

13/10/2011

REPUBLIC OF KENYA



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KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION

.....

DEPARTMENTAL COMMITTEE ON TRANSPORT PUBLIC WORKS AND
HOUSING

.....

REPORT OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT,
PUBLIC WORKS AND HOUSING ON THE NATIONAL CONSTRUCTION
AUTHORITY BILL, 2011

.....

Clerk's Chambers
National Assembly
NAIROBI

OCTOBER 2011

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PREFACE

The Departmental Committee on Transport, Public Works and Housing was constituted pursuant to provisions of Standing Order No. 198 and mandated to among other things, investigate , inquire into and report on all matters relating to the mandate, management , activities, administration , operations and estimates of the assigned Ministries and departments. The Committee is also mandated **to study and review all legislation referred to it and make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.**

The Members of the Committee are:-

- i. Hon. David Were, M.P.- **Chairperson**
- ii. Hon. Isaac Muoki, M.P. – **Vice - Chairperson**
- iii. Hon. Edwin Yinda, M.P.
- iv. Hon. Yusuf K. Chanzu, M.P.
- v. Hon. (Dr.) Wilbur Otichilo, M.P.
- vi. Hon. Clement Wambugu, M.P.
- vii. Hon. Benjamin Langat. M.P
- viii. Hon. Joseph Kiuna, M.P.
- ix. Hon. Boaz Kaino, M.P.

The National Construction Authority Bill, 2011 was moved by the Minister for Public Works. It was read a first time on 10th May 2011 and committed to the Committee. Debate on the Second reading commenced on 24th May 2011 and was concluded on 25th May 2011.

This Report contains the amendments proposed by Committee members and stakeholders. It is my pleasure to present the report to the House.

**HON. DAVID WERE, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON TRANSPORT,
PUBLIC WORKS & HOUSING**

CONSIDERATION OF THE NATIONAL CONSTRUCTION AUTHORITY BILL, 2011

On 7th June 2011, the Committee with the assistance of Parliamentary Legal Counsel, considered the Bill by itself, before meeting with the stakeholders. Members proposed several amendments which have been included in the Report.

On 9th June 2011, the Committee considered the Bill in a meeting attended by representatives of the Kenya Federation of Master Builders. The representatives of the Federation made several proposals for amendment, some of which have been encompassed in the Committee's proposals.

On 16th August 2011, the Committee considered the Bill in a meeting attended by the Minister for Public works.

PROPOSED AMENDMENTS BY THE KENYA FEDERATION OF MASTER BUILDERS

Clause 4 should remain with the addition that may establish branches at the regional level

Clause 5(e)-Add the word "construction" between "of" and "services" to clarify that it is not consultancy services

Clause 5(f) Delete the words "consultancy and"

Clause 7(a) should read, “a chairperson, who shall be appointed by the Board members appointed under paragraph (f)”

Introduce **Clause 7(b)**, a vice chairman, who shall be appointed by the Board members appointed under paragraph (f)

Clause 7(g) which becomes **clause 7(h)**; first word should be amended to read “two”

Clause 7(4)-the qualifications under (1f) should be KSCE and at least Higher National Diploma holder in a recognized construction discipline with at least 5 years experience

Part III

Clauses 14(1) add at the end of the sentence “and is a current member of his institutional association.”

Clause 16 (3b) –Remove all words from “is authorized to up to the word or” and replace them with “declares interest during application for registration and does not carry out both functions of consultancy and construction in the same project”

Clause 21(9b) either the word “authority” or “registrar” is missing between the words “the” and “to”

Clause 32 (2d) change 26 to read 28

First Schedule Part 1(4)- delete Law Society of Kenya and replace with “Institute of certified public accountants of Kenya”, as the Board would need guidance on accounting procedures.

Second Schedule Part 1-Replace the word “two” on second line with “three”

Second Schedule Part 4- rephrase the sentence to read “The chairperson shall preside at every meeting of the Board at which he/she is present or the vice chairperson in his/her absence. In the absence of both, the members present shall elect one among their number to preside, and such a member shall, as concerns that meeting, have all powers of the chairperson.”

