unutilised balance to 30 June 2024	
	Donor Currency Kshs		Donor Currency	Kshs	Donor Currency	Kshs
	(A)	(A')	(B)	(B')	(A)-(B)	(A') – (B')
(i)Loan - African Development Bank (AfDB)						
	UA	Kshs	UA	Kshs	UA	Kshs
	47,894,663	5,206,919,613	47,894,663	5,206,919,613	-	-
(ii) Cour	terpart Funds –	Government of Ke	nya (GoK)			
	Kshs	Kshs	Kshs	Kshs	Kshs	Kshs
	4,026,952,076	4,026,952,076	4,026,952,076	4,026,952,076	-	-
Total		9,233,871,689		9,233,871,689	-	-

## 2.8 Summary of Overall Project Performance:

i) Budget performance against actual amounts for current year and for cumulative to-date: -

	2023/2024			Cumulative		
	Actual	Budget	%	Actual	Budget	%
Counterpart Funds -				4 026 052 076	4 600 265 601	070/
Gok	-	-	-	4,026,952,076	4,609,265,691	87%
Loan from External						
Development	-	-	-	5,206,919,613	9,050,000,000	58%
Partners						
Total	-	-	-	9,233,871,689	13,659,265,691	68%

ii) Physical progress based on outputs, outcome and impacts since project commencement. The project was substantially completed and was handed over to the employer

iii) Absorption rate for each year since the commencement of the project

Financial Year	Budget	Actual	Percentage (%)
FY 2023/24	-	-	-
FY 2022/23	-	-	-
FY 2021/22	72,258,398	72,258,398	100%
FY 2020/21	-	-	-
FY 2019/20	83,376,172	18,903,530	23%
FY 2018/19	156,050,000	158,175,831	100%
FY 2017/18	1,175,000	423,000	36%
FY 2016/17	82,000,000	10,862,878	13%
FY 2015/16	203,638,281	196,493,356	96%
FY 2014/15	1,111,000,000	632,721,419	57%
Cumm to FY 2013/14	11,949,767,840	8,144,033,277	68%
TOTAL	13,659,265,691	9,233,871,689	68%

#### iv) Project Implementation Challenges

During the implementation phase of the project, the project experienced inadequate funding arising from low GK counterpart budgetary provisions for timely settlement of the GK counterpart project costs. It is recommended that the Government provides adequate budgetary provisions for all projects in order to facilitate smooth projects implementation.

#### 2.9 Summary of Project Compliance:

There were no reported cases of significant non-compliance with applicable laws and regulations, and essential external financing agreements/covenants during the project implementation period.

#### . Statement of Performance Against Project's Predetermined Objectives

#### Introduction

Section 81 (2) (f) of the Public Finance Management Act, 2012 requires that the Accounting Officer include a statement of the national government entity's performance against predetermined objectives at the end of each financial year.

The key development objectives of the project's agreement were to:

- a) Improve essential road transport infrastructure between Kenya and Tanzania.
- b) To support regional integration, cross border trade, tourism, socio-economic development of the zone of influence and a contribution to the reduction of poverty.

#### Progress on attainment of strategic development objectives

To implement and cascade the above development objectives to specific sectors, all the development objectives were made specific, measurable, achievable, realistic and time-bound (SMART) and converted into development outcomes. Attendant indicators were identified for reasons of tracking progress and performance measurement.

Objective	Outcome	Indicator	Performance
Improve essential road	Improved transport	Vehicle operating	Reduced vehicle
transport infrastructure	service and lower	costs	operating costs
between Kenya and	transport costs	Road roughness	Improved road
Tanzania.	between the two	Traffic count to the	roughness
	countries	border from both	Increased road
		countries	traffic to the
			border from both
			countries
To support regional	Enhanced cross	Cross border traffic	Increased cross
integration, cross border	border economic	Cross border tourism	border traffic.
trade, tourism, socio-	activities	Social economic	Increased cross
economic development		activities across the	border tourism.
of the zone of influence		two countries	Increased Social
and a contribution to the			economic
reduction of poverty.			activities across
			the two countries

Below we provide the progress on attaining the stated objectives:

#### 4. Environmental and Sustainability Reporting

The Arusha-Namanga-Athi River Road Project exists to transform lives. This is our purpose; the driving force behind everything we do. It's what guides us to deliver our strategy. Below is a brief highlight of our activities that drive towards sustainability.

