

Approved for tabling

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21/3/17*



REPUBLIC OF KENYA



*PAPER LAID
BY THE CHAIR
NG-CDF / Hon. Moses
Jesse
Tuesday 21/3/17*

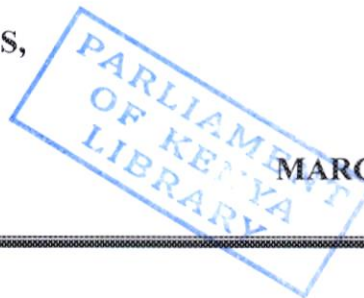
THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FIFTH SESSION

SELECT COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND

REPORT ON THE VETTING OF NOMINEE FOR APPOINTMENT AS THE
CHIEF EXECUTIVE OFFICER OF THE NATIONAL GOVERNMENT
CONSTITUENCIES DEVELOPMENT FUND.

DIRECTORATE OF COMMITTEE SERVICES,
CLERKS CHAMBERS,
PARLIAMENT BUILDINGS
NAIROBI



MARCH, 2017



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ABBREVIATIONS

CID	-	Criminal Investigation Department
EACC	-	Ethics and Anti-Corruption Commission
HELB	-	Higher Education Loans Board
HR	-	Human Resource
KRA	-	Kenya Revenue Authority
LTD	-	Limited
MBA	-	Masters of Business Administration
NGCDF	-	National Government Constituencies Development Fund
CEO	-	Chief Executive Officer
CDF		Constituencies Development Fund

CHAIRPERSON'S FOREWORD

On Thursday 2nd March, 2017 the Speaker of the National Assembly conveyed a message from the Cabinet Secretary, Ministry of Devolution & Planning regarding the nomination of Mr. Wilfred Buyema for appointment as the Chief Executive Officer, National Government Constituencies Development Fund.

The name of the nominee including his curriculum vitae was referred to the Select Committee on National Government Constituencies Development Fund to undertake the necessary approval hearings and table its report on or before 21st March, 2017.

The Committee conducted the approval hearings on 16th March, 2017 and received five memoranda following a request made in an advert in the local dailies for submission of memoranda on the suitability or otherwise of the nominee. The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its Sittings. The Committee wishes to thank all the stakeholders for their participation in the approval hearing process. Finally, I wish to express my appreciation to the Honourable Members of the Committee who sacrificed their time to participate in the activities of the Committee and preparation of this Report.

It is therefore my pleasant duty and privilege, on behalf of the Select Committee on National Government Constituencies Development, to table its Report in the House on the vetting of Mr. Wilfred Buyema, nominee for appointment as the Chief Executive Officer NGCDF pursuant to Section 20(1) of the NGCDF Act, 2016.

Signed

 Date 20th March, 2017.

HON. MOSES LESSONET, MP – CHAIRPERSON

**SELECT COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND**

EXECUTIVE SUMMARY

This report contains the Committee's proceedings of the approval hearings of Mr. Wilfred Buyema for appointment as the Chief Executive Officer, NGCDF.

Pursuant to the provisions of Section 20(1) of the National Government Constituencies Development Fund Act, 2015; Regulations 4 of the National Government Constituencies Development Fund Regulations, 2016; and Section 5(1) of the Public Appointments (Parliamentary approval) Act, 2011, on 2nd March, 2017, the Speaker received the Message from the Cabinet Secretary Ministry of Devolution and Planning the requesting the House to approve the appointment of Mr. Wilfred Buyema as the Chief Executive Officer of the National Government Constituencies Development Fund.

Regulations 4(2) of the NGCDF Regulations, 2016 requires the NGCDF Board to forward to the Cabinet Secretary for Devolution & Planning three names of selected candidates, from among whom the Cabinet Secretary nominates one and notifies the National Assembly on the same. Section 20(1) of the NGCDF Act, 2015 requires the nominee for appointment as the CEO of the said Fund to be vetted and approved by the House before appointment.

On Thursday 16th March, 2017 the Committee vetted the nominee based on the criteria set out in Section 20(1) of the NGCDF, Public Appointments (Parliamentary Approval) Act of 2011 and the NGCDF Regulations, 2016. The Committee received memoranda from Hon. Moses Muihia, Samson Matoke Nyagaka, Kibet Langat Ezra, Joseph Ochieng Aera and Rev. Rose Mbula Kioko. The Committee observed that the recruitment process was not conducted in the manner prescribed under the law. The Committee resolved to reject the nominee and conduct the recruitment process afresh.

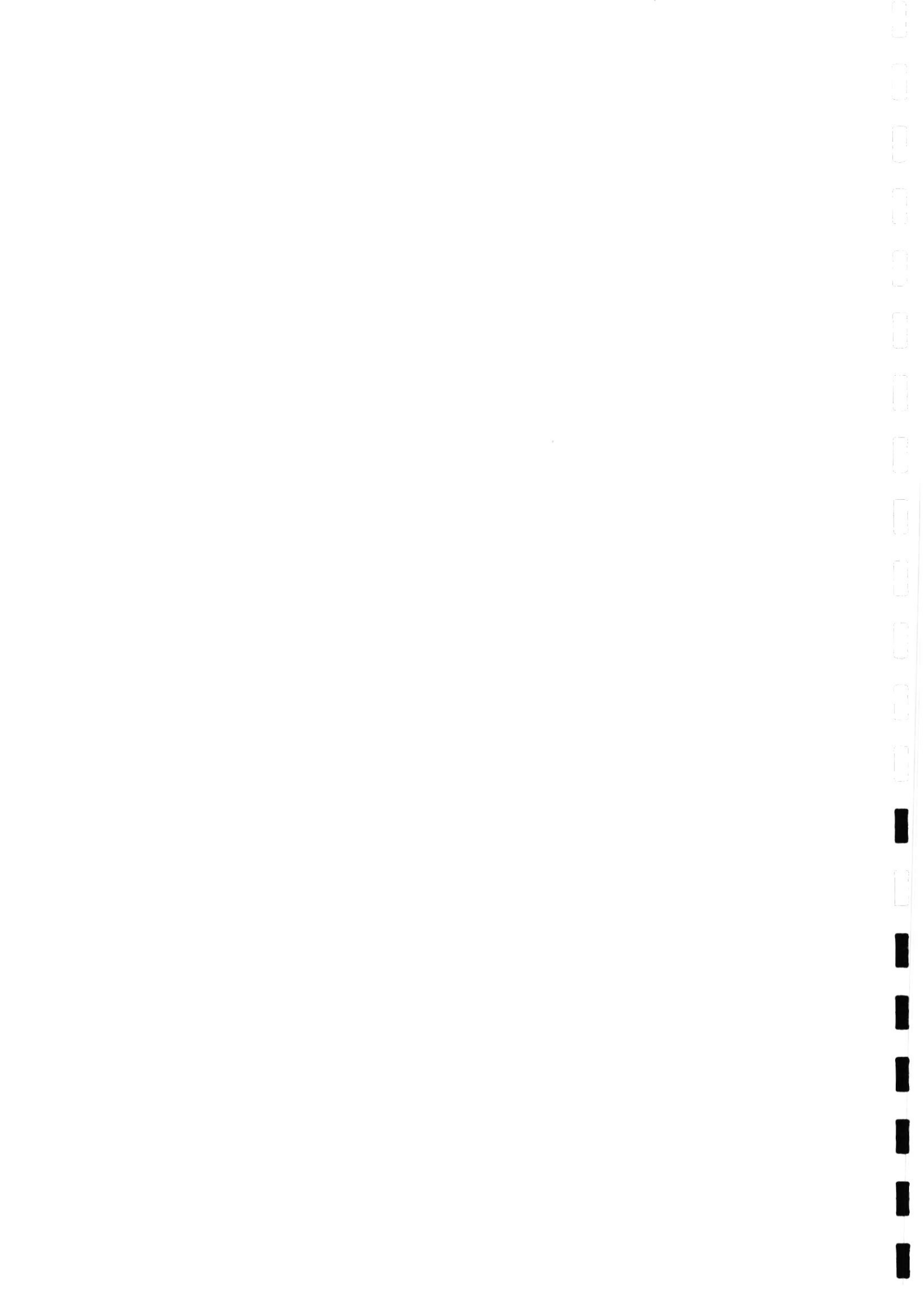
MANDATE OF THE COMMITTEE

Section 50 of the Constituencies Development Fund Act, 2015, expounds on the mandate of the Committee, and states that:-

(5) The functions of the National Assembly Select Committee are —

- a) to oversee the implementation of this Act and in this respect, shall after every two years submit a report to the National Assembly and where necessary, propose any amendments to this Act, in particular, with respect to the quantum of funds repayable into the Fund in accordance with section 4 of the Act;
- b) to oversee the policy framework and legislative matters that may arise in relation to the Fund;
- c) to continually review the framework set out for the efficient delivery of development programmes financed through the Fund;
- d) to consider and recommend to the National Assembly, with recommendations, names of persons required to be approved by the National Assembly under this Act, and;
- e) to carry out any other functions relevant to the work of the Fund.

(6) The National Assembly Committee may make reports other than the statutory report stated in sub section 5(b) to appraise the National Assembly on various matters relating to the Fund and to seek various approvals as required by the Act.