PROPOSED AMENDMENTS DURING THE MEETING HELD ON 16TH AUGUST WITH THE MINISTER FOR PUBLIC WORKS

1. Clause 2: Insert definition of “Commission”. Following deletion of definition of “Committee”.
2. Clause 4: replace “branches” with “offices”
3. Clause 5:
 - a. (m) Drafters to confirm if it is provided elsewhere therefore, repeated. If repeated delete.
 - (n) to look into the possibility of replacing 5(3) with n or leave it as it is. Committee to decide/drafters to draft it in the best way possible
 - c. delete – its repetitive
4. Clause 6 (1): delete “establish or expand” – and insert “facilitate and promote” drafters to get right wording for clarity.
5. Clause 7(1) (a) Typing error. Delete “to” after shall (in the Bill)
Clause 7(1) (b) Typing error. Insert “being” after “time” (in the Bill)
Clause 7(1) (c) Typing error. Insert “being” after “time” (in the Bill)
6. Clause 7 (a) Committee amendment be deleted.
Clause 7 (b) (1A) replace “regional balance” with “national outlook”

- Subclause 7 (4) replace “a minimum of diploma in a relevant field” with “a minimum of higher national diploma in the relevant field”
- Clause 7(3) to insert commas after (b) and after (c)
7. Clause 10: Insert “and” between salaries and remuneration commission.
In Committee amendments.
Clause 10: Delete the “I” after 10 in the Bill.
 8. New Clause 13: (2) insert “a “after such” in Committee amendments.
 9. Clause 16(b): to insert “unless expressly specified” after “project” in Committee amendments.
 10. Clause 21(7) (b) delete “than” after “not exceeding...” in the Bill.
 11. Clause 21(9) (b) insert “contractor” after “direct the” in the Bill.
 12. Clause 24: typing error in “within thirty days.....” In Committee’s amendments.
 13. Clause 40: “(f) a code of conduct to regulate the professional conduct of contractors” in Committee’s amendments – Drafters to verify whether the amendment contradicts with the functions of the Authority.

SUMMARY OF PROPOSED AMENDMENTS

THE NATIONAL CONSTRUCTION AUTHORITY BILL, 2011

COMMITTEE STAGE AMENDMENTS

NOTICE is given that the Member for Matungu and Chairman of the Departmental Committee on Transport, Public Works and Housing (Hon. David Were, MP) intends to move the following amendments to the National Construction Bill, 2011 at the Committee Stage-

CLAUSE 2

THAT, clause 2 be amended by deleting the definition of “committee.

CLAUSE 4

THAT, clause 4 be amended by renumbering the existing provision as subclause (1) and inserting a new subclause (2) as follows-

“(2) The Authority may establish such other “Offices” anywhere in Kenya as it may consider necessary for the discharge of its functions.

CLAUSE 5

THAT, clause 5 be amended in subclause (2),

(a) by inserting the following new paragraphs immediately after paragraph (L)-

(m) develop and publish a code of conduct for the construction industry;

(n) do all other things that may be necessary for the better carrying out of its functions under the Act.

(b) by deleting subclause (3);

(c) by inserting the words “construction” immediately before the word “of” in paragraph (e).

CLAUSE 6

THAT, clause 6 be amended -

- (a) by deleting the word “to” appearing immediately after the word “power”
- (b) by inserting the word “to” immediately before the word “award” appearing in paragraph (a)
- (c) by deleting the words “establish and expand” appearing in paragraph (c) and substituting therefor the word “facilitate”;

CLAUSE 7

THAT, clause 7 be amended-

- (d) in subclause (1)-
 - (i) by deleting the word “to” appearing in paragraph (a) ;
 - (ii) by inserting the word “being” immediately after the word “time” in paragraph (b);
 - (iii) by inserting the word “being” immediately after the word “time” in paragraph (c)
- (e) by inserting the following new paragraph immediately after paragraph (e)-
 - “the Permanent Secretary of the ministry for the time being responsible for Housing”;
- (f) by deleting the word “seven” appearing in paragraph (f) and substituting therefor the word “six”;
- (g) by deleting the words “one member” appearing in paragraph (g) and substituting therefor the word “two members”