#### i) Sustainability strategy and profile

Sustainable Development Goals (SDGs) 2015-2030 provides a plan of action for the attainment of peace and prosperity. Five out of the seventeen goals are pertinent to management of projects being undertaken by the Authority. These are being addressed through the following initiatives;

- a) Good health and well-being (SDG 3): The Authority strives to undertake Road Safety Audits to identify accident black spots, implement intervention measures and provide road safety education to reduce accidents;
- b) *Gender Equality (SDG 5):* The Authority encourages mainstreaming of gender equality in project and programmes by incorporating compliance to one third gender rule in procurement and recruitment;
- c) *Industry, innovation and infrastructure (SDG 9):* The Authority develops quality, reliable, sustainable and resilient infrastructure including regional and trans-border infrastructure to support economic development and human wellbeing with a focus on affordable and equitable access for all;
- d) Sustainable cities and communities (SDG 11): The Authority endeavours to extend the paved road network to hitherto underserved areas in the region to improve nationwide access to high speed and all weather connectivity; and
- e) *Climate action (SDG 13):* The Authority endeavours to combat negative impacts of road development through environmental mitigation, climate change measures and compliance with National Environment Management Authority (NEMA) requirements in all development projects

#### ii) Environmental performance

The Authority is working towards ensuring environmental sustainability in projects by undertaking tree planting exercises, implementation of road beautification programs, enforce reinstatement of quarries and borrow pits after construction works, undertakes regular Environmental Impact Assessment (EIA) Audits, carries out M&E on Environment and Social Management Plan (ESMPs) as well as Environmental Social Impact Assessment (ESIA) on projects.

#### Environmental and Sustainability Reporting (Continued)

#### iii) Employee welfare

In all its staff appointments, the Authority takes deliberate actions to embrace Equal Employment Opportunity policies, gender mainstreaming, addresses concerns around Persons Living with Disabilities (PWDs) and takes affirmative action in line with prevailing Government Policy guidelines. The Authority prioritizes training to develop technical capacity of staff in the fields of Value Engineering, Project Financing, Project Contract Management, Performance Based Maintenance and Safety.

#### iv) Market place practices

The Authority strives to ensure responsible competition practices through undertaking annual governance audits in projects, monitoring the implementation of policies and further promotes ethical conduct in projects. The Authority equally sensitizes staff on corruption and integrity. The Authority undertakes to be actively involved in the negotiations during budget sector hearings in order to increase budgetary allocations for projects thus honouring contracts by paying its liabilities on time.

#### v) Community Engagements

During the implementation of the Project, the Authority is committed to remaining a responsible corporate citizen by being accountable for its actions through engaging in Public Participation. The Project's goal in terms of community engagement is to foster long-term relationships with stakeholders and communities around the project. The aim is not just to build roads that foster development but to ensure collaboration with the local communities to achieve sustainable social economic development. The project staff is also encouraged to give back to society by participating in the Authority's corporate social responsibility initiatives.

The Contractor has been involved in various CSR activities geared towards providing social amenities to the local residents through drilling boreholes and construction of water kiosks along the project road, improvement of access roads and enhancing learning, playing environment in schools along the project road and enhancement of security through construction of Police and NIS facilities at Namanga Border. To enhance social safeguards in projects, the Authority undertakes Resettlement Action Plan (RAP) studies and implements its recommendations, carries out Social Impact Assessments (SIA), undertakes gender mainstreaming and conduct stakeholders' forum to sensitize the public in several cross cutting issues.

### 5. Statement of Project Management Responsibilities

The Director General, KeNHA and the Project Implementing Team Leader are responsible for the preparation and presentation of the Project's financial statements, which give a true and fair view of the state of affairs of the project for the financial year ended on June 30, 2024.

This responsibility includes (i) Maintaining adequate financial management arrangements and ensuring that these continue to be effective throughout the reporting period; (ii) Maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the project; (iii) Designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statement, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) Safeguarding the assets of the project; (v) Selecting and applying appropriate accounting policies; and (vi) Making accounting estimates that are reasonable in the circumstances.

The Director General, KeNHA and the Project Implementing Team Leader accept responsibility for the project's financial Statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with the International Public Sector Accounting Standards.

The Director General, KeNHA and the Project Implementing Team Leader are of the opinion that the Project financial statements give a true and fair view of the state of the Project's transactions during the financial year ended June, 30, 2024 and the Project's financial position as at that date. The Director General, KeNHA and the Project Implementing Team Leader further confirm that completeness of the accounting records maintained for the Project, which have been relied upon in the preparation of the Project financial Statements and the adequacy of the systems of internal financial control.

The Director General, KeNHA and the Project Implementing Team Leader confirm that the Project has complied fully with applicable Government Regulations and the terms of external financing covenants and that Project funds received during the financial year under audit are used for the eligible purposes for which they were intended and were properly accounted for.