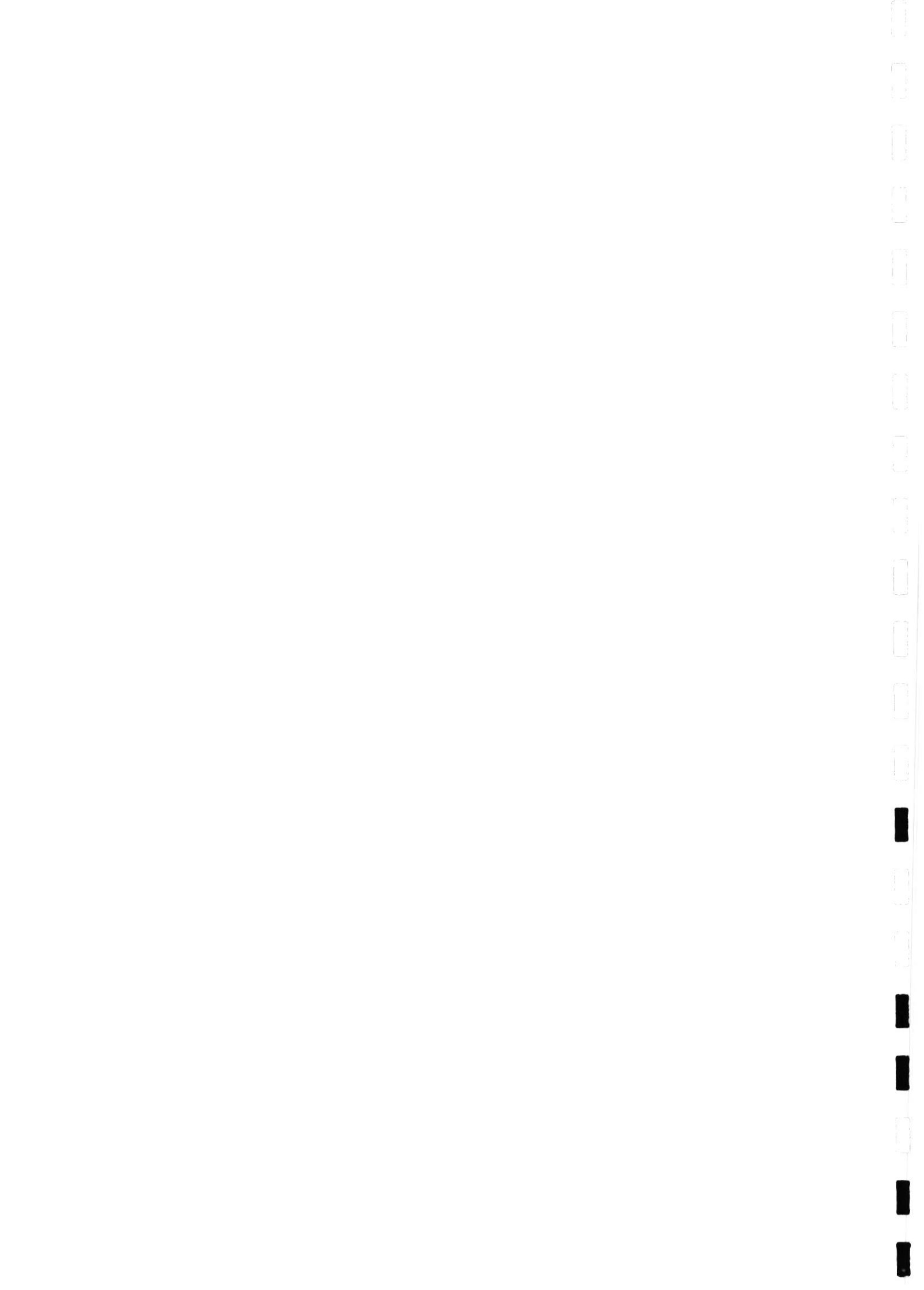


COMMITTEE MEMBERSHIP

Chairperson	1. The Hon. Moses Lessonet, MP
Vice – Chairperson	2. The Hon. Esther Gathogo, MP
	3. The Hon. (Eng.) Nicolas Gumbo, MP
	4. The Hon. Mohamed Haji, MP
	5. The Hon. Yusuf Chanzu, MP
	6. The Hon. Benson Mbai Itwiku, MP
	7. The Hon. Raphael Letimalo, MP
	8. The Hon. Maina Kamanda, MP
	9. The Hon. Peter Kaluma, MP
	10. The Hon. Abdikadir Ore, MP
	11. The Hon. Mohamed Abass, MP
	12. The Hon. John Lodepe Nakara, MP
	13. The Hon. Silas Kipkoech Tiren, MP
	14. The Hon. Kyengo Katatha Maweu, MP
	15. The Hon. Elijah Mosomi Moindi, MP
	16. The Hon. Gideon O. Ochanda, MP
	17. The Hon. Kamoti Mwamkale, MP
	18. The Hon. Joseph O. Ndiege, MP
	19. The Hon. David Wafula, MP

SECRETARIAT

1. Mr. Ahmad Kadhi – Clerk Assistant II
2. Ms. Ella Kendi - Clerk Assistant III
3. Mr. Wilson Dima Dima - Senior Legal Counsel
4. Mr. Wellington Namenge - Senior Research Officer
5. Mr. Sidney OKumu Lugaga - Legal Counsel II
6. Mr. Apaa Eugene - Research Officer III



1.0 BACKGROUND INFORMATION

1.1 Communication from the Speaker

On 2nd March, 2017, the Speaker received and tabled the Message from the Cabinet Secretary Ministry of Devolution and Planning, requesting the House to approve the appointment of Mr. Wilfred Buyema as the CEO of the National Government Constituencies Development Fund pursuant to the provisions of Section 20(1) of the NGCDF Act, 2015, Regulations 4 of the NGCDF Regulations, 2016 and Section 5(1) of the Public Appointments (Parliamentary Approval) Act, 2011.

The Speaker noted that section 20(1) of the NGCDF Act, 2015 requires the nominee for appointment as the CEO of the said Fund to be vetted and approved by the House before appointment and proceeded to commit the name and curriculum vitae of the nominee to the Select Committee on National government Constituencies Development Fund so as to undertake the necessary approval hearings.

Further he stated that Section 20(1) of the said Act requires the National Assembly to either approve or reject the nominee within fourteen days from the date of the notification of the nomination. He advised the Committee to conduct extensive public participation as provided for under Article 118 of the Constitution as well as the Public Appointments (Parliamentary Approval) Act, 2012 and report back to the House on or before Tuesday 21st March, 2017.

2.0 LEGAL PROVISIONS

1. Section 20(1) of the National Government Constituencies Development Fund Act, 2015 provides;

20. (1) There shall be a chief executive officer of the Board who shall be recruited by the Board through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly.

- (2) No person shall be appointed under this section unless such person—
 - (a) has a degree in finance, accounting, engineering, economics, community development, law or a related field from a recognized university;
 - (b) Has at least ten years' working experience in the relevant field; and
 - (c) served in a senior management position for a minimum period of five years

The Chief Executive Officer shall, subject to the directions of the Board be responsible for the day to day management of the affairs and staff of the Board. The chief executive officer shall serve for a period of three years renewable once.

Regulation 4 of the National Government Constituencies Development Regulations outline the procedures for appointment of a chief executive officer. It states-

"4. (1) The Board shall, in recruiting the chief executive officer of the Board under Section 20(1) of the Act, ensure that the recruitment is carried out in a transparent and competitive manner.

(2) The Board shall finalise the recruitment of the chief executive officer of the Board within sixty days from date of the close of the application period, and shall forward three names of the selected candidates to the Cabinet Secretary for consideration.

(3) The Cabinet Secretary shall, within twenty-one days after receiving the names of the selected candidates from the Board, forward the name of one of the selected candidates to the National Assembly for approval.

(4) The National Assembly shall, within twenty-one days of receipt of the name of the selected candidate from the Cabinet Secretary, under paragraph (3) consider the nomination, and may approve or reject the nomination.

(5) Where the National Assembly approves the nomination under paragraph (4), the Speaker of the National Assembly shall forward the name of the approved person to the Cabinet Secretary for appointment.

(6) The Cabinet Secretary shall, within fourteen days of the approval by the National Assembly, by notice in the Gazette, appoint the person approved by the National Assembly as the chief executive officer of the Board.

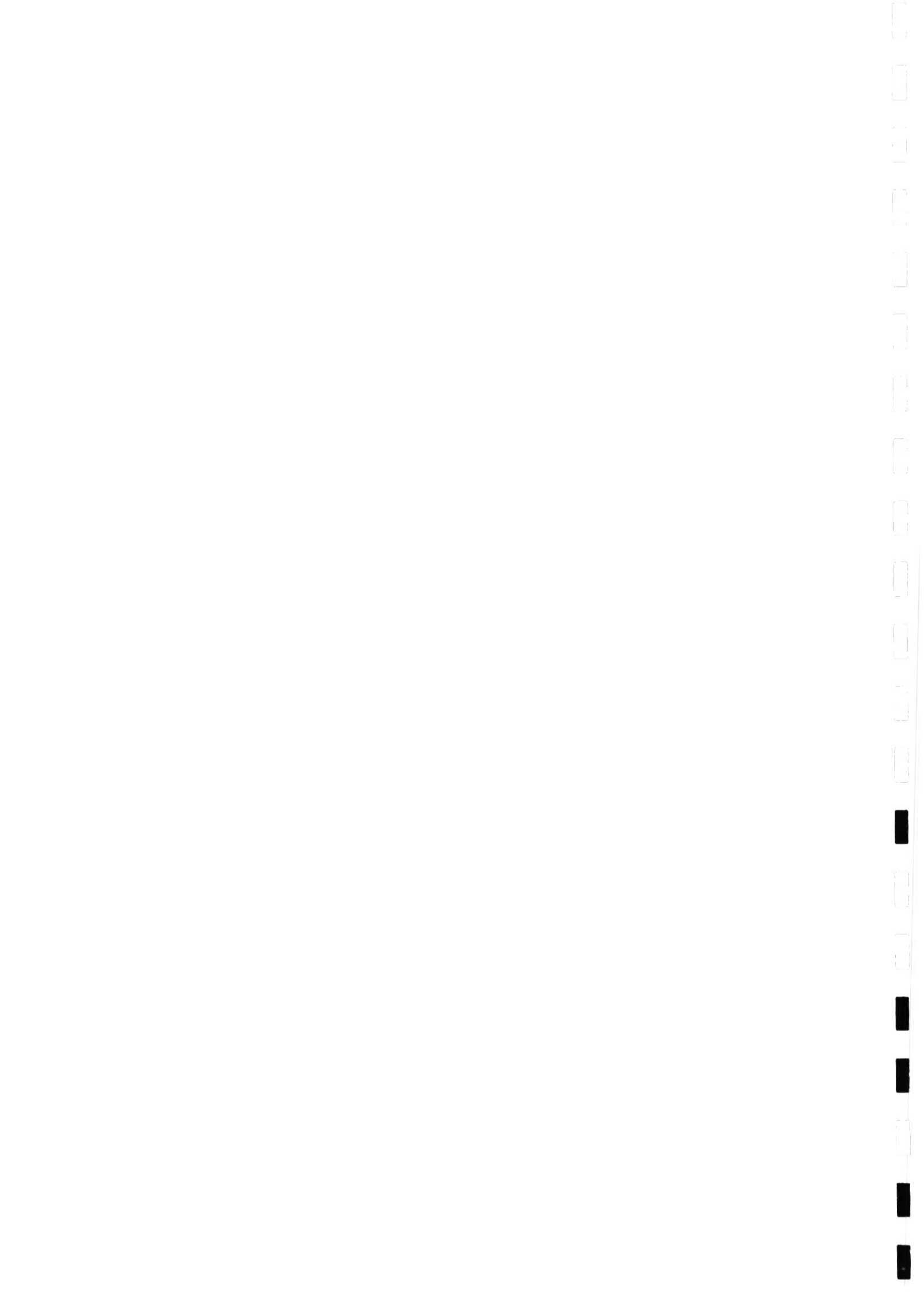
(7) Where the National Assembly rejects the person nominated by the Cabinet Secretary, the Speaker of the National Assembly shall, within three days of the decision, communicate the decision of the National Assembly to the Cabinet Secretary and request the Cabinet Secretary to submit a fresh nomination.

(8) The Cabinet Secretary shall submit to the National Assembly a name from the list initially forwarded by the Board within seven days of receipt of the communication from the Speaker.

(9) Where the National Assembly rejects the names of all the persons nominated by the Cabinet Secretary the provisions of paragraph (2) shall apply."

The Public Appointments (Parliamentary Approval) Act, 2011 provides for the process to be followed by the National Assembly during approval hearing. It obligates the National Assembly to notify the public and the nominee of the date, time and venue of approval hearing. It further provides a questionnaire to be filled by the nominee and sets out the criteria for consideration during approval hearing under Section 7, that is-

- (a) The procedure used to arrive at the nominee;
- (b) Any constitutional or statutory requirements relating to the office in question; and
- (c) The suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.



3.0 RECRUITMENT PROCESS BY THE NG – CDF BOARD

1. The Board hired (PKF) Consultant Limited to lead in the process.
 2. On 21st and 23rd December, the Board advertised for the position in the Daily Nation and the Standard newspapers respectively.
 3. All the applications were to be received online and the deadline was 10th January, 2017
 4. The position attracted thirty (30) candidates, out of which twenty four (24) were qualified for the position and eight were shortlisted and contacted for interviews by the consultant.
 5. On 23rd and 24th January, 2017 the consultant conducted interviews and shortlisted five candidates. The five were further subjected to psychometric tests on 27th January, 2017.
 6. On 30th January, 2017, the consultant handed over the report to the Board for further consideration.
 7. On 2nd February, 2017, the Board interviewed the five candidates namely Margret Nyakang'o, Edwin Wanyonyi, Francis Maina, Jane Mwawasi and Wilfred Buyema.
 8. On 6th February, 2017 the Board held a meeting and adopted the recruitment report, which recommended the top three candidates for consideration.
 9. On 7th February three names were forwarded to the Cabinet Secretary, Ministry of Devolution & Planning. The scores of the three candidates were as follows:-
 - (a) Margret Nyakang'o (73%);
 - (b) Wilfred Buyema (70.5%); and
 - (c) Edwin Wanyonyi (68.5%).
- The Cabinet Secretary noted that the first candidate had two years to mandatory retirement and therefore settled for Mr. Wilfred Buyema who was placed second in the interviews.
10. On 2nd March, 2017 the Cabinet Secretary forwarded the name of the nominee to Parliament for consideration in accordance with the Public Appointments (Parliamentary Approval) Act, 2011.

3.1 INVITATION OF THE NOMINEE

On 6th March, the Clerk of the National Assembly wrote to the nominee requesting him to appear for vetting by the Select Committee on National Government Constituencies Development Fund. He further requested the nominee to avail clearance certificates from the Ethics and Anti-Corruption Commission (EACC); Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB); Criminal Investigation Department (CID); and any of the credit reference bureaus to the Committee by Friday 26th June, 2015.

On the same date (6th March, 2017), the Clerk of the National Assembly wrote to the KRA, HELB, EACC, and CID requesting for tax, loans, integrity and criminal record status respectively for the nominee.