(h) by inserting the following new subclause immediately after subclause (1)—

“(1A) in appointing persons as members, the Minister shall have regard to the principle of gender, equity and regional balance”;

(i) in subclause (3)-

(i) by inserting a “coma” immediately after the figure “(b)” and figure “(c)”;

(ii) by deleting the word “and” appearing after the figure “(c)”;

(j) in subclause (4), by deleting the word “Kenya Certificate of Secondary Education” and substituting therefor the word “ a minimum of a Higher National Diploma in a relevant field”.

CLAUSE 10

THAT, the Bill be amended by deleting clause 10 and substituting therefor the following new clause-

10. There shall be paid to the members of the Board such remuneration, fees or allowances as the Minister, in consultation with the Salaries and Remuneration Commission, may determine.

CLAUSE 12

THAT, clause 12 be amended in subclause (1), by inserting the words “competitively recruited and” immediately after the words “shall be”

NEW CLAUSE 13

THAT, the Bill be amended by inserting the following new clauses immediately after clause 13—

13A (1) The Board may co-opt such experts and consultants as may be necessary to assist in the discharge of its functions;

(2) The Board may establish such committees as may be necessary for the performance of its functions and may, subject to the provisions of this Act, delegate powers conferred on it to such committees.

CLAUSE 14

THAT, clause 14 be amended by inserting the following new subclause immediately after subclause (2)—

“(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one million shilling or to imprisonment for a term not exceeding three years or to both and, in the case of a continuing offence, to a fine not exceeding one hundred thousand shilling for every day or part thereof during which the offence continues after conviction.”

CLAUSE 16

THAT, clause 16 be amended-

(a) in subsection (3) by deleting the words “ is authorized to seek such registration by the respective registration board” appearing in paragraph (b) and substituting therefor with the words “declares interest during application for registration and does not carry out functions of consultancy and construction in the same project unless expressly specified”

(b) by inserting a new subclause immediately after subclause (3) as follows-

(3A) The Board shall where it refuses to register a person under subsection (3) communicate in writing its decision to the person within fourteen days of the date of its decision and shall state the reasons for the refusal of registration.

CLAUSE 21

THAT, clause 21 be amended -

(a) in subclause (7) by deleting the word “than” appearing after the word “exceeding”

(b) in subclause (9) by inserting the word “contractor” immediately after the word “direct” appearing in paragraph (b).

CLAUSE 22

THAT, clause 22 be amended by inserting the following subclause immediately after subclause (2) –

(3) The Board shall communicate its decision under subclause (1) to the suspended contractor in writing, not later than fourteen days, from the date of the decision.”

CLAUSE 24

THAT, clause 24 be amended in subclause (4) by inserting the words “within thirty days from the date of the decision of the Board” immediately after the word “may”

CLAUSE 25

THAT, clause 25 be amended in subclause (4) by inserting the words “within thirty days from the date of the decision of the Appeals Board” after the word “may”.

FIRST SCHEDULE

THAT, the First Schedule to the Bill be amended in Part 1-

(a) by deleting the word “institution” appearing in paragraph 2 and substituting thereof the word “Institute”;

(b) by deleting paragraph 4.

SECOND SCHEDULE

THAT, the Second Schedule to the Bill be amended-

(a) by deleting paragraph (1) and substituting therefore the following new paragraph –

“(a) The Board shall meet at most six times every financial year and not more than three months shall elapse between one meeting and the next meeting”.

(b) by inserting the following new paragraph immediately after paragraph (2)-

(2A) The members of the Board shall, at the first meeting of the Board, elect from amongst their number, a vice-chairperson.