#### Approval of the Project financial statements

Eng. Kungu Ndungu, MBS Director General

Eng. Henry Gakuru Director, Development

CPA Chanje Kera Deputy Director (F&A) ICPAK Member No: 8279

## **REPUBLIC OF KENYA**

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HEADQUARTERS Anniversary Towers Monrovia Street P.O Box 30084-00100 NAIROBI

#### REPORT OF THE AUDITOR-GENERAL ON ARUSHA-NAMANGA-ATHI RIVER ROAD DEVELOPMENT PROJECT NO.P-Z1-DBO-040 FOR THE YEAR ENDED 30 JUNE, 2024 - KENYA NATIONAL HIGHWAYS AUTHORITY

#### PREAMBLE

I draw your attention to the contents of my report which is in three parts:

- A. Report on the Financial Statements that considers whether the financial statements are fairly presented in accordance with the applicable financial reporting framework, accounting standards and the relevant laws and regulations that have a direct effect on the financial statements;
- B. Report on Lawfulness and Effectiveness in Use of Public Resources which considers compliance with applicable laws, regulations, policies, gazette notices, circulars, guidelines and manuals and whether public resources are applied in a prudent, efficient, economic, transparent and accountable manner to ensure the Government achieves value for money and that such funds are applied for the intended purpose; and,
- C. Report on the Effectiveness of Internal Controls, Risk Management and Governance which considers how the entity has instituted checks and balances to guide internal operations. This responds to the effectiveness of the governance structure, risk management environment and internal controls, developed and implemented by those charged with governance for orderly, efficient and effective operations of the entity.

An unmodified opinion does not necessarily mean that an entity has complied with all relevant laws and regulations, and that its internal controls, risk management and governance systems are properly designed and were working effectively in the financial year under review.

The three parts of the report aim to address the Auditor-General's statutory roles and responsibilities as provided by Article 229 of the Constitution, the Public Finance Management Act, 2012 and the Public Audit Act, 2015. The three parts of the report when read together constitute the report of the Auditor-General.

REPORT ON THE FINANCIAL STATEMENTS

#### Opinion

I have audited the accompanying financial statements of Arusha-Namanga-Athi River Road Development Project set out on pages 1 to 15, which comprise the statement of

financial assets and liabilities as at 30 June, 2024 and the statement of receipts and payments, statement of cash flows and statement of comparison of budget and actual amounts for the year then ended and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, the financial statements present fairly, in all material respects, the financial position of Arusha-Namanga-Athi River Road Development Project as at 30 June, 2024 and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the Loan Agreement No.21001500113893 dated 8 February, 2007 between the African Development Fund and the Republic of Kenya and the Public Finance Management Act, 2012.

In addition, the special account statement presents fairly, the special account transactions and the ending balance has been reconciled with the books of account.

#### **Basis for Opinion**

The audit was conducted in accordance with the International Standards for Supreme Audit Institutions (ISSAIs). I am independent of the Arusha-Namanga-Athi River Road Development Project Management in accordance with ISSAI 130 on the Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

#### **Emphasis of Matter**

#### 1. Long Outstanding Pending Bills

Annex 4 to the financial statements and Note 5 on other important disclosures to the financial statements reflects pending accounts payable balance of Kshs.83,344,955 in respect of construction of road. However, review of the Project's records revealed that the entire balance of Kshs.83,344,955 was brought forward from the previous years. However, Management did not provide plans put in place to settle the outstanding debt.

In the circumstances, the Project is at risk of incurring additional cost inform of interest and penalties for failure to settle project related costs as and when they fall due.

#### 2. Project Closure Report

Paragraph 2.7 on Funding Summary indicates that the Project was for a duration of seven (7) years starting from 8 February, 2007 and end on 30 November, 2014 with an approved budget of UA 49,241,000, equivalent to Kshs.5,353,288,072 by the donor component and an amount of Kshs.4,026,952,076 being counterpart funding by Government of Kenya (GoK). The summary reflects that the Project had received the total Donor commitments

and the GoK counterpart funding. However, a balance of UA 1,346,337 equivalent of Kshs.146,368,459 of the donor commitments was undrawn as at 30 June, 2024.

Further, paragraph 2.8 on Summary of Overall Project Performance indicates that the Project was substantially completed and was handed over employer. However, the Project closure report was not provided for audit. Management did not provide an explanation for the failure to close the Project.

My opinion is not modified in respect of these matters.

#### **Key Audit Matters**

Key audit matters are those matters that, in my professional judgement, are of most significance in the audit of the financial statements. There were no key audit matters to report in the year under review.

#### Other Matter

#### **Unresolved Prior Year Matters**

In the audit report of the previous year, several issues were raised under the Report on Financial Statements, Report on Lawfulness and Effectiveness in Use of Public Resources, and Report on Effectiveness of Internal Controls, Risk Management and Governance. However, Management had not resolved the issues as at 30 June, 2024.