3.2 NOTIFICATION TO THE PUBLIC

Section 6(9) of the Public Appointments (Parliamentary Approval) Act (No.33 of 2011) provides that *“any person may, prior to the approval hearing and by a written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”*.

On Wednesday 7th March, 2017, the Clerk of the National Assembly placed an advertisement in the print media (Standard and Daily Nation) inviting the public to submit memoranda by way of written statement on oath (**sworn affidavit**) on the suitability or otherwise of the nominee in conformity with Section 6(9) of the Public Appointments (Parliamentary Approval) Act 2011. The submissions were to be received by **Wednesday 15th March, 2017**.

Pursuant to the provisions of Article 118 of the Constitution, Section 6(4) of the Public Appointments (Parliamentary Approval) Act (No.33 of 2011) and Standing Order 45(3), the general public was also notified in the print media by the Clerk of the National Assembly on 6th March, 2017 of the intention of the Select Committee on National Government Constituencies Development Fund to conduct the vetting and approval hearing of the nominee on 16th March, 2017.

3.3 SUBMISSION OF MEMORANDA BY THE PUBLIC

Following a request by the Committee, through the office of the Clerk of the National Assembly, for submission of memoranda by way of written statement on oath, the Committee received memoranda (annexed) from the following people with regard to the suitability or otherwise of Mr. Wilfred Buyema for the position of CEO, NGCDF:-

i. Memoranda from Hon. Moses Muihia

Mr. Muihia submitted a memorandum against Mr. Buyema's nomination on the grounds that when the nominee while serving as CEO of Uwezo Fund demanded and received a bribe of Kshs. 300,000/= to authorize payments for services rendered under Tender.

ii. Memoranda from Rev. Rose Mbula Kioko

Rev. Mbula submitted a memorandum opposing Mr. Buyema's nomination on the grounds that he does not meet statutory requirements for appointment. She submitted that the nominee does not have five years' experience in a senior managerial position and further

that the NGCDF Board was not properly constituted during the process of conducting recruitment that resulted in the nomination Mr. Buyema.

iii. Memoranda from Samson Matoke Nyagaka

Mr. Nyagaka submitted a memorandum supporting Mr. Buyema's nomination on the grounds that he has good managerial and leadership skills that would assist him in execution of his duties as CEO of NGCDF.

iv. Memoranda from Ezra Kibet Langat

Mr. Langat submitted a memorandum supporting Mr. Buyema's nomination on the grounds that he is a dependable and reliable person.

v. Memoranda from Yusuf Mbuno

Mr. Mbuno submitted a memorandum indicating that there were problems during the recruitment process as he submitted an online application that was purportedly not received in unclear circumstances.

4.0 APPROVAL HEARING

During the approval hearing, the Committee held four sittings. The Meetings included;

- i. Meeting with the Cabinet Secretary for Devolution and Planning.
- ii. The National Government Constituencies Development Fund Board.
- iii. The Nominee.
- iv. The immediate former Chairperson, Uwezo Fund.

4.1 MEETING WITH CABINET SECRETARY, MINISTRY OF DEVOLUTION AND PLANNING

The Cabinet Secretary, Mr. Mwangi Kiunjuri appeared before the committee on 14th March, 2017 and informed the Committee that:-

1. The position of the Chief Executive Officer (CEO) of the Board had been held on acting capacity since August 2011. On May 2016, the Board resubmitted for consideration a recruitment report that was done on or about 2012. However since

the recruitment had been done under the 2007 Act, which had been repealed, the Board was advised to recruit afresh. The earlier recruitment had been overtaken by events as Regulations under the new Act of 2015 require that recruitment be finalized within sixty days upon close of application period.

2. The NGCDF Board and the Management sourced the services of a consultant firm through a competitive process and settled for PKF firm. The firm undertook interviews for the eight shortlisted candidates and recommend five for further interviews by the Board.
3. The Board interviewed the five candidates on 2nd Feb, 2017 and recommended the top three candidates for consideration namely; Margret N. Nyakang'o, Edwin W. Wanyonyi and Wilfred Buyema

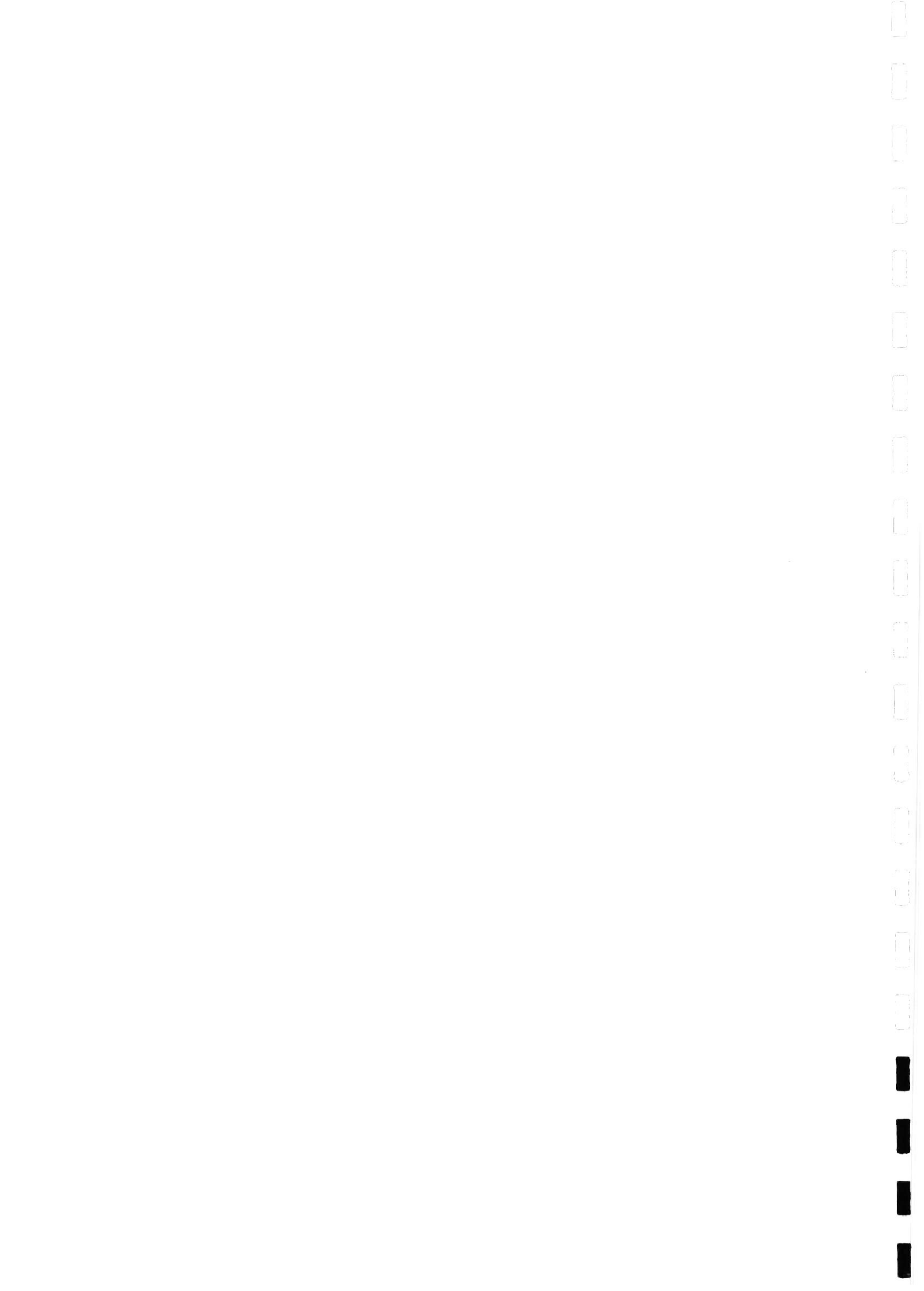
On 7th February, 2017 the three names were received from the Board out of which, he settled on Mr. Wilfred Buyema because;

- a) The first candidate had two years to mandatory retirement
 - b) Mr. Buyema was placed second in the interviews,
 - c) Mr. Buyema had been working for the Board, thus he had requisite institutional memory;
 - d) The Board was not fully constituted, thus an internal candidate may be suitable.
 - e) The National Assembly would soon adjourn *sine die* for elections and time was of concern
 - f) Mr Buyema had requisite qualifications and experience for the position.
4. He could not act on the previous list of nominees submitted to him because the recruitment had been overtaken by events as the regulations under the new Act of 2015 required that the recruitment is finalized within sixty days. Therefore in consultation with the Attorney General and the Board Chairperson and the acting CEO they agreed to re-advertise the position.

4.2 MEETING WITH NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND BOARD

The Board informed the Committee, that-

1. The position of the Chief Executive Officer (CEO) of the Board had been held on acting capacity since 2011. On or about 27th Jan, 2012 the position was advertised, and the Board conducted interviews on or about 4th July, 2012. Subsequently three names were forwarded to the Ministry (Planning, National Development and Vision 2030) for appointment of the CEO. On 24th March, 2016 the Board resolved to resubmit the names to the Ministry for consideration. Upon submission of the names, the Board was advised that the recruitment had been done under CDF Act which had been repealed. The Board was therefore advised to start the process afresh.
2. The Board hired a consultant, PKF Limited to lead in the process. The advertisements were effected on 21st and 23rd Dec, 2016 in the Daily Nation and Standard newspapers respectively.
3. The position attracted thirty candidates, twenty four candidates qualified for the position and eight were shortlisted and contacted for interviews by the consultant. The consultant conducted interviews on 23rd and 24th Jan, 2017, and selected five candidates. The five candidates were further subjected to psychometric tests on 27th Jan, 2017. On 30th January 2017 the consultant handed over the report to the Board, for further consideration.
4. The advert was drafted by the NGCDF Management and was approved by the Board. All the Board Members were present in the meeting during the approval of the advertisement. The management advised the Board not to reveal the name of the organization in the advert.
5. The job groups ranging from scales 1-4 fall within the designation of senior management.
6. The nominee does not report directly to the CEO.



4.3 MEETING WITH NOMINEE

On 16th March, 2017 the Committee met with Mr. Wilfred Buyema and conducted an approval hearing. During the approval hearing, the nominee submitted as follows, that-

I. Personal matters

1. He is a Kenyan Citizen who was born in 1975, in Kakamega East Sub-County and married.

II. Education

2. He is a PhD student- Leadership and Governance at Jomo Kenyatta University of Agriculture and Technology;
3. He holds a Master's degree in Public Administration (Policy and Public Management option) at Mt Kenya University.
4. He holds a Bachelors of Arts Degree in Development Studies from Bugema University-Uganda.
5. He holds a Diploma in Development Studies Bugema University- Uganda;
6. He obtained a mean grade of C plain in the Kenya Certificate of Secondary Education, with a D- (minus) in Mathematics.
7. Upon inquiry by the committee the nominee did not have a letter from Commission of Higher Education certifying his academic documents.