(c) in paragraph (4) by deleting the words “in the absence of the chairperson” and substituting thereof the words “in his absence, the vice-chairperson shall preside”

HON. DAVID WERE, MP

MINUTES

MINUTES OF THE 102ND SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING HELD ON TUESDAY, 16TH AUGUST 2011, IN THE COMMITTEE ROOM ON 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 10:30AM

PRESENT

Hon. David Were, M.P. – Chairperson
Hon. Isaac Muoki, M.P. – Vice - Chairperson
Hon. Edwin Yinda, M.P.
Hon. (Dr.) Wilbur Ottichilo, M.P.
Hon. Joseph Kiuna, M.P.
Hon. Clement Wambugu, M.P.
Hon. Yusuf K. Chanzu, M.P.
Hon. Benjamin Langat. M.P.
Hon. Boaz Kaino, M.P.

ABSENT

Hon. Mohammed Gabbow, M.P.

IN ATTENDANCE

Hon. Eng. Nicolas Gumbo, M.P.

IN ATTENDANCE

MINISTRY OF PUBLIC WORKS

Hon. Mwangi Kiunjuri, MP	-	Assistant Minister
Prof. John Lonyangapuo	-	Permanent Secretary
Arch. Francis K. Njuguna	-	Ag. PSA
QS Moses A. Nyakiongora	-	Chief Quantity Surveyor
Eng. Weche R. Okubo	-	Chief Engineer-ME
Arch. Dr. Gideon Mulyungi	-	Works Secretary
Arch. Aidah Munano	-	DCA

IN ATTENDANCE

MINISTRY OF ROADS

Eng. Gilbert M. Arasa	-	Executive Engineer
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IN ATTENDANCE

NATIONAL ASSEMBLY

Ms. Racheal Kairu	-	Clerk Assistant
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MIN. NO. 530/2009-2012

PRELIMINARY

The Sitting commenced with a word of prayer from the Chair.

MIN. NO. 531/2009-2012

MEETING WITH THE MINISTER FOR PUBLIC WORKS

The Chair welcomed the Assistant Minister for Public Works and thereafter briefly stated the purpose of the meeting, which he said was for the Committee to share

with the Ministry its proposed amendments to the National Construction Authority Bill, 2011.

The amendments by the Committee, the Ministry and Hon. Eng. Nicolas Gumbo, MP were circulated and thereafter the Meeting went through them as well as the Bill. The following amendments were made to the Bill and to the Committee amendments dated 16th August 2011. The meeting resolved that:-

- i. **Clause 2:** Definition of “Commission” be inserted. This is following deletion of the definition of “Committee”.
- ii. **Clause 4:** “branches” be replaced with “offices”.
- iii. **Clause 5:**
 - a. (m) Drafters to confirm if the role is provided elsewhere in the Bill therefore, repeated. If repeated, be deleted.
 - (n) Drafters to look into the possibility of either replacing 5(3) with (n) or let the status quo remain.
 - c. To delete as it is repetitive.
- iv. **Clause 6 (1):** Delete “establish or expand” and insert “facilitate and promote” Drafters to get right wording for clarity.
- v. **Clause 7(1) (a):** Typing error. Delete “to” after shall in the Bill.
Clause 7(1) (b): Typing error. Insert “being” after “time” in the Bill.
Clause 7(1) (c): Typing error. Insert “being” after “time” in the Bill.
- vi. **Clause 7 (a):** Committee amendment be deleted.
Clause 7 (b) (1A): Replace “regional balance” with “national outlook”
Subclause 7 (4): Replace “a minimum of diploma in a relevant field” with “a minimum of higher national diploma in the relevant field”
Clause 7(3): Insert commas after (b) and (c) respectively.
- vii. **Clause 10:** Insert “and” between salaries and remuneration commission in Committee amendments.
Clause 10: Delete the “1” after “10” in the Bill.
- viii. **New Clause 13: (2)** Insert “a “after such” in Committee amendments.
- ix. **Clause 16(b):** Insert “unless expressly specified” after “project” in Committee amendments.
- x. **Clause 21(7) (b):** Delete “than” after “not exceeding...” in the Bill.
- xi. **Clause 21(9) (b):** Insert “contractor” after “direct the” in the Bill.
- xii. **Clause 24:** Typing error in “within thirty days...” In Committee’s amendments.
- xiii. **Clause 40:** “(f) a code of conduct to regulate the professional conduct of contractors” in Committee’s amendments. Drafters to verify whether the amendment contradicts the functions of the Authority.