#### **Other Information**

#### Conclusion

The Management is responsible for the other information set out on page iii to xii which comprise of Project information and Overall Performance, Statement of Performance Against Predetermined Objectives. Environmental and Sustainability Reporting, and Statement of Project Management Responsibilities. The Other Information does not include the financial statements and my audit report thereon.

#### **Basis for Conclusion**

In connection with my audit on the Project's financial statements, my responsibility is to read the other information and in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit or otherwise appears to be materially misstated. If based on the work I have performed, I conclude that there is a material misstatement of this Other Information, I am required to report that fact. I have nothing to report in this regard.

## REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

#### Conclusion

As required by Article 229(6) of the Constitution and based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

#### **Basis for Conclusion**

The audit was conducted in accordance with the ISSAIs 3000 and 4000. The standards requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements comply in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON THE EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

#### Conclusion

As required by Section 7(1)(a) of the Public Audit Act, 2015 and based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that internal controls, risk management and overall governance were not effective.

#### **Basis for Conclusion**

The audit was conducted in accordance with the ISSAI 2315 and ISSAI 2330. The standards require that I plan and perform the audit to obtain assurance about whether effective processes and systems of internal controls, risk Management and overall governance were operating effectively in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

#### REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

As required by African Development Bank, I report based on my audit, that:

- i. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit;
- ii. In my opinion, adequate accounting records have been kept by the Project, so far as appears from the examination of those records; and,
- iii. The Project's financial statements are in agreement with the accounting records and returns.

#### **Responsibilities of Management and those Charged with Governance**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Cash Basis) and for maintaining effective internal control as Management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal controls, risk management and overall governance.

Report of the Auditor-General on Arusha-Namanga-Athi River Road Development Project Loan No.2100150013893 Project No.P-Z1-DBO-040 for the year ended 30 June, 2024 - Kenya National Highways Authority

In preparing the financial statements, Management is responsible for assessing the Project's ability to continue to sustain its services, disclosing as applicable, matters related to sustainability of services and using the applicable basis of accounting unless Management is aware of the intention to terminate the Project or to cease operations.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, Management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities which govern them, and that public resources are applied in an effective way.

Those charged with governance are responsible for overseeing the Project's financial reporting process, reviewing the effectiveness of how Management monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

#### Auditor-General's Responsibilities for the Audit

My responsibility is to conduct an audit of the financial statements in accordance with Article 229(4) of the Constitution, Section 35 of the Public Audit Act, 2015 and the INTOSAI Framework of Professional Pronouncements (IFPP). The Framework requires that, in conducting the audit, I obtain reasonable assurance about whether the financial statements as a whole are free from material misstatements, whether due to fraud or error and to issue an auditor's report that includes my opinion in accordance with Section 48 of the Public Audit Act, 2015. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with IFPP will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In conducting the audit, Article 229(6) of the Constitution also requires that I express a conclusion on whether or not in all material respects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in an effective way. In addition, I also I consider the entity's control environment in order to give an assurance on the effectiveness of internal controls, risk management and governance processes and systems in accordance with the provisions of Section 7(1)(a) of the Public Audit Act, 2015.

Further, I am required to submit the audit report in accordance with Article 229(7) of the Constitution.

Detailed description of my responsibilities for the audit is located at the Office of the Auditor-General's website at: <u>https://www.oagkenya.go.ke/auditor-generals-responsibilities-for-audit/</u>. This description forms part of my auditor's report.

FCPA Nancy Gathungu, CBS AUDITOR-GENERAL

Nairobi

13 November, 2024

In preparing the financial statements, Management is responsible for assessing the Project's ability to continue to sustain its services, disclosing as applicable, matters related to sustainability of services and using the applicable basis of accounting unless Management is aware of the intention to terminate the Project or to cease operations.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, Management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities which govern them, and that public resources are applied in an effective way.