III. Employment

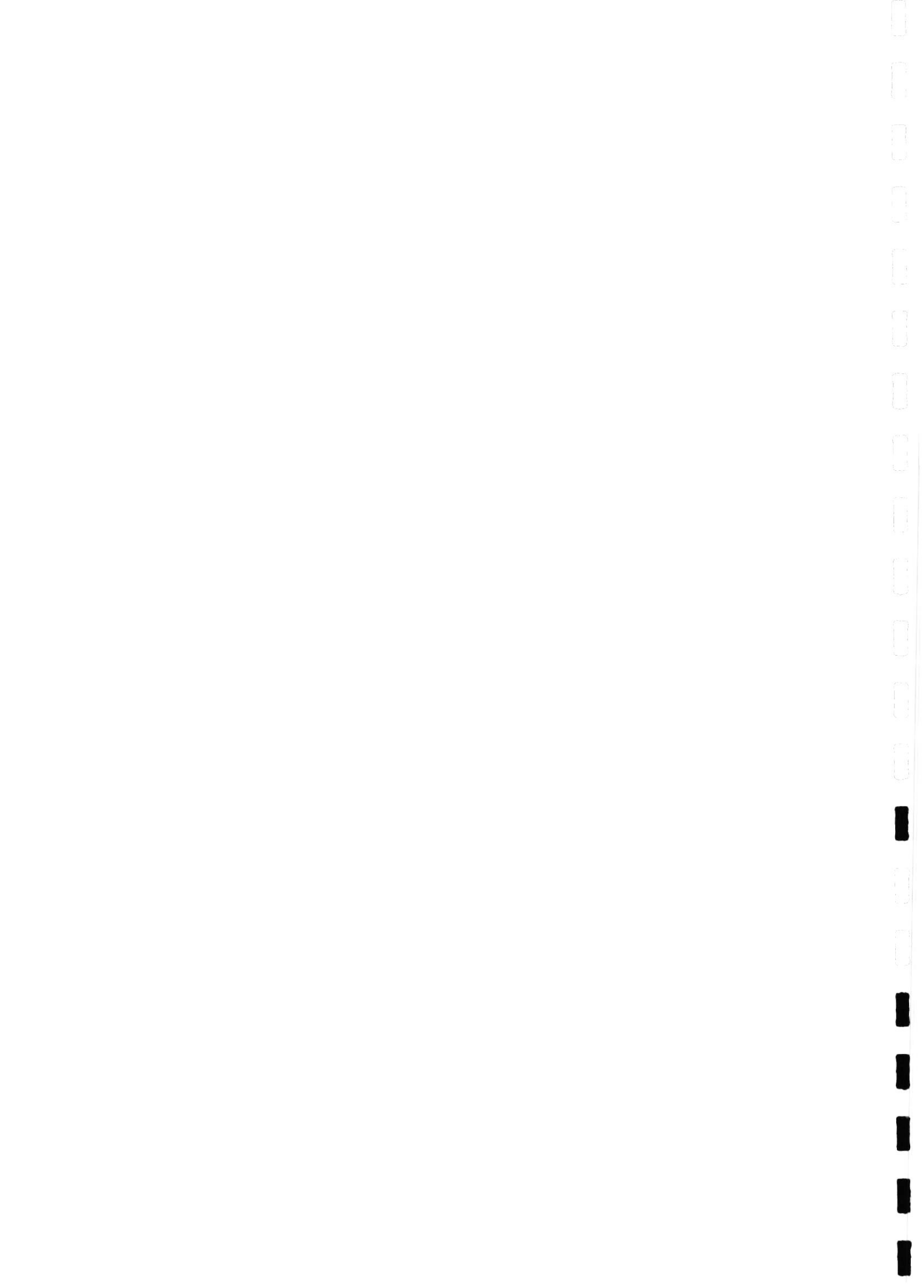
8. He was a Fund Account Manager for Malava Constituency between October, 2007 to August, 2009;
9. He was seconded from the NGCDF Board to Uwezo Fund in March, 2014.
10. He rejoined NGCDF Board from Uwezo Fund on 9th June, 2016.
11. He is involved in charity work where he pays school fees for needy children that totalled to kshs.12,000 every term.
12. He had served in the senior management level from years 2009 to date.

13. In the senior management level he had served as an Economic stimulus Programme Coordinator, a Senior Manager for Monitoring and Evaluation and acting CEO at Uwezo Fund.
14. He is currently in charge of Monitoring of Evaluation of projects at the Board.
15. Upon inquiry, he informed the committee that he holds the position of Senior Manager, Monitoring and Evaluation, scale 3 but does not report directly to the CEO.
16. He would bring all the stakeholders together to come up with solutions to bring to an end court cases challenging the constitutionality of CDF.
17. He would deliberate with the relevant government agencies to enhance the CDF percentage based on the current economic situations in the Country.
18. He would create a good corporate image to ensure there is visibility in the fund.
19. Within the NGCDF structure, senior management positions run from scale one to four.

4.4 MEETING WITH THE IMMEDIATE FORMER CHAIRPERSON, UWEZO FUND

The immediate former Chairperson of UWEZO Fund, Wanjiru Gathira appeared before the Committee on Monday 20th march, 2017 and informed the committee that:-

1. She had worked with the nominee for a period of two and a half years;
2. The nominee had been seconded to UWEZO Fund for a period of three years;
3. The nominee's contract with the NGCDF Board lapsed in November 2015 and it was not clearly under what circumstances the nominee continued to execute official duties subsequently at UWEZO Fund;
4. In her opinion, the nominee was not yet ready to take a monumental task such as CEO of the NGCDF Board.



5.0 COMMITTEE OBSERVATIONS

The Committee appraised itself with the provisions of the Public Appointments (Parliamentary Approval) Act, the National Government Constituencies Development Fund Act and the National Government Constituencies Development Fund Regulations.

The Committee raised the following issues —

I. The procedure used to arrive at the nominee;

The committee observed the following as regards the procedure of recruitment, that:-

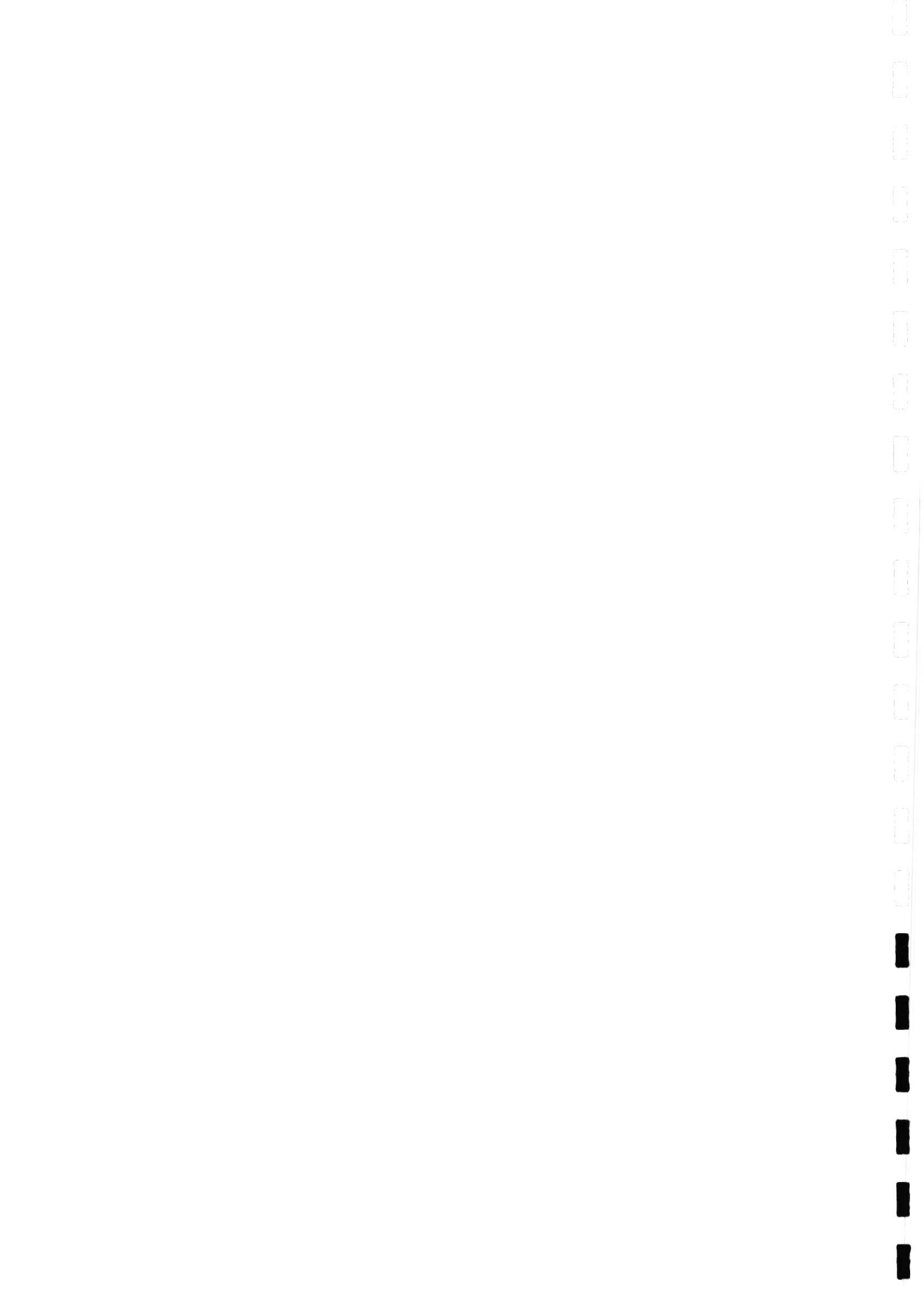
1. The adverts inviting members of the public to apply for the position of the CEO did not disclose the identity of the recruiting body;
2. The application was limited to online submissions possibly locking out and failing to attract appropriate candidates therefore it could not guarantee a transparent and competitive process of recruitment contrary to regulation 4 (NGCDF Regulations)
3. The Board as presently constituted comprises of civil servants representing their Ministries and Departments and therefore not properly constituted as it lacks the seven independent members who would have guaranteed an objective recruitment process as envisioned under regulation 4 (NGCDF Regulations).
4. The Board nominated three persons knowing very well that the nominee had not served in a senior management position for a minimum of five years either in previous or present employment contrary to section 20(2)(c) of the NGCDF Act and therefore did not comply with the statutory requirement.
5. The recruitment process was undertaken in a manner that was not competitive or transparent.

II. The suitability of the nominee;

6. The Committee noted that the nominee failed to demonstrate that he has either served in the relevant position for a period of ten years and in senior management for a minimum period of five years in accordance with requirements set out under section 20 of the NGCDF Act.

In his submission and CV the nominee had:-

- a) In 2003, worked as a Community Worker for Action Aid, Uganda Bundibugyo Development Initiative.
- b) In 2004, worked as a Project Area facilitator (Field Practicum), Christian Community Services.



- c) Between 2004 and 2005 worked as a part time volunteer coordinator, Restores of Hope Organization, Uganda.
 - d) Between September 2005 to 2006, worked as a Volunteer Team Leader at Uganda Red Cross Society.
 - e) In October 2007, joined the NGCDF Board in the position of a fund account manager and has worked in various capacities and currently serves in the capacity of Senior Manager, Monitoring and Evaluation.
 - f) Between March 2014 and June 2016 had been seconded by the NGCDF Board as AG. CEO – Uwezo Fund Oversight Board.
7. The Committee received memoranda raising pertinent questions on the Integrity of the nominee (Annex here with)
 8. The nominee did not have a letter from the Commission of Higher Education certifying his academic documents.
 9. The nominee currently holds the position of Senior Manager, Monitoring and Evaluation, scale 3 and does not report directly to the CEO.

6.0 COMMITTEE RECOMMENDATION

Having taken into consideration the law, the submissions and the observations, the Committee recommends as follows, that;

1. The National Assembly rejects the nomination of Mr. Wilfred Buyema to the position of the CEO, NGCDF and the Board undertakes a fresh recruitment.
2. The Cabinet Secretary should promptly appoint the seven independent directors to the NGCDF Board.
3. The Board undertakes a fresh recruitment exercise and adheres to the provisions of section 20 of the NGCDF Act and regulation 4 of the NGCDF Regulations.
4. During the subsequent recruitment process, the advert calling for applications should be clear, specific and indicate the recruiting employer to attract the best qualified candidates.
5. The process of submitting applications must be open, transparent and cater for various modes of transmission.

7.0 ANNEXUS

- 1. Advert for the position**
- 2. Curriculum vitae**
- 3. Public participation-advert inviting memoranda**
- 4. Memoranda**
- 5. Minutes**
- 6. Adoption list**



REWARDING CAREER OPPORTUNITY

Our Client, a leading State Corporation in the management of development programmes wishes to recruit self-driven, result oriented Chief Executive Officer, who shall play a critical role in supporting the Corporation in the achievement of its mandate and objectives.

Reporting to the Board, the Chief Executive Officer will be responsible for providing effective leadership to the Corporation, including provision of strategic guidance on day-to-day implementation of Corporation's activities according to the policy and approvals of the Board.