The following amendment was made to the Ministry’s amendments:-

Enforcement and Investigation

- i. **Clause 21(1):** insert “relevant professional” between “of” and “investigating officers”

MIN. NO. 532/2009-2012

ADJOURNMENT OF THE MEETING

There being no other business for consideration, the meeting was adjourned at 2.00pm

SIGNED _____
CHAIRPERSON

DATE 23/08/2011

MINUTES OF THE 100TH SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING HELD ON TUESDAY, 9TH AUGUST 2011, IN THE COMMITTEE ROOM ON 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10:00AM

PRESENT

Hon. Isaac Muoki, M.P. – Vice - Chairperson
Hon. Joseph Kiuna, M.P.
Hon. Edwin Yinda, M.P.
Hon. (Dr.) Wilbur Ottichilo, M.P.
Hon. Clement Wambugu, M.P.
Hon. Mohammed Gabbow, M.P

ABSENT WITH APOLOGY

Hon. David Were, M.P.- Chairperson
Hon. Yusuf K. Chanzu, M.P.
Hon. Walter Nyambati, M.P.

ABSENT

Hon. Benjamin Langat. M.P
Hon. Boaz Kaino, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

Ms. Racheal Kairu - Clerk Assistant
Ms. Josephine Kusinyi - Clerk Assistant

MIN. NO. 521/2009-2012

PRELIMINARIES

The Sitting commenced with a word of prayer from the Vice-Chair. Thereafter, Members adopted the agenda of the meeting.

MIN. NO. 522/2009-2012

CONFIRMATION OF MINUTES

This was deferred to Wednesday, 10th August 2011 at 11:00am

MIN. NO. 523/2009-2012

CONSIDERATION OF AMENDMENTS TO THE NATIONAL CONSTRUCTION AUTHORITY BILL, 2011

Members considered the submission by the Kenya Federation of Master Builders and adopted the following amendments:

- i. The word “Minister”- Wherever used in the Bill should be amended to read “Cabinet Secretary” in line with the new constitution.
- ii. **Clause 5(e)** - Insert the word “construction” between “of” and “services” to clarify that it is not consultancy services.

- iii. **Clause 7(a)** should read, "a Chairperson, who shall be appointed by the Board Members appointed under paragraph (f)".
- iv. Introduce **Clause 7(b)** - a Vice Chairperson, who shall be appointed by the Board Members appointed under paragraph (f).
- v. **Clause 7(g)** which becomes **clause 7(h)**; The word "one" be amended to read "two".
- vi. **Clauses 14(1)**; Insert "and is a current member of his institutional association" at the end of the sentence.
- vii. **Clause 16 (3b)** - Delete all words from "is authorized to up to the word or" and replace them with "declares interest during application for registration and does not carry out both functions of consultancy and construction in the same project".
- viii. **Clause 21(9b)** - Insert the word "authority" or "registrar" between the words "the" and "to".
- ix. **Clause 32 (2d)** - Amend 26 to read 28.
- x. **First Schedule Part 1(4)** - Delete "Law Society of Kenya" and replace with "Institute of Certified Public Accountants of Kenya", as the Board would need guidance on accounting procedures.
- xi. **Second Schedule Part 1** - Replace the word "two" on second line with "three"
- xii. **Second Schedule Part 4** - Rephrase the sentence to read "The chairperson shall preside at every meeting of the Board at which he/she is present or the vice chairperson in his/her absence. In the absence of both, the members present shall elect one among their number to preside, and such a member shall, as concerns that meeting, have all powers of the chairperson."

MIN. NO. 524 /2009-2012 ADJOURNMENT OF THE MEETING

There being no other business for consideration, the meeting was adjourned at Quarter to Noon.