Those charged with governance are responsible for overseeing the Project's financial reporting process, reviewing the effectiveness of how Management monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

#### Auditor-General's Responsibilities for the Audit

My responsibility is to conduct an audit of the financial statements in accordance with Article 229(4) of the Constitution, Section 35 of the Public Audit Act, 2015 and the INTOSAI Framework of Professional Pronouncements (IFPP). The Framework requires that, in conducting the audit, I obtain reasonable assurance about whether the financial statements as a whole are free from material misstatements, whether due to fraud or error and to issue an auditor's report that includes my opinion in accordance with Section 48 of the Public Audit Act, 2015. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with IFPP will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

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hat CBS FCPA AUDITOR-GENERAL

Nairobi

13 November, 2024

## 7. Statement of Receipts and Payments for the Year Ended 30th June 2024

	Note	Receipts and payments controlled by the entity	Payments made by third parties	Total	Receipts and payments controlled by the entity	Payments made by third parties	Total	Cumulative to date (From Inception)
			FY 2023/24		J	FY 2022/23	L	
		Kshs.	Kshs.	Kshs.	Kshs.	Kshs.	Kshs.	Kshs.
Receipts								
Transfer from Government entities Loan from external	1	-	-	-	-	-	-	4,026,952,076
development partners	2	-	-	-	-	-	-	5,206,919,613
Total Receipts		-	-	-	-	-	-	9,233,871,689
Payments								,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Purchase of Goods & Services Acquisition of non-financial	3	-	-	-	-	-	-	60,221,211
assets	4	-	-	-	-	-	-	9,173,650,478
Total Payments		-	-	-	-	-	-	9,233,871,689
Surplus/(Deficit) for the year		-	-	-	-			,200,071,009
The accounting policies and explan	natory n	otes to these	financial stat	ements are an	integral part of	f the financia	- I statements	-
Eng. Kungu Ndungu, MBS Director General	Eng. Henry Gakuru Director, Development CPA Chanje Kera Deputy Director (F&A)							
19 JUL 2024			19 JUL 202	4		ICPA	AK Member N JUL 2024	lo: 8279
Date		Dat				Date	and the state of t	

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Arusha-Namanga-Athi River Road Project Annual Report and Financial Statements for the financial year ended June 30, 2024

### 8. Statement of Financial Assets and Liabilities as at 30th June 2024

	Nata	2022/24	2022/22
	Note	2023/24	2022/23
		Kshs.	Kshs.
Financial Assets			
Cash and Cash Balances		-	-
Total Financial Assets (A)		_	-
Financial Liabilities			
Third Party Payables - Retentions		-	-
Total Financial Linkilities (D)			
Total Financial Liabilities (B)		-	-
Net Financial Assets (A-B)		-	-
Represented By: -			
Fund balance b/fwd		-	-
Surplus / (Deficit) for the year		-	-
Net Financial Assets		-	-

Eng. Kungu Ndungu), MBS Director General

Eng. Henry Gakuru Director, Development

CPA Chanje Kera Deputy Director (F&A) ICPAK Member No: 8279

	Nate	2023/24	2022/23
	Note	Kshs.	Kshs.
Cashflow from operating activities			
Receipts			
Transfers from Government entities			
GoK Counterpart Fund	1	-	
Total Receipts		-	
Payments			
Project operating costs	3	-	
Total Payments		-	
Net cash flow from operating activities		-	
Cashflow From Investing Activities			
Acquisition of road assets	4	-	
Net cash flows from Investing Activities		-	
Cashflow From Borrowing Activities			
Proceeds from Foreign Borrowings		-	
Net Proceeds from Foreign Borrowings		-	
Net cash flow from financing activities		-	
Net Increase In Cash And Cash Equivalent		_	
Cash & cash equivalent at Beginning of the year		-	
Cash and cash equivalent at End of the year		-	

## 9. Statement of Cash flows for the year ended 30<sup>th</sup> June 2024

	Original	Adjustments	Final	Actual on		%Var.	
Receipts/Payments	Budget	Aujustments	Budget	Comparable	Variance		
	a	b	c=a+b	d	e=c-d	f=d/c %	
	Kshs	Kshs	Kshs	Kshs	Kshs		
Receipts							
Transfers from Government entities	-	-	-	-	-		
Total Receipts	-	-	-	-	-		
Payments							
Acquisition of non- financial assets	-	-	-	-	-		
Total Payments	-	-	-	-	-		
Surplus or Deficit	-	-	-	-	-		

### 10. Statement of Comparison of Budget and Actual Amounts for the Year ended 30th June 2024

Note: The significant budget utilization/performance differences in the last column are explained in

Annex 2 to these financial statements, if any.

#### 11. Significant Accounting Policies

The principal accounting policies adopted in the preparation of these financial statements are set out below:

#### a) Statement of compliance and basis of preparation

The financial statements have been prepared in accordance with Cash-basis IPSAS financial reporting under the cash basis of accounting, as prescribed by the PSASB and set out in the accounting policy note below. This cash basis of accounting has been supplemented with accounting for; a) receivables that include imprests and salary advances and b) payables that include deposits and retentions. The financial statements comply with and conform to the form of presentation prescribed by the PSASB.

The accounting policies adopted have been consistently applied to all the years presented.