Key Responsibilities:

- a) Provides leadership in the development and implementation of the organisational strategic objectives;
- b) Directs and manages the Board's managerial, financial and operational systems, procedures and controls;
- c) Nurtures the Human Resource and ensures appropriate management structures and policies are developed and implemented within the organisation for sustainable growth;
- d) Fosters a conducive corporate culture that promotes strong ethical practices, good governance and employee satisfaction ;
- e) Coaches, mentors, and develops the leadership team to ensure excellent performance and effective succession planning in the organisation;
- f) Advises the Board on the performance of the organisation and all matters relating to the organisational strategy;
- g) Manages relationships and networks with stakeholders.

The ideal candidate will have a minimum possession of Master's Degree in Business Administration, Finance, Accounting, Engineering, Economics, Community development, Law or any related field from a recognized University; Post-graduate training in any of the following fields; Strategic Management; Projects Planning and Management; Accounting and Finance; or Human Resource Management.

The candidate will also have at least ten (10) years of experience in a relevant field with at least five (5) years in senior management position, be a Kenyan citizen, have experience in management of development programmes, proven leadership track record, strong communication skills, thorough knowledge of Government Financial Regulations and relevant laws, labour legislations and statutes, good understanding of Public Service Operations.

In compliance with Chapter Six of the constitution on leadership and integrity all applicants must submit certified copies of the clearance certificates from the following institutions:-

- a) Directorate of Criminal Investigations (DCI)
- b) Kenya Revenue Authority (KRA)
- c) Higher Education Loans Board (HELB)
- d) Ethics and Anti-Corruption Commission (EACC)
- e) Credit Reference Bureau (CRB)

Appointment to the position will be on a three year one time renewable contract subject to performance.

Applicants are encouraged to view detailed Job Description for the position on the following link <http://www.pkfea.com/index.php/job-vacancies/other-job-vacancies>

If you fit the profile and are interested in this challenging opportunity, please submit your application with a detailed CV, stating your current position, remuneration level, e-mail and telephone contacts quoting the job title/reference in the field of interest directly to executiverecruitment@ke.pkfea.com by 10th January 2017.

PKF will only process applications submitted through the online address given and only shortlisted candidates will be contacted.

Our Client is an Equal Opportunity Employer.

Buyema Wilfred

Experienced Management Expert

A visionary and passionate leader with first-class communication skills and a long track record of successful management experience. A professional with high-level knowledge of current economic, social and regulatory issues. An inspiring, transformational, motivational leader with first rate interpersonal skills, ability to manage and empower diverse groups to improve livelihoods at all levels. Energetic, self-motivated with a birds eye and potential to work with first growing organizations that implement corporate governance. Frequently boosts teams to focus on customer and results oriented, taking in account risks and challenges that thrive leveraging entrepreneurial drive.



ACADEMIC/PROFESSIONAL QUALIFICATIONS

2016 - Ongoing	PhD Candidate- Leadership and Governance Jomo Kenyatta University of Agriculture and Technology
2010 - 2011	Masters in Public Administration (Policy and Public Management Option) Mt Kenya University
2004 - 2007	B.A in Development studies -
2002 - 2004	Diploma in development Studies
1998 - 2000	- Kenya Accounting Certificate - Project Management-Monitoring & Evaluation - Complaints Management - Fund Raising(Mobilization) & Proposal writing - Strategic Planning & Mgt - Budget Management - Business Planning, Research and Development - Group and Team building - Community Mobilization - Training and Capacity Building - Book Keeping

ADDRESS

P.O Box 2779
Kakamega

TELEPHONE

+254 733 212 796
+254 729 897 451

EMAIL

wbuyema@yahoo.com

NATIONALITY

Kenyan

LANGUAGES

English
Kiswahili

CORE COMPETENCIES

- A self-motivated corporate leader and team player with over 8 years experience in Project Management- Monitoring & Evaluation and Community Development.
- Good analytical, interpersonal, and organizational skills and a flair for networking and partnering with diverse stakeholders.
- Planning, networking, collaboration, coordinating and monitoring & evaluation of numerous projects/programmes/activities.
- Able to work in a cross-cultural environment and ability to work with little or no supervision and in diverse conditions.
- Strong Leadership and organizational skills and ability to coordinate and manage diverse range of responsibilities.

- ☒ Excellent verbal and written communication skills. Active listening skills, presentation, report writing and editing skills.
- ☒ Ability to inspire and motivate staff, volunteers, funders, and coalition partners
- ☒ Strong team-oriented and collaborative ethic and approach
- ☒ Ability to plan and supervise work for large work-teams while providing coaching, mentoring and development of staff.
- ☒ Basic technology skills, including MS Office & Google Suite of Apps, and social media.
- ☒ Experience in working with and reporting to a Board of Directors, interacting with Board Members and submitting memoranda and reports.
- ☒ Ability to manage conflict towards a transformative end.
- ☒ Ability to work under pressure and meet deadlines: to plan and evaluate work, and to prioritise.
- ☒ Flexible approach to work and a willingness to adapt to the changing needs of individuals and organisations.
- ☒ Ease in creating networks, developing and maintaining good working relations with people in multicultural and multi- ethnic environments.
- ☒ Ability to deal with sensitive and complex situations.

WORK EXPERIENCE

**June 2016
to Date-**

Senior Manager- M&E- NGCDF Board

As a Senior Manager – Monitoring & Evaluation I ensure that the Constituency Committees undertake project follow-up and report on quarterly basis to the Board.

Preparation of annual report and undertaking monitoring and Evaluation of all projects and ensuring proper systems designs and processes;

Compiling and forwarding monthly returns from the constituencies to relevant departments;

Reviewing quality of projects; implementation progress and status reports;

Carry out periodic programme evaluation; assess the efficiency of the Fund and identified and disseminated critical learning lessons.

Preparing results-based mapping on M&E; undertaking and preparing M&E reports; organizing trainings; and developing M&E guidelines for all constituencies in Kenya. I also manage environmental programme of the NG-CDF Board.

**2014 March –
to June 2016**

**AG. Chief Executive Officer-
Uwezo Fund Oversight Board**

Responsible to the Board for the day-to-day operations of the Fund and in-charge of the Secretariat; advise the Board and promote organization and Stakeholder Relations by creating a conducive business environment. Provide leadership to senior management and staff, and serve as the link between the Board and the Management. Prepare the annual budgets and establish proper internal controls. Execute and communicate the Board's strategies, decisions and policies. Develop and recommend to the Board the annual business plans. Ensure an effective management structure including succession plans. Ensure that all Board papers are accurately written, are relevant and are availed to the Board members in good time. Put in place effective administrative structures, processes and systems and ensure achievement of the objectives of the Fund. Provide regular, thorough, and prompt communication to the Board on the key technical, financial and administration matters; and responsible for stakeholder management and enhancement of the corporate image of the Fund.

ACHIEVEMENTS

- ☒ Directed and assisted the Board in carrying out its functions such as strategic planning, provided advise to board members on various matters and coordinated the evaluation and performance of the Board.
- ☒ Opened and operated a bank account at the Central Bank of Kenya and other banks approved by the

National Treasury.

- ☑ Facilitated and carried out induction programmes for Board members and staff.
- ☑ Designed and implemented an effective organizational structure, established a secretariat of staff with vast professional skills and competences deployed from public sector.
- ☑ Formulated and implemented policies that have enhanced an efficient and effective organizational operations in line with international best practices, good corporate governance and ethical guideline
- ☑ Provided Strategic leadership across the organization.
- Ensured that the capacity of both Board Members and Senior Managers is regularly developed, particularly on issues relating to corporate governance and 'MWONGOZO" CODE.
- ☑ Motivated and developed staff and created teams to enhance cohesiveness and productivity.
- Facilitated the Board's awareness on its development, needs and identified appropriate orientation and training programmes.
- Worked closely with the Board to create a supportive environment that encourages staff to take calculated risks in service to the Uwezo Fund Oversight Board's mission.



Key Achievements on Mandate of the Fund

- ☑ Coordinated the disbursement of KES. 5,354,400,000 to all the 290 constituencies for loaning to Women, Youth and Persons Living with Disabilities.
- ☑ Out of the KES.5,354,400,000 set aside for groups, the fund has disbursed a total of KES. 4,467,170,158 to 45,562 groups ; comprising of 28,632 women groups, 15,871 youth groups and 1,059 PWD groups.
- ☑ Trained 870 Trainers of Trainers drawn from 290 constituencies committees with representation from women, youth, and PWD.
- ☑ Trained 45,562 groups (28,632 women groups, 15,871 youth groups and 1,059)
- ☑ conducted sensitization programmes for all the Constituency Uwezo Fund Management Committees
- ☑ Organized media engagement

**2012 August –
March 2014**

**Programme Manager, Monitoring and Evaluation -
Constituencies Development Fund Board**

As the Programme Manager - M&E, my responsibilities included receiving, compiling and forwarding monthly returns from the constituencies to relevant departments; after reviewing projects; implementation progress and status reports; preparing results-based mapping on M&E; undertaking and preparing M&E reports; organizing trainings; and developing M&E work plans for all constituencies in Kenya. I also carried out periodic programme evaluation; assessed the efficiency of the Fund and identified and disseminated critical learning lessons.

**2009 August –
July 2012**

**Programme Officer,
Constituencies Development Fund Board**

In my role as Programme Officer, I coordinated the monthly Complaints and Arbitration Committee meetings and took minutes; Prepared the projects Annual Report; Quarterly and monthly monitoring and evaluation of projects; Capacity Building and training of Constituencies Development Committees, Programme; Communication of the Board's resolutions to the CDFCs and providing responses to complaints raised by the public on ESP and CDF activities. Coordination of Economic Stimulus

**2009 October -
March 2014**

Special Duty/Assignments
Economic Stimulus Programme Coordinator, Constituencies Development Fund Board Secretariat

**2009 Jan -
Aug 2009**

Ag. Regional Coordinator
Western Constituencies Development Fund Board Secretariat

**2007 October -
Aug 2009**

CDF Board- Fund Account Manager
Constituencies Development Fund Board Secretariat

2005 - 2006

Volunteer Team Leader
Uganda Red Cross Society

2004 - 2005

Volunteer Coordinator (Part Time)
Restorers of Hope Organization, Uganda

May 2004

Project Area facilitator (Field Practicum)
Christian Community Services

April 2003

Community Worker
Action Aid Uganda Bundibugyo Development Initiative

Key Achievements at the Constituency Development Fund

- ☑ Successfully coordinated the Economic Stimulus Programme, which is currently being used as a development model for devolution of resources and community participation
- ☑ Spearheaded the development of a Monitoring and Evaluation Tool-kit for Constituencies Development Fund Board Secretariat
- ☑ Timely and effectively resolved issues raised by the public.

SUMMARY OF PROFESSIONAL EXPERIENCE

- ☑ Successfully coordinated empowerment programmes for Women, Youth and Persons Living with Disabilities through access to financing (for groups, businesses and enterprises).
- ☑ Developed and implemented a robust capacity building framework.
- ☑ Developed an M&E system for both Uwezo Fund and the CDF Board.
- ☑ Managed coordination of Economic Stimulus Program (technical and financial aspects).
- ☑ Enhanced the table-banking model for target groups under Uwezo Fund.
- ☑ Effectively coordinated the Constituencies Development Fund activities at the national and regional levels.
- ☑ Successfully prepared CDF Task Force activities in the Western region.
- ☑ Coordinated Constituency Development Fund activities within Malava Constituency.
- ☑ Provided technical guidance on procurement and disposal of CDF works and services.
- ☑ Championed, on behalf of the Fund, networking and collaboration with lead Agencies in development both at the constituency and Regional levels.
- ☑ Developed Monitoring and Evaluation tools for CDF Board and Constituencies.
- ☑ Mobilized resources through proposal writing for PLWH and OVCs.

SHORT COURSES ATTENDED

- ☑ Human Resource Planning
- ☑ Principles for Corporate Governance in Kenya
- ☑ Project Management- M&E by KSG
- ☑ Strategic Management by IEA
- ☑ Document & Risk Management by Kenya National Archives
- ☑ Corporate Governance by Centre for Policy Governance
- ☑ Monitoring and Evaluation by KIM
- ☑ ISO Auditing; First Aiding by Kenya Red cross Society and among many others

MEMBERSHIPS:

- ☑ Task Force on Economic Stimulus Programme- Ministry of Finance
- ☑ National Technical Management Committee on Economic Stimulus Programme
- ☑ National Technical Management Committee on UWEZO Fund
- ☑ Desk Officer at the CDF Board Environmental Sustainability Project.