SIGNED _____
CHAIRPERSON

DATE 23 | 07 | 2011

MINUTES OF THE 89TH SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING HELD ON THURSDAY, 16TH JUNE 2011 IN THE COMMITTEE ROOM ON 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10:20 AM.

PRESENT

Hon. David Were, M.P. – Chairperson
Hon. Isaac Muoki, M.P. – Vice - Chairperson
Hon. Edwin Yinda, M.P.
Hon. Yusuf K. Chanzu, M.P.
Hon. (Dr.) Wilbur Ottichilo, M.P.
Hon. Joseph Kiuna, M.P.
Hon. Benjamin Langat, M.P.
Hon. Clement Wambugu, M.P.

ABSENT WITH APOLOGY

Hon. Walter Nyambati, M.P.
Hon. Mohammed Gabbow, M.P.
Hon. Boaz Kaino, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

Ms. Rachel Kairu - Clerk Assistant
Ms. Vane Akama - Legal Officer

MIN. NO.450/2009-2012

PRELIMINARIES

The Sitting commenced with a word of prayer from the Chair.

MIN.NO.451/2009-2012

AMENDMENTS TO THE NATIONAL
CONSTRUCTION AUTHORITY BILL, 2011

The Committee went through the proposed amendments to the Bill with the assistance of the Legal Counsel and made further amendments as follows;

CLAUSE 5 be amended in sub clause (2), by inserting the following new paragraphs immediately after paragraph (L)-

- (m) develop and publish a code of conduct for the construction industry;
- (n) do all other things that may be necessary for the better carrying out of its functions under the Act.

CLAUSE 7 be amended-

- (a) in sub clause (c)
 - (i) by inserting the following new paragraph immediately after paragraph (e)-
“the Permanent Secretary of the ministry for the time being responsible for Housing”;
 - (ii) by deleting the word “seven” appearing in paragraph (f) and substituting therefor the word “six”;
 - (iii) by deleting the words “one member” appearing in paragraph (g) and substituting therefor the word “two members”

- (b) by inserting the following new sub clause immediately after sub clause (1)—
“(1A) in appointing persons as members, the Minister shall have regard to the principle of gender, equity and regional balance”;
- (c) in sub clause (4), by deleting the word “Kenya Certificate of Secondary Education” and substituting therefor the word “a minimum of diploma in a relevant field”;

NEW CLAUSE 13, the Bill be amended by inserting the following new Clauses immediately after clause 13—

13A (1) The Board may co-opt such experts and consultants as may be necessary to assist in the discharge of its functions;

(2) The Board may establish such committees as may be necessary for the performance of its functions and may, subject to the provisions of this Act, delegate powers conferred on it to such committee.

CLAUSE 14 be amended by inserting the following new sub clause immediately after sub clause (2)—

“(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one million shilling or to imprisonment for a term not exceeding three years or to both and, in the case of a continuing offence, to a fine not exceeding one hundred thousand shilling for every day or part thereof during which the offence continues after conviction.

CLAUSE 16 be amended by inserting a new sub clause immediately after sub clause (3) as follows-

(3A) The Board shall where it refuses to register a person under subsection (3) communicate in writing its decision to the person within fourteen days of the date of its decision and shall state the reasons for the refusal of registration.

CLAUSE 24 be amended in sub clause (4) by inserting the words “within thirty days from the date of the decision of the Board” immediately after the word “may”

CLAUSE 25 be amended in sub clause (4) by inserting the words “within thirty days from the date of the decision of the Appeals Board” after the word “may”.

CLAUSE 40 be amended, in sub clause (2) by inserting the following paragraph immediately after paragraph (f) –“a code of conduct to regulate the professional conduct of contractors”

MIN. NO.452/2009-2012

ANY OTHER BUSINESS

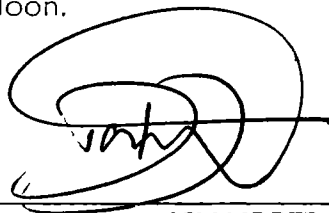
- i. The Committee resolved to meet the Managing Director, Kenya Airways at a date to be agreed upon.
- ii. Members expressed concern over the poor quality of buildings in the Country, especially in Nairobi citing a recent case in Embakasi, whereby 3 people lost their

lives after a building under construction collapsed. Members proposed to investigate the matter.