#### b) Reporting entity

The financial statements are for the Arusha-Namanga-Athi River Road Project under the Kenya National Highways Authority. The financial statements are for the Arusha-Namanga-Athi River Road Project as required by Section 81 of the PFM Act, 2012.

#### c) Reporting currency

The financial statements are presented in Kenya Shillings (Kshs), the project's functional and reporting currency. All values are rounded to the nearest Kenya Shilling.

#### **Recognition of receipts**

d)

The Arusha-Namanga-Athi River Road Project recognizes all receipts from various sources when an event occurs, and the related cash is received.

#### i) Transfers from the Exchequer

Transfers from the Exchequer are recognized in the books of accounts when cash is received. Cash is considered received when a payment instruction is issued to the bank and the receiving entity is notified.

#### ii) External Assistance

External assistance is monies received through grants and loans from multilateral and bilateral development partners.

#### iii) Other receipts

This includes Appropriation-in-Aid and relates to receipts such as proceeds from the disposal of assets and the sale of tender documents. These are recognized in the financial statements when associated cash is received.

#### iv) Donations and grants

Grants and donations shall be recognized in the books of accounts when cash is received. Cash is considered as received when payment advice is received by the recipient entity or by the beneficiary. In the case of a grant/donation in kind, such grants are recorded upon receipt of the grant item and its value determined. The transaction date is the value date indicated on the payment advice.

#### v) Proceeds from borrowing

Borrowing includes external loans acquired by the Project or any other debt the Project may take and will be treated on cash basis and recognized as a receipt during the year they were received.

#### vi) Undrawn external assistance

These are loans and grants at the reporting date specified in a binding agreement and relate to funding for the Project currently under development, where conditions have been satisfied, or their ongoing satisfaction is highly likely, and the project is anticipated to continue to completion. The funding summary analyzes the Project's undrawn external assistance.

#### e) Recognition of payments

The Project recognises all payments when the event occurs, and the related cash has been paid out by the Project.

#### i) Compensation of employees

Salaries, wages, Allowances, and Statutory Contributions for employees are recognized when the compensation is paid.

#### ii) Use of goods and services

Goods and services are recognized as payments when the goods/services are consumed and paid for. If not paid for when goods/services are consumed, they shall be disclosed as pending bills.

#### iii) Interest on borrowing

Borrowing costs that include interest are recognized as payment in the period in which they incur and paid for.

#### iv) Repayment of borrowing (principal amount)

Repayment of the principal amount of borrowing is recognized as payment in the period in which the repayment is made. The debt stock is disclosed as an annexure to the consolidated financial statements.

#### v) Acquisition of fixed assets

The payment on the acquisition of property plant and equipment items is not capitalized. The cost of acquisition and proceeds from disposal of these items are treated as payments and receipts items, respectively. Where an asset is acquired in a non-exchange transaction for nil or nominal consideration and the fair value of the asset can be reliably established, a contra transaction is recorded as a receipt and as a payment. A fixed asset register is maintained by each public entity, and a summary is provided for consolidation purposes. This summary is disclosed as an annexure to the consolidated financial statements.

#### f) In-kind donations

In-kind contributions are donations made to the Project in the form of actual goods and/or services rather than in money or cash terms. These donations may include vehicles, equipment, or personnel services. Where the financial value received for in-kind contributions can be reliably determined, the Project includes such value in the statement of receipts and payments both as receipts and as payments in equal and opposite amounts; otherwise, the contribution is not recorded.

#### g) Cash and cash equivalents

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. Bank account balances include amounts held at the Central Bank of Kenya and at various commercial banks at the end of the financial year. For the purposes of these financial statements, cash and cash equivalents also include short term cash imprests and advances to authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year.

#### h) Restriction on cash

Restricted cash represents amounts that are limited/restricted from being used to settle a liability for at least twelve months after the reporting period. This cash is limited for direct use as required by stipulation. Amounts maintained in deposit bank accounts are restricted for use in refunding third part deposits.

#### i) Imprests and Advances

For the purposes of these financial statements, imprests and advances to authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year is treated as receivables. This is in recognition of the government practice where the imprest payments are recognized as payments when fully accounted for by the imprest or AIE holders. This is an enhancement to the cash accounting policy. Other accounts receivables are disclosed in the financial statements.

#### j) Contingent Liabilities

A contingent liability is:

- a) A possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity; or
- b) A present obligation that arises from past events but is not recognised because:
  - i) It is not probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; or
  - ii) The amount of the obligation cannot be measured with sufficient reliability.