REFEREES

1. **Mrs. Agnes Odhiambo**
Controller of Budget
Office of the Controller of Budget
odhiamboan@gmail.com
2. **Professor G. Manyasi**
Lecturer- Mt Kenya University
0721-304-896
gmanyasi@gmail.com
3. **Mr. Chris Makokha**
Inspectorate of State Corporations
0733896-679
Chrismakokha@yahoo.com

REPUBLIC OF KENYA

ELEVENTH PARLIAMENT
THE SENATESESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND
INVESTMENTS**NOTICE OF SITTINGS FOR THE MONTHS OF
MARCH, APRIL AND MAY, 2017**

Pursuant to the provisions of Articles 228(6) and 229(7) of the Constitution and standing order 212 of the Senate Standing Orders, in exercise of its mandate of oversight over county public accounts and investments, the Senate Sessional Committee on County Public Accounts and Investments now, by this notice, informs and invites the Chief Executives of the entities listed in the Schedule below of the sittings for the months of March, April and May, 2017.

DATE	8:00 AM	10:00 AM	12:00 PM
Consideration of the Report of the Auditor-General on the Financial Statements for the Financial Year 2014/2015			
Tuesday, 28 th March	Meru County Executive	Isiolo County Executive	Tharaka - Nithi County Executive
Wednesday, 29 th March	Kiambu County Executive		Siaya County Executive
Thursday, 30 th March	Bungoma County Executive	Vihiga County Executive	Kakamega County Executive
Tuesday, 4 th April	Kisii County Executive	Nyamira County Executive	Busia County Executive
Wednesday, 5 th April	Murang'a County Executive	Nyeri County Executive	Kirinyaga County Executive
Thursday, 6 th April	Mandera County Executive	Laikipia County Executive	Samburu County Executive
Tuesday, 7 th April	Nyandarua County Executive	Baringo County Executive	Nakuru County Executive
Wednesday, 12 th April	Marsabit County Executive	Garissa County Executive	Wajir County Executive
Thursday, 13 th April	Makueni County Executive	Embu County Executive	Kitui County Executive
Tuesday, 18 th April	Elgeyo/Marakwet County Executive	Nandi County Executive	Uasin Gishu County Executive
Wednesday, 19 th April	Nairobi County Executive	Machakos County Executive	Kajiado County Executive
Thursday, 20 th April	Kericho County Executive	Bomet County Executive	Narok County Executive
Tuesday, 25 th April	West Pokot County Executive	Turkana County Executive	Trans Nzoia County Executive
Wednesday, 26 th April	Migori County Executive	Kisumu County Executive	Homa Bay County Executive
Thursday, 27 th April	Kwale County Executive	Kilifi County Executive	Mombasa County Executive
Tuesday, 2 nd May	Tana River County Executive	Taita/ Taveta County Executive	Lamu County Executive

TES:

- All County Executives are requested to submit written responses and all supporting documents to the specific issues raised in the Auditor General's Report on the Financial Operations of the County Executive for the Financial Year 2014/2015 to the relevant Auditor-General, Regional Hub Offices fourteen (14) days prior to the scheduled date of appearance and submit the same to the Office of the Clerk of the Senate/Secretary, Parliamentary Service Commission, First Floor, Main Parliament Buildings, Nairobi seven (7) days prior to the scheduled date of appearance;
- Meetings will be held in Committee Room 10, First Floor, Main Parliament Buildings, Nairobi; and,
- All County Assemblies are requested to submit written responses and all supporting documents to the specific issues raised in the Auditor General's Report on the Financial Operations of the County Assemblies for the Financial Year 2013/2014 and 2014/2015 to the relevant Auditor-General, Regional Hub Offices on or before Wednesday, 5th of April, 2017 and submit the same to the Office of the Clerk of the Senate/Secretary, Parliamentary Service Commission, First Floor, Main Parliament Buildings, Nairobi on or before Wednesday, 12th of April, 2017.

CLERK OF THE SENATE/ SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.

REPUBLIC OF KENYA

NATIONAL ASSEMBLY
ELEVENTH PARLIAMENT - FIFTH SESSION**In the Matter of Approval by the National Assembly of
the nominee for appointment as the Chief Executive
Officer of the National Government Constituencies
Development Fund****SUBMISSION OF MEMORANDA**

Pursuant to the provisions of Section 20(1) of the National Government Constituencies Development Fund Act, 2015; Regulation 4 of the National Government Constituencies Development Fund Regulations 2016 and Section (5) of the Parliamentary Appointments (Parliamentary Approval) Act, 2011, the Cabinet Secretary for Devolution and Planning has nominated **Mr. Wilfred Buyema** for appointment as the Chief Executive Officer of the National Government Constituencies Development Fund.

Following the receipt of the nomination, the Select Committee on National Government Constituencies Development Fund is mandated to vet, consider the suitability of the said nominee for appointment as the and submit its report to the House for approval.

Pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee now invites interested members of the public to submit any representation by written statement on oath (affidavit), that they may have on the suitability or otherwise of the said nominee for appointment as the Chief Executive Officer of the National Government Constituencies Development Fund.

The representation may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Wednesday 15th March, 2017 at 5.00 pm.

JAMES N. MWANGI, EBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA

NATIONAL ASSEMBLY
ELEVENTH PARLIAMENT - FIFTH SESSION**In the Matter of Approval by the National Assembly of the
nominee for appointment as the Chief Executive Officer of the
National Government Constituencies Development Fund****NOTIFICATION FOR VETTING BY SELECT COMMITTEE ON NATIONAL
GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR
APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER OF THE NATIONAL
GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND**

Pursuant to the provisions of Section 20(1) of the National Government Constituencies Development Fund Act, 2015; Regulation 4 of the National Government Constituencies Development Fund Regulations 2016 and Section (5) of the Parliamentary Appointments (Parliamentary Approval) Act, 2011, the Cabinet Secretary for Devolution and Planning has nominated **Mr. Wilfred Buyema** for appointment as the Chief Executive Officer of the National Government Constituencies Development Fund.

Pursuant to provisions of Article 118 of the Constitution and Section 6(4) of the Public Appointments ((Parliamentary Approval) Act, 2011, the general public is hereby notified that the Select Committee on National Government Constituencies Development Fund shall conduct the vetting of the said nominee on Thursday 16th March, 2017 in Committee Room 4th Floor, Continental House, Parliament Buildings at 10.00 am.

The nominee should bring the originals of his identity card, academic and professional certificates and evidence of relevant clearance or compliance from:-

- Ethics and Anti-Corruption Commission;
- Kenya Revenue Authority;
- Higher Education Loans Board;
- Criminal Investigation Department; and,
- Any of the Credit Reference Bureaus.

JAMES N. MWANGI, EBS
FOR: CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA
IN THE MATTER OF OATHS AND STATUTORY DECLARATION ACT CAP 15 LAWS OF KENYA
AND
IN THE MATTER OF APPROVAL BY THE NATIONAL ASSEMBLY OF THE NOMINEE FOR THE
APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER OF THE NATIONAL GOVERNMENT
CONSTITUENCIES DEVELOPMENT FUND
AND
IN THE MATTER OF THE SUITABILITY OF MR WILFRD BUYEMA AS THE CHIEF EXECUTIVE
OFFICER OF THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND
AND
IN THE MATTER OF SECTION 6 (9) OF THE PUBLIC APPOINTMENTS
(PARLIAMENTARY APPROVAL) ACT, 2011.
AND
IN THE MATTER OF CHAPTER 6 OF THE KENYAN CONSTITUTION 2010
STATUTORY DECLARATION

0722 980 801

I Hon Moses Muihia, ID No 4828893 of P O Box 51034-00200 Nairobi, a quantity surveyor and a Kenyan citizen, make this oath and state as follows:-

1. THAT I am the managing director of M/S GRAVITY CONTRACTORS LTD hence competent to swear this affidavit.
2. That I know Mr Wilfred Buyema having met him while working as acting CEO of Uwezo Fund in 2014.
3. That during that period my company – M/s Gravity Constructors Ltd and Antimark Office Technologies owned by my son, had participated in a tender for the construction, renovations and partitioning of Uwezo Fund offices at Lonhro House which included a boardroom, chairman's office, Human Resource Manager office, cash office, store, reception, server room and the supply of office furniture.
4. I confirm that our two companies won the tenders and were issued with local purchase orders to undertake the jobs under tender/quotation ref no. 002/03/2013 – 14, 007/03/2013 – 14, 008/03/2013 – 14.
5. That it was a term clause or a requirement of the tender that payment would only be made after completion and delivery of the work.
6. That our two companies secured a loan facility with equity bank and carried out the work to completion. Payment certificates were prepared and presented for payment by the fund.
7. That the CEO Mr. Wilfred Buyema refused to authorize the payment until I visited his office to inquire when the invoices will be settled.
8. That the said Wilfred Buyema gave an indication for their settlement and remarked that "I did not come to Nairobi to sell Sukuma wiki" and when I enquired what he meant he told me not to behave as if am not a Kenyan where he demanded Kshs. 300,000 for each invoice if I wanted a settlement for the same.



9. THAT I told him I was not in a position to give out the money since the loan which our companies had secured were due for payment and our companies were completely grounded.
10. THAT prior to the visit to their offices, my company M/s Gravity Contractors Ltd was given additional works to supply and install a Carpet for the entire Boardroom for an additional sum of Kshs. 205,400.
11. THAT the said WILFRED insisted that he could not authorize the payments without his share per invoice and I left him a dejected man.
12. That after pestering him for many days and beseeching him to pay our companies, He called me to his office and he gave me an offer which I accepted due to the pressure I was getting from the bank.
13. THAT he agreed to pay one invoice on condition that immediately I receive the money I deliver his share of Kshs. 300,000.
14. THAT he authorized the first payment of Kshs. 2,893,492,.64 on the 24th June 2014 and I immediately upon receiving the money in the company account withdrew the money and delivered the Kshs. 300,000 to Mr. Wilfred in his office on the 25th June 2014.
15. THAT upon receipt of the Kshs. 300,000, he promised to authorize the payment of the second payment , and on or about 5th July 2015, I received a call from the said Wilfred informing me that he had already authorized payment of the second payment.
16. THAT true to his word, on the 7th July 2014, the money was received in our company account,
17. THAT upon receipt of the second payment I refused to honour the agreement because deep in my heart he was taking advantage of our position to defraud our companies through unethical means.
18. THAT from thereon my company waited for over seven months to get the 3rd and final payment despite several reminders to them and the authorization only came after I sought the assistance of the Principal Secretary Ministry of Devolution and planning who ordered the immediate payment.
19. THAT I was immediately paid when the said principal Secretary called the said Wilfred and sought to know the reason for the delay.
20. THAT I honestly believe the said WLFRED BUYEMA does not qualify to hold the said position as required under Chapter Six of the constitution of Kenya-2010., The Ethics and Anti- Corruption Act and the Public Officers Ethics Act
21. THAT I now swear this affidavit in my opposition to the suitability and appointment of the said person who to me is corrupt and unfit to hold public office.
22. THAT what is deponed to herein above is true to the best of my knowledge and belief grounds whereof has been disclosed.

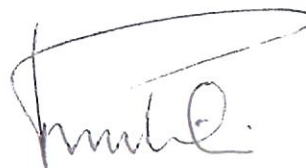
SWORN BY THE SAID

HON. MOSES MUIHIA

This 15th day of March 2017

Before me

NJOMO JOHN MURIMI
 Commissioner for Oaths
 P. O. Box 7182 - 00100,
 NAIROBI




Rev Rose Mbula Kioko
P.O. Box 414-90131
Tala.
12th March 2017

① Director - *Consular*

The Clerk of the National Assembly,
Parliament Buildings
P.O. Box 41842 - 00100
NAIROBI

② Ahmed Kade
pls TNA
19/3/17



③ Noted
KADHI 14/3

SUBMISSION OF MEMORANDUM ON SUITABILITY OF MR WILFRED BUYEMA WHO HAS BEEN NOMINATED FOR APPOINTMENT AS CHIEF EXECUTIVE OFFICER OF THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND BOARD

The National Assembly Select Committee on the National Government Constituencies Development Fund (NG-CDF) is established under section 50 of the NG-CDF Act Of 2015. Among the mandates of the Committee is to oversee the implementation of the Act. The Committee is also mandated to consider and report to the National Assembly, with recommendations, names of persons required to be approved by the National Assembly under the Act;

I wish to state as follows: -

- 1.) I Rev. Rose Mbula Kioko am a Kenyan Citizen who served as a member of the Board responsible for management of the Fund from 9th September 2011 to 8th September 2014.
- 2.) I am aware that Section 20 of the NG- CDF Act 2015 establishes the position of the Chief Executive Officer of the Board by clearly stating as follows: -
 1. There shall be a chief executive officer of the Board who shall **be recruited by the Board** through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly.

