

Approved for tabling in the House.

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23/11/2021



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FIFTH SESSION – 2021
DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING



REPORT ON THE CONSIDERATION OF THE PUBLIC PROCUREMENT AND ASSET
DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2021)



CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER, 2021


 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 23 NOV 2021	
DAY: Tuesday	
TABLED BY:	Chair, Finance Hon. Gladys Wangari
CLERK-AT THE-TABLE:	Gr. Chebet

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CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Departmental Committee on Finance and National Planning on its consideration of the Public Procurement and Asset Disposal (Amendment) (No. 2) Bill (National Assembly Bill No. 36 of 2021) which was published on 9th July 2021.

The Bill went through the First Reading on 1st September 2021 and was thereafter committed to the Departmental Committee on Finance and National Planning pursuant to Standing Order 127.

Following placement of adverts in the print media on 7th September 2021 requesting for comments on the Bill from members of the public and relevant stakeholders pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee received two written memoranda. The stakeholders proposed amendments to the Bill which are contained in Part III of the Report. All the stakeholders' comments were put into consideration while preparing the proposed Committee's amendments and some of the proposals were adopted forming part of the proposed Committee's amendments.

The Bill has nine (9) clauses and seeks to amend the Public Procurement and Asset Disposal Act, 2015 to subject the open tender method of procurement to a two-envelope bid process. Under the proposals, persons shall be invited by a procuring entity to submit technical proposals for evaluation. Where at least three technical proposals are deemed responsive, the successful bidders are to be invited to submit financial proposals within a twenty-four-hour window for evaluation. The two-stage process is proposed to be concluded within the prescribed evaluation period.

The Bill further seeks to amend the maximum prescribed period for evaluating open tenders from the current thirty days to thirty business days; and waive the bidders' requirement to provide evidence of compliance with tender criteria to reduce the current reliance technicalities to disqualify bidders during tender evaluation. Under the proposed amendments, bidders shall be required to submit a declaration under oath of their experience, qualifications and certifications held and the evaluation committee would only be required to verify the details of the declaration of successful bidders before awarding of a tender.

On behalf of the Departmental Committee on Finance and National Planning and pursuant to provisions of Standing Order 199(6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Public Procurement and Asset Disposal (Amendment) (No. 2) Bill of 2021. The Committee is grateful to the Offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank Gerivia Advocates LLP and the Kenya Institute of Supplies Management for submitting memoranda on the Bill. Finally, I wish to express my appreciation to the Honorable Members of the Committee and the Committee Secretariat who made useful contributions towards the preparation and production of this report.

It is my pleasure to report that the Committee has considered the Public Procurement and Asset Disposal (Amendment) (No. 2) Bill (National Assembly Bill No. 36 of 2021) and have the honour to report back to the National Assembly with the recommendation that the Bill be **approved with amendments** as contained in the report.

Hon. Gladys Wanga, CBS, MP

Chairperson, Departmental Committee on Finance and National Planning

1 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Finance & National Planning is one of the fifteen Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:

- i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- ii. To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
- iii. To study and review all the legislation referred to it;**
- iv. To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
- v. To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- vi. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No. 204 (Committee on appointments);*
- vii. To examine treaties, agreements and conventions;*
- viii. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- ix. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- x. To examine any questions raised by Members on a matter within its mandate.*

1.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider, public finance, monetary policies, public debt, financial institutions (excluding those in securities exchange), investment and divestiture policies, pricing policies, banking, insurance, population revenue policies including taxation and national planning and development.
3. In executing its mandate, the Committee oversees the following government Ministries and departments:
 - i. National Treasury and Planning
 - ii. State Department for Devolution
 - iii. Commission on Revenue Allocation
 - iv. Office of the Controller of Budget
 - v. Salaries and Remuneration Commission

1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Finance and National Planning was constituted by the House in July, 2020 and comprises of the following Members:

Chairperson

Hon. Gladys Wanga, CBS, MP
MP for Homabay County

ODM Party

Vice-Chairperson

Hon. Isaac W. Ndirangu, MP
MP for Roysambu Constituency

Jubilee Party

Members

Hon. Jimmy O. Angwenyi, MP
MP for Kitutu Chache North Constituency

Jubilee Party

Hon. Christopher Omulele, MP
MP for Luanda Constituency

ODM Party

Hon. Shakeel Shabbir Ahmed, MP
MP for Kisumu East Constituency

Independent Member

Hon. Daniel Nanok, MP
MP for Turkana West Constituency

Jubilee Party

Hon. (Dr.) Christine Ombaka, MP
MP for Siaya County

ODM Party

Hon. Andrew Okuome, MP
MP for Karachuonyo Constituency

ODM Party

Hon. David Mboni, MP
MP for Kitui Rural Constituency

CCU Party

Hon. Francis K. Kimani, MP
MP for Molo Constituency

Jubilee Party

Hon. Joseph Oyula, MP
MP for Butula Constituency

ODM Party

Hon. Joshua Kandie, MP
MP for Baringo Central Constituency

MCC Party

Hon. Stanley Muthama, MP
MP for Lamu West Constituency

MCC Party

Hon. Edith Nyenze, MP
MP for Kitui West Constituency

WDM-K

Hon. Catherine Waruguru, MP
MP for Laikipia County

Jubilee Party

Hon. James Mwangi, MP
MP for Tetu Constituency

Jubilee Party

Hon. (Prof.) Mohamud Muhamed, MP
MP for Wajir South Constituency

Jubilee Party

Hon. Peter Lochakapong, MP
MP for Sigor Constituency

Jubilee Party

Hon. Qalicha Gufu Wario, MP
MP for Moyale Constituency

Jubilee Party

1.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following Secretariat:

Ms. Leah W. Mwaura
Senior Clerk Assistant/Head of Secretariat

Ms. Jennifer Ndeto
Principal Legal Counsel I

Ms. Lauren Wesonga
Clerk Assistant II

Mr. Josephat Motonu
Senior Fiscal Analyst

Mr. Chelang'a Maiyo
Research Officer II

Mr. Luka Mutua
Serjeant-At-Arms

Mr. John Njoro
Serjeant-At-Arms

Ms. Christine Maeri
Audio Officer

Ms. Hannah Mwangi
Intern

2 OVERVIEW OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2021)

2.1 INTRODUCTION

6. The main objective of the Bill is to amend the Public Procurement and Asset Disposal Act, 2015 to subject the open tender method of procurement to a two-envelope bid process. Under the proposals, persons shall be invited by a procuring entity to submit technical proposals for evaluation. Where at least three technical proposals are deemed responsive, the successful bidders are to be invited to submit financial proposals within a twenty-four-hour window for evaluation. The two-stage process is proposed to be concluded within the prescribed evaluation period.
7. The Bill further seeks to amend the maximum prescribed period for evaluation of open tenders from the current thirty days to thirty business days; and to waive the requirement on bidders to provide evidence of compliance with tender criteria to reduce the current reliance on technicalities to disqualify bidders during tender evaluation. Under the proposed amendments, bidders shall be required to submit a declaration under oath of their experience, qualifications and certifications held and the evaluation committee would only be required to verify the details of the declaration of successful bidders before awarding of a tender.

2.2 ANALYSIS OF THE BILL

8. The Bill seeks to amend the Public Procurement and Asset Disposal Act, 2015 and has 9 clauses. It proposes the following amendments:
9. **Clause 1** provides for the title of the Bill.
10. **Clause 2** amends section 55 of the Act to provide for the submission of the bid document together with declaration under oath of the bidder's experience, qualifications and certifications held.
11. **Clause 3** amends section 78 of the Act by deleting the requirement that the total price of the tender where applicable including any modifications or discounts received before the deadline for submitting tenders shall be read out loud and recorded in a tender opening register.
12. **