Some of contingent liabilities may arise from: litigation in progress, guarantees, indemnities. Letters of comfort/ support, insurance, Public - Private Partnerships,

The Entity does not recognize a contingent liability but discloses details of any contingencies in the notes to the financial statements unless the possibility of an outflow of resources embodying economic benefits or service potential is remote. There were no contingent liabilities in the year.

#### k) Contingent Assets

The Arusha-Namanga-Athi River Road Project does not recognize a contingent asset, but discloses details of a possible asset whose existence is contingent on the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of The Arusha-Namanga-Athi River Road Project in the notes to the financial statements. Contingent assets are assessed continually to ensure that developments are appropriately reflected in the financial statements. If it has become virtually certain that an inflow of economic benefits or service potential will arise and the asset's value can be measured reliably, the asset and the related revenue are recognized in the financial statements of the period in which the change occurs.

#### l) Pending bills

Pending bills consist of unpaid liabilities at the end of the financial year arising from contracted goods or services during the year or in past years. As pending bills do not involve the payment of cash in the reporting period, they are recorded as 'memorandum' or 'off-balance.' When the pending bills are finally settled, such payments are included in the statement of receipts and payments in the year in which the payments are made.

#### m) Budget

The budget is developed on a comparable accounting basis (cash basis), the same accounts classification basis (except for accounts receivable - outstanding imprest and clearance accounts and accounts payable - deposits, which are accounted for on an accrual basis), and for the same period as the financial statements. The Project's budget was approved as required by Law and National Treasury Regulations, as well as by the participating development partners, as detailed in the Government of Kenya Budget Printed Estimates for the year. The Development Projects are budgeted for under the MDAs but receive budgeted funds as transfers and account for them separately. These transfers are recognised as interentity transfers and are eliminated upon consolidation. A high-level assessment of the Project's actual performance against the comparable budget for the financial year/period under review has been included in an annex to these financial statements.

#### n) Third party payments

Included in the receipts and payments, are payments made on its behalf by to third parties in form of loans and grants. These payments do not constitute cash receipts and payments and are disclosed in the payment to third parties column in the statement of receipts and payments.

#### o) Exchange rate differences

The accounting records are maintained in the functional currency of the primary economic environment in which the Project operates (Kenya Shillings). Transactions in foreign currencies during the year/period are converted into functional currency using the exchange rates prevailing at the dates of the transactions. Any foreign exchange gains and losses resulting from the settlement of such transactions and from the translation at year-end exchange rates of monetary assets and liabilities denominated in foreign currencies are recognized in the statements of receipts and payments.

#### p) Comparative figures

Where necessary comparative figures for the previous financial year/period have been amended or reconfigured to conform to the required changes in financial statement presentation.

#### q) Subsequent events

There have been no events subsequent to the financial year/period end with a significant impact on the financial statements for the year ended June 30, 2024.

#### r) Prior period adjustments

Prior period adjustments relate to errors and other adjustments noted arising from previous year(s). Explanations and details of these prior period adjustments are presented in note xx of these financial statements.

#### 12. Notes to the Financial Statements

#### 1. Transfers from Government entities

These represent counterpart funding and other receipts from the government as follows:

Description	2023/24	2022/23	Cumulative
	Kshs	Kshs	' to-date
Counterpart funds Quarter 1	-	-	768,034,466
Counterpart funds Quarter 2	-	-	577,404,454
Counterpart funds Quarter 3	-	-	397,006,372
Counterpart funds Quarter 4	-	-	1,814,008,072
Sub- Total	-	-	3,556,453,364
RMLF Fund	-	-	470,498,712
TOTAL	-	-	4,026,952,076

#### 2. Loans from External Development Partners

The Project's financing agreement lapsed on 30<sup>th</sup> November 2014 and the project ended on 14th May 2015 hence no funding from development partners was received in form of loans negotiated by the National Treasury in the current FY (FY 2022/23 Kshs Nil). An accumulative amount of Kshs 5,206,919,613 was however utilized in the project.

#### 3. Purchase of Goods and Services

	F	FY 2023/202	FY 2022/2023		
Description	Payments made in Cash	Payments made by third parties	Total Payments	Total Payments	Cumulative to date
	Kshs	Kshs	Kshs	Kshs	Kshs
Domestic travel and subsistence	-	-	-	-	8,065,608
Advertising and Services	-	-	-	-	52,155,603
Total	-	-	-	-	60,221,211

## 4. Acquisition of Non-Financial Assets

	H	FY 2023/202	FY 2022/2023		
Description	Payments made in Cash	Payments made by third parties	Total Payments	Total Payments	Cumulative to date
	Kshs	Kshs	Kshs	Kshs	Kshs
Construction of road	-	-	-	-	8,167,252,343
Acquisition of land	-	-	-	-	1,006,398,135
Total	-	-	-	-	9,173,650,478