2. *No person shall be appointed under this section unless such person—*

- a. *has a degree in finance, accounting, engineering, economics, community development, law or a related field from a recognized university; and*
- b. *has at least ten years' working experience in the relevant field; and*
- c. *Has served in a senior management position for a minimum period of five years.*

- 3.) I have learnt that the Board pursuant to Section 20 of the Act engaged a private firm, PKF consulting limited to assist it in recruitment of the Chief Executive Officer of the Fund. The firm advertised for the position in the local media on 21st and 23rd December 2016 calling for applications from eligible candidates, with a deadline of 10th January 2017.
- 4.) PKF was expected to shortlist and interview the applicants and recommend names of five qualified candidates to the Board.
- 5.) The Board on its part was expected to interview the five candidates and submit three names to the Cabinet Secretary responsible for the NG-CDF for appointment of one suitable candidate subject to approval of the National Assembly.
- 6.) From your advert in a local print media on Wednesday 8th March 2017 calling for submission of memoranda, pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, I learnt that the Cabinet Secretary for Devolution and Planning had nominated Mr. Wilfred Buyema for appointment as the Chief Executive Officer of the NG-CDF Board.
- 7.) I knew Mr Buyema since the time I joined the Board in September 2011, in his capacity as an officer in the Department responsible for projects. I personally served as a member of the Projects Technical Committee of the Board and the Complaints and Arbitration Committee, hence was in a position to understand the officers in the Department. As at 2011, he was a Fund Account Manager (Scale 8), though deployed to the Head office as acting Project Officer (Scale 7), where he was part of the team handling Complaints, and also a Desk Officer for the three

Components of the Economic Stimulus Project (ESP) coordinated by the Board, i.e. Fresh Produce Markets, Model Health Centres and the Constituency Industrial Development Centres.

I therefore wish to state that Mr Wilfred Buyema is not suitable for appointment to the Position of Chief Executive Officer of the Fund, based on the following considerations:-

- a) He does not possess the minimum qualifications for appointment as Chief Executive of the Board as outlined in the Act. The requirement of Section 20(2) paragraph (c) that *no person shall be appointed under this section unless such person has **served in a senior management position for a minimum period of five years** is not optional.*

Apart from the spell of two years and three months that Mr Buyema served as Acting Chief Executive Officer of the Uwezo Fund Oversight BoaPrd from 3rd March 2014 to 9th June 2016, the rest of his experience is at Middle and lower management. The highest appointment for Mr Buyema that was approved by the Board with effect from 5th October 2012 was Programme Manager – Monitoring and Evaluation which was at Scale 5, four places below the level of Chief Executive Officer (Scale 1). The period since then to date still falls below the 5 years threshold specified in the law. Besides, Mr Buyema has never served as Head of Department during his entire tenure of office in the Board.

My conclusion on this subject therefore is:

By including a candidate who doesn't meet the minimum legal threshold in the list of five candidates recommended to the Board, PKF and the Board therefore not only misled the Ministry into appointing a non qualified person, but also rendered the entire recruitment process illegal because a deserving candidate among those interviewed by PKF was denied an opportunity of progressing to the last five, last three and possibly even the last name to be submitted to the National Assembly.

It is my submission therefore that the law has not been adhered to and thus advise the National Assembly to reject the nomination of Mr Buyema and advise the Cabinet Secretary that the entire recruitment process is flawed.

8.) Other Challenges/ inconsistencies in the process of Recruitment of the NG-CDF Board Chief Executive Officer.

9.) As a former Board member, I wish to also bring to the attention of the Committee other Challenges or inconsistencies in the process of recruitment of the Chief Executive Officer of the NG-CDF Board, on two grounds:

a) Previous process of recruitment of Chief Executive Officer

The position of Chief Executive Officer of the Board fell vacant when the immediate former office holder was sworn in as Controller of Budget on or about 27th August 2011. The Board advertised for the position of the Chief Executive Officer on 27th January 2012 and conducted interviews on 4th July 2012. The results of the interview were forwarded to the then Minister responsible for Planning, National Development and Vision 2030 in July 2012. However, by the end of the 10th Parliament, the results had not been submitted to Parliament for approval.

I am aware that the current Board had around June 2016 resubmitted the results to the Cabinet Secretary for appointment. In my opinion, this was a valid decision as it complies with Section 58(6) of the NG-CDF Act 2015 that fully transitions all administrative decisions taken by the previous Board to be valid decisions by the current Board, by stating as follows:

“The administrative directions made by the Constituencies Development Fund Board established under the Constituency Development Fund Act, 2013, or by the Cabinet Secretary which are in force immediately before the commencement day shall, on and after such day, have force as if they were directions made by the Board or the Cabinet Secretary under this Act”.

The fact that a new recruitment process was initiated without having the earlier process finalised through National Assembly

rejection of the entire list submitted by the Board as provided for in Regulation 4 of the National Government Constituencies Development Fund Regulations 2016, therefore raises questions about the legality of the new recruitment process.

b) Composition of the Board of the NG-CDF

Section 15 of the NG-CDF Act 2015 outlines the composition of the Board to include three Principal Secretaries or their qualified alternates, the Attorney General or his qualified alternate, and seven other persons appointed from outside government. This last category commonly referred to as Independent Directors are very important in ensuring effective, efficient and autonomous operation of the Board for proper corporate governance.

The fact that the Board that conducted the last recruitment had only one independent Director and four alternate Directors to Government Officials, in my opinion, raises key question about whether it was properly constituted to carry out the recruitment of Chief Executive Officer.

It is my submission therefore that the Latest process of recruitment of Chief Executive Officer was not in line with the law, and should not be allowed to proceed.

SIGNED:



REV. ROSE MBULA KIOKO
ID NO.10895075

DATE 12.3.2017

PRISCILLAR MTAWA KIOKO
ADVOCATE
P. O. Box 740 (0013)
TALA

IN THE PRESENCE OF _____

485

① J/Committee

REPUBLIC OF KENYA

IN THE MATTER OF OATHS AND STATUTORY DECLARATION ACT
CAP 15 LAWS OF KENYA

AND

IN THE MATTER OF SAMSON MATOKE NYAGAKA

AFFIDAVIT

② Ahmed Kadhi
pls TNA
4/4/17
15/3

③ Noted
Kadhi
15/3

I, SAMSON MATOKE NYAGAKA an Advocate of the High Court of Kenya practicing as such in the names of NYAGAKA S.M & CO. ADVOCATES and of P.O BOX 12973, NAKURU do hereby solemnly and sincerely make oath and state as follows:-

1. THAT I am an adult of sound mind and therefore competent to swear this affidavit.
2. THAT I know one MR.WILFRED BUYEMA whose name was submitted for appointment as the Chief Executive Officer of the National Government Constituency Development Fund.
3. THAT I have interacted several times with him especially when he was in Baringo and Nakuru Counties during the monitoring and evaluation of UWEZO FUND while being the Chief Executive Officer.
4. THAT during my interaction with him I found that he has good managerial as well as leadership skills in the execution of his duties.
5. THAT I swear this affidavit to confirm and affirm that MR. WILFRED BUYEMA is fit for consideration in the aforesaid position.
6. THAT all what is deponed herein is conscientiously believed to be true and correct to the best of my knowledge, information and belief sources whereof already disclosed.

SWORN AT NAKURU this 10th Day of March 2017

BY THE SAID
SAMSON MATOKE NYAGAKA

[Signature]
DEPONENT

BEFORE ME



COMMISSIONER FOR OATHS/MAGISTRATE



490

REPUBLIC OF KENYA

**IN THE MATTER OF OATHS AND STATUTORY
DECLARATIONS ACT (CAP 15) LAWS OF KENYA**

IN THE MATTER OF WILFRED BUYEMA

AFFIDAVIT

① D/Commissioner
② Ahmed Kadhi
Pls TNA
15/3
③ Noted
Kadhi 15/3

I, KIBET LANGAT EZRA OF ID 29767724 of P.O Box 09, LONDIANI within the Republic of Kenya do hereby make oath and state as follows:-

1. **THAT** I am an adult of sound mind and therefore competent to swear this Affidavit.
2. **THAT** I know one MR WILFRED BUYEMA who has previously worked as a Coordinator for the ECONOMIC STIMULAR PROGRAM.
3. **THAT** we interacted with him during his visits to KIPKELION EAST CONSITUENCY when he was monitoring implementation of the program.
4. **THAT** Mr. WILFRED BUYEMA is dependable and reliable person who carries out the commitments he undertakes.
5. **THAT** I swear this affidavit to confirm that WILFRED BUYEMA is fit and proper to work in any office if appointed.
- 5 **THAT** what is deponed to herein is true to the best of my knowledge information and belief

SWORN at KERICHO

By the said

KIBET LANGAT EZRA

This 13th day of March 2017

BEFORE ME



MAGISTRATE/COMMISSIONER FOR OATHS

DRAWN BY:-

SILA MUNYAO & COMPANY
ADVOCATES,
P.O. BOX 1835,
KERICHO.



Yusuf Mbuno
P.O. Box 9876-00200
NAIROBI
13th March 2017

The Clerk of the National Assembly
P.O Box 41842 – 00100
NAIROBI

Dear Sir,

RE: OMISSIONS IN THE RECENT RECRUITMENT OF NG-CDF BOARD CHIEF EXECUTIVE OFFICER

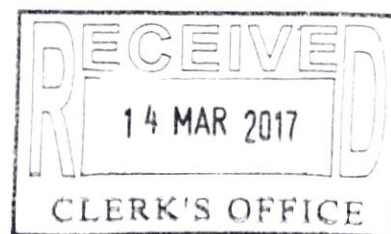
Section 20 of the NG-CDF Act 2015 (as amended in 2016) establishes the position of the Chief Executive Officer and mandates the Board to recruit a suitable person for the position through a competitive process and recommendations made to the Cabinet Secretary for appointment, with the approval of the National Assembly. Section 20(2) in particular provides that:

“(2) No person shall be appointed under this section unless such person—

- (a) has a degree in finance, accounting, engineering, economics, community development, law or a related field from a recognized university; and*
- (b) has at least ten years’ working experience in the relevant field; and*
- (c) has served in a senior management position for a minimum period of five years”.*

The Position of the NG-CDF Board Chief Executive Officer fell vacant in August 2011 upon which I was appointed to hold the office in acting capacity with effect from 1st September 2011. The Board subsequently advertised for the position and conducted interviews in July 2012, after which results were submitted to the Minister then responsible for Economic Planning for further action. The appointment process was however not completed.

1





In year 2016 the Board restarted the recruitment process by engaging a private firm, PKF Consulting Limited, to advertise, long list the applicants, short list and interview the selected applicants and recommend five names for final interview by the Board. PKF advertised in the local media on 21st and 23rd December 2016 seeking applications from interested candidates. The closing date was 10th January 2017. The advertisement was also publicised in the PKF website, including more details on advertised position. The website also contained an online application platform. PKF had specified that it will only process applications submitted through the online address given and only shortlisted candidates will be contacted. This ruled out any option of a physical or postal submission of application.

Being the acting Chief Executive Officer and convinced that I had all the prerequisite qualifications, I applied for the advertised post on 10th January 2017 through email addressed to:

The Recruitment Team,
PKF Consulting Limited
P.O. Box 14077 – 00800
NAIROBI –KENYA

executiverecruitment@ke.pkfea.com

In addition to the email application, I also submitted my application through the online platform provided in the PKF website.

However, to my surprise, I learned with disbelief that during a meeting between PKF and the Board held on 14th January 2017, the consultant presented to the Board a list of applicants that did not include my name. This was a matter of great concern to me, considering that details in my official email address still indicate my application among the “sent” items (a printout is herewith attached).

I therefore wrote to the Board Chairman bringing this concern to his attention and seeking necessary action to facilitate a fair recruitment process. This I did, aware that Section 56(1) of the NG-CDF Act requires that all complaints and disputes by persons arising due to the administration of the Act shall be forwarded to the Board in the first instance.

Further, on 2nd February 2017 at 4.50PM I received an email from the recruiting Organisation (PKF) confirming that my application had been successfully received, and that the message was system generated, hence I needed not to reply. On 3rd



February 2017 I wrote to the Board Chairman forwarding this email as further evidence that my application had actually been submitted and received by the recruiting firm.

However, on 6th February 2017 I received a response letter from the Board Chairman informing me that my complaint had been given due consideration and a decision made not to consider it further. The response came after the Board had concluded its interview process; hence no further opportunity was left for me to pursue justice internally. I have since learnt that the Board immediately submitted its recommendations to the ministry for appointment and the, ministry submitted its recommendation to the National Assembly pursuant to Section 20 of the NG-CDF Act 2015 as amended in 2016 and Regulation 3 of the National Government Constituencies Development Fund Regulations 2016.

It is in light of the foregoing that I wish to bring this matter to your attention as pertinent information to the National Assembly Select Committee on NG-CDF that is mandated to consider and report to the National Assembly, with recommendations, names of persons required to be approved by the National Assembly under the NG-CDF Act 2015 as amended and Regulation 4 of the NG-CDF Regulations 2016.

It is my submission the process of recruitment of the Chief Executive Officer of the NG-CDF Board did not comply with Article 232(g) of the Constitution of Kenya that requires Public Institution to ensure fair competition and merit as the basis of appointments and promotions.

I herewith attach copies of correspondences with the Board on the matter at hand, copies of the advertisement, a copy of my application, Curriculum Vitae copies of my clearance certificates as submitted to PKF and other pertinent documents to back up my submission.

Yours sincerely,

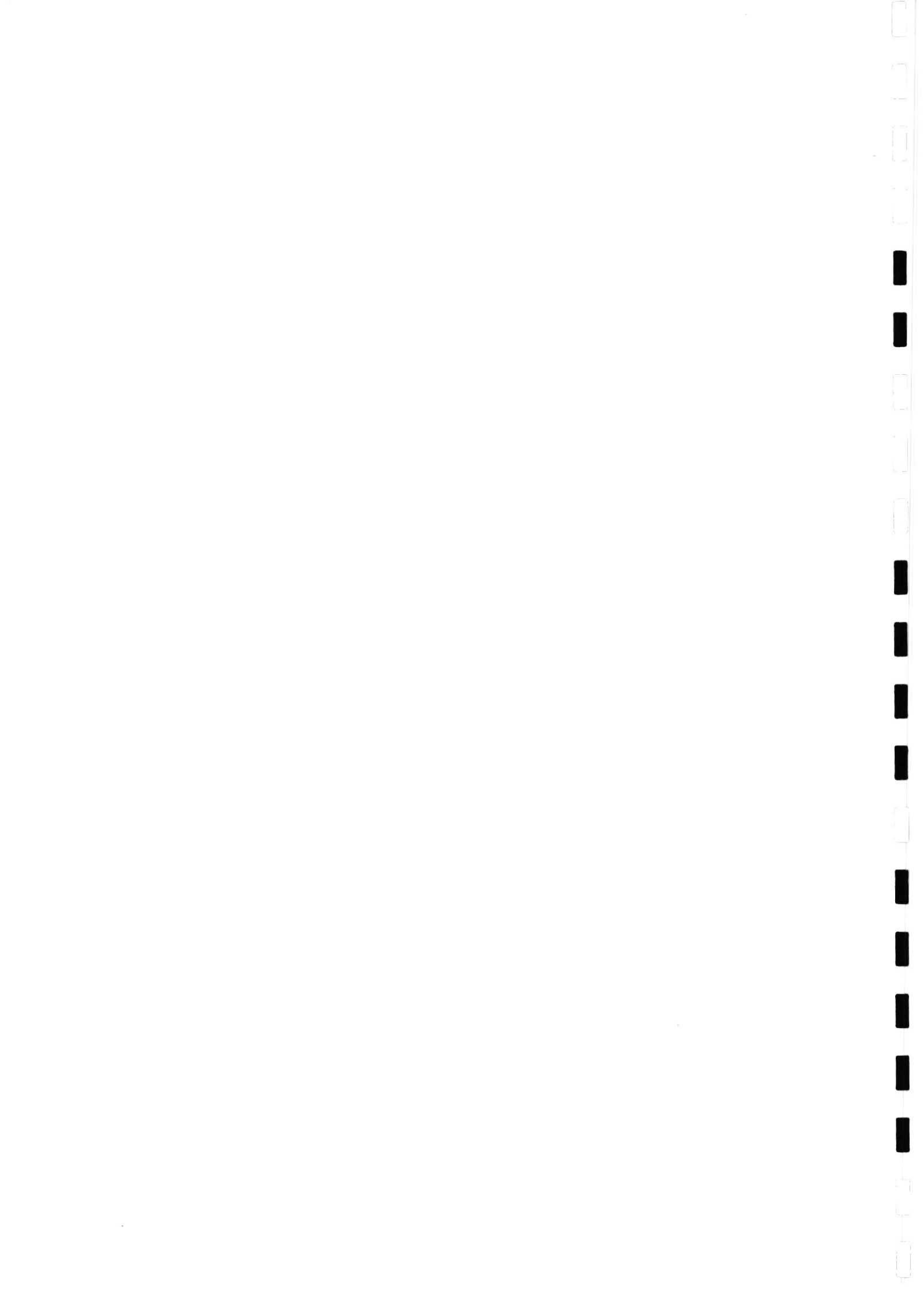


YUSUF MBUNO
NATIONAL ID 8456646

SIGNED IN PRESENCE OF

DATE 14/03/17





MINUTES OF THE 5TH SITTING OF THE SELECT COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND, HELD ON MONDAY 20TH MARCH, 2017 IN ELGON CONFERENCE ROOM, RADISSON BLU HOTEL AT 2.00P.M.

PRESENT

1. Hon. Moses Lessonet, M.P. - Chairperson
2. Hon. Benson Mbaitwiku, M.P.
3. Hon. Kamoti Mwamkale, M.P.
4. Hon. Mohammed Abass
5. Hon. Joseph O. Ndiege, M.P.
6. Hon. Maina Kamanda, MP
7. Hon. Yusuf Chanzu, MP
8. Hon. Mohamed Haji, MP
9. Hon. Abdikadir Ore, MP
10. Hon. George P. Kaluma, MP
11. Hon. Gideon Ochanda, MP

ABSENT WITH APOLOGY

1. Hon. Esther Gathogo, MP - Vice – Chairperson
2. Hon. Eng. Nicolas Gumbo, MP
3. Hon. Silas Tiren, M.P.
4. Hon. Elijah Mosomi Moindi, M.P.
5. Hon. Kyengo Katatha Maweu, MP
6. Hon. Raphael Letimalo, M.P.
7. Hon. John Lodepe Nakara, MP
8. Hon. David Wafula, MP

IN ATTENDANCE

–

NATIONAL ASSEMBLY

- | | | |
|--------------------|---|---------------------|
| 1. Ahmad Kadhi | - | Clerk Assistant II |
| 2. Ella Kendi | - | Clerk Assistant III |
| 3. Eugene Apaa | - | Research Officer |
| 4. Sidney Lugaga | - | Legal Counsel |
| 5. Faridah Ngasura | - | Audio Officer |
| 6. Faith Makena | - | Sergeant-at-arms |

MINUTE NO. 021/2017:

PRELIMINARIES

The meeting was called to order at 2.20p.m followed with a word of prayer.

MINUTE NO. 022/2017: ADOPTION OF THE REPORT ON THE VETTING OF
NOMINEE FOR APPOINTMENT AS THE CHIEF EXECUTIVE
OFFICER OF THE NATIONAL GOVERNMENT
CONSTITUENCIES DEVELOPMENT FUND

Having considered the report, the Committee agreed with the following observations and recommendations. Member present adopted the report.

COMMITTEE OBSERVATIONS

The Committee raised the following issues —

The procedure used to arrive at the nominee;

The committee observed the following as regards the procedure of recruitment that-

- a) The adverts inviting members of the public to apply for the position of the CEO did not disclose the identity of the recruiting body;
- b) The application was limited to online submissions possibly locking out and failing to attract appropriate candidates therefore could not guarantee a transparent and competitive process of recruitment contrary to regulation 4 (NGCDF Regulations)
- c) The Board as presently constituted comprises of civil servants representing their Ministries and Departments and therefore not properly constituted as it lacks the seven independent members who would have guaranteed an objective recruitment process as envisioned under regulation 4 (NGCDF Regulations).
- d) The Board nominated three persons knowing very well that the nominee had not served in a senior management position for a minimum of five years either in previous or present employment contrary to section 20(2)(c) of the NGCDF Act and therefor does not comply with a statutory requirement.
- e) The recruitment process was undertaken in a manner that was not competitive or transparent.

The suitability of the nominee;

The Committee observed the following with respect to the nominee's professional background-

- a. In 2003, he worked as a Community Worker for Action Aid Uganda Bundibugyo Development Initiative.
- b. In 2004, he worked a Project Area facilitator (Field Practicum), Christian Community Services.
- c. Between 2004 and 2005 he worked as a part time volunteer coordinator, Restores of Hope Organization, Uganda.
- d. Between September 2005 to 2006, he worked as a Volunteer Team Leader at Uganda Red Cross Society.
- e. In October 2007, he joined the NGCDF Board in the position of a fund account manager and has worked in various capacities and currently serves in the capacity of Senior Manager, Monitoring and Evaluation.
- f. Between March 2014 and June 2016 he had been seconded by the NGCDF Board as AG. CEO – Uwezo Fund Oversight Board.

In light of the aforementioned, the Committee noted that the nominee failed to demonstrate that he has either served in the relevant position for a period of ten years and in senior management for a minimum period of five years in accordance with requirements set out under section 20 of the NGCDF Act;

COMMITTEE RECOMMENDATION

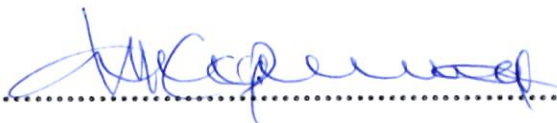
Having taken into consideration the law, the submissions and the observations, the Committee recommends as follows;

- I. The House rejects the nomination of the nominee to the position of the NGCDF Board.

- II. The Cabinet Secretary should promptly appoint the seven independent directors to the Board.
- III. The Board undertakes a fresh recruitment exercise and adheres to the provisions of section 20 of the NGCDF Act and regulation 4 of the NGCDF Regulations.
- IV. During the subsequent recruitment process, the advert calling for applications should be clear, specific and indicate the recruiting employer to attract the best qualified candidates.
- V. The process of submitting applications must be open, transparent and cater for various modes of transmission.

MINUTE NO. 023 /2017: ADJOURNMENT

There being no other business, the meeting was adjourned at twenty minutes past five o'clock.

SIGNATURE.....

CHAIRPERSON

DATE.....*20th March, 2017.*



NATIONAL

ASSEMBLY

NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND COMMITTEE

MEMBERS ATTENDANCE SCHEDULE

DATE: 20/03/2017 TIME: 2:00 PM

AGENDA: ADOPTION LIST VENUE:

	NAME	SIGNATURE
1	Lessner Moses K.	
2	ASDIKADIL JRE	
3	MHAMUD ABDI HADI	
4	KANDU MWANIKALI	
5	JOSEPH O. ADIEFE	
6	Hon. Yusuf Chanyu	
7	Hon. Ochanda Gideon	
8	Hon. Benson I Mbari	
9	Hon. Maina Karimunda	
10	Hon. Mohamed Abass	
11	Hon. George Peter Kalume	
12		
13		
14		
15		
16		
17		
18		
19		

AHMAD KADHI

FOR -CLERK OF THE NATIONAL ASSEMBLY