MIN. NO.453/2009-2012

ADJOURNMENT OF THE MEETING

There being no other business for consideration, the Chair adjourned the meeting at Fifteen Minutes past Noon.



SIGNED _____

(CHAIRPERSON)

DATE _____

18/08/2011

MINUTES OF THE 85TH SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING HELD ON THURSDAY, 9TH JUNE 2011, IN THE COMMITTEE ROOM ON 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10:30 AM

PRESENT

Hon. David Were, M.P.- Chairperson
Hon. Edwin Yinda, M.P.
Hon. Yusuf K. Chanzu, M.P.
Hon. Clement Wambugu, M.P.
Hon. Mohammed Gabbow, M.P.
Hon. Boaz Kaino, M.P.

ABSENT WITH APOLOGY

Hon. Isaac Muoki, M.P. – Vice - Chairperson
Hon. (Dr.) Wilbur Otichilo, M.P.
Hon. Walter Nyambati, M.P.
Hon. Benjamin Langat, M.P.
Hon. Joseph Kiuna, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

Ms. Josephine Kusinyi - Clerk Assistant

IN ATTENDANCE

KENYA FEDERATION OF MASTER BUILDERS

Mr. Moses Muihia - National Coordinator
Mr. Muchai Thiaka - Contractor

MIN.NO. 424/2009-2012

PRELIMINARIES

The Sitting commenced with a word of prayer from the Chair. He then invited the National Coordinator, Federation of Master Builders to present the federation's views on the National Construction Authority Bill, 2011.

MIN.NO.425/2009-2012

MEETING WITH THE KENYA FEDERATION OF MASTER BUILDERS

The National Coordinator informed Members that:

- i. The Kenya Federation of Master Builders is the umbrella organization of indigenous and other local SME's in all trades of the construction industry in Kenya.
- ii. The National Construction Authority Bill was initially drafted by the organization and handed over to the Minister for Public Works. The Bill is specifically meant to:-
 - a) Regulate the construction industry.
 - b) Have in place an independent registrar of contractors.
 - c) Formulate ways and means to assist the SME's in the provision of bid

securities, performance bonds and access to affordable credit.
d) Carry out research and train members in the industry.

- iii. The Authority should be housed at Ujenzi House, which was constructed by contractors' funds. These monies were fully recovered by the Government from the contractors.

MIN.NO. 426/2009-2012

DELIBERATIONS

- i. Clause 7, subclause dealing with the appointment of the Board, the National Coordinator, Federation of Master Builders stated that the Ministries involved were too many and therefore should be reduced. He added that the Ministry of Energy should be included. However, the LSK could be deleted as the Authority could hire its own lawyers.
- ii. The Authority needs to be run by professionals such as managers, not just contractors. Board members should therefore be well qualified to drive the Authority.
- iii. Currently, most contractors were frustrated by the level of corruption in the various Government offices. With the passing of the Bill, intimidation by civil servants would come to an end.
- iv. The Ministry of Road's Mechanical Department has equipment that could be used by contractors, however due to lack of maintenance, these equipment is almost non usable. The National Construction Authority could import equipment and lease out to contractors at a fee.

MIN.NO. 427/2009-2012

ANY OTHER BUSINESS

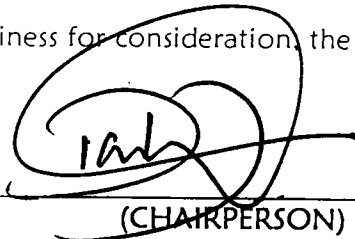
Members were informed by the Chair that the meeting with the Minister for Roads would be on Wednesday, 14th June 2011, at 11:00am

MIN.NO. 428/2009-2012

ADJOURNMENT OF THE MEETING

There being no other business for consideration, the meeting was adjourned at Noon.

SIGNED _____



(CHAIRPERSON)

DATE _____

18/8/2011