### Other Important Disclosures

## 5. Pending Accounts Payable (Annex 4)

Description	Balance b/f FY 2023/2024	Additions for the year	Paid during the year	Balance c/f FY 2023/2024
	Kshs	Kshs	Kshs	Kshs
Construction of Civil Works	83,344,955	-	-	83,344,955
Total	83,344,955	-	-	83,344,955

#### 13. Annexes

#### Annex 1 - Prior Year Auditor-General's Recommendations

Ref. No.	Issue / Observations from Auditor	Management comments	Status:	Timeframe :
1	Other Matter Pending Bills Note 1 under Other Important Disclosures and the supporting Annex 3 to the financial statements reflects pending bills balance in respect of road construction amounting to Kshs 83,344,955 as at 30 June 2023. Review of the project's records revealed that the entire balance of Kshs 83,344,955 was brought forward from the previous year. As previously reported, the Project therefore runs the risk of incurring significant interest costs and penalties with the continued delay in settling the bills Failure to settle the bills during the year in which they relate adversely affects the provisions of the subsequent year to which they have to be first charged	We agree with the audit observation that the project had outstanding bills amounting to Kshs 83,344,955. This is a result of: Exhaustion of Development Partner funds and subsequent lapse of credit agreement prior to completion of the project Insufficient exchequer budgets in the current as well as prior financial years The Authority, in conjunction with the Parent Ministry will endeavor to provide adequate budgetary provisions in subsequent financial years to facilitate settlement of the entire pending bill.	Not Resolved	Ongoing

Eng. Kungu Ndungu, MBS Director General

19 JUL 2024

Date

Eng. Henry Gakuru Director, Development

19 JUL 2024

Date

Annual Report and Financial Statements for the financial year ended June 30, 2024

. "Z"	Final Budget	Actual on Comparable Basis	Budget Utilization Difference	% of Utilization	Comments on Variance (below 90% and over 100%)
and the second	a	b	c=a-b	d=b/a %	
Receipts					
Transfers from Government entities	-	-	-	-	Project Completed
Total receipts	-	-	-	-	
Payments					
Acquisition of non-financial assets	-	-	-	-	Project Completed
Total payments	-	-	-	-	•

Annex 3 - F	Reconciliation	<b>Of Inter-</b>	Entity '	<b>Fransfers</b>
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	Break down of Transfers from the State Department of Roads						
	Bank Statement Date	Amount (KShs)	Indicate the FY to which the amounts relate				
a.	Government Counterpart Funding						
	Total	-					
b.		-					
			-				
	NONE	-					
	Total	-					
с.	Others						
		-					
	NONE	-					
	Total	-					
	TOTAL(a+b+c)	-					

Eng. Kungu Ndunga, MBS Director General

19 JUL 2024

Date

CPA Chanje Kera **Deputy Director (F&A)** 

**ICPAK Member No: 8279** 

5

19 JUL 2024

Date

Arusha-Namanga-Athi River Road Project Annual Report and Financial Statements for the financial year ended June 30, 2024

### Annex 4 - Analysis of Pending Bills

Supplier of Goods or Services	Date Invoiced	Original Amount	Amount Paid To- Date	Outstanding Balance FY 2023/24	Outstanding Balance FY 2022/23	Comments
	b	а	с	d=a-c		
		Kshs	Kshs	Kshs	Kshs	
Construction of roads						
China N.O. Eng. Co. Ltd	06/10/2014	25,970,492	-	25,970,492	25,970,492	IPC No. 41
China N.O. Eng. Co. Ltd	29/03/2016	57,168,988	-	57,168,988	57,168,988	IPC No. 49
China N.O. Eng. Co. Ltd	26/01/2018	2,648,347	2,442,872	205,474	205,474	IPC No. 4
Sub-Total		85,787,827	2,442,872	83,344,955	83,344,955	
Supply of Services	-					
Sub-Total		-	-			
Grand Total		85,787,827	2,442,872	83,344,955	83,344,955	

## Annex 5 – Summary of Fixed Assets Register

	Opening Cost Donations in form of assets (KShs)		Purchases/Additions in the Year	Disposals in the Year	Transfers in/(out)	Closing Cost
Asset class	(KShs) 2023/24	(KShs) 2023/24	(KShs) 2023/24	(KShs) 2023/24	(KShs) 2023/24	(KShs) 2023/24
	(a)		(b)	(c)		(d)= (a)+ (b)- (c)
Infrastructure Assets	8,167,252,343	-	-	-	-	8,167,252,343
Land	1,006,398,135	-	· -	-	-	1,006,398,135
Total	9,173,650,478	-	-	-	-	9,173,650,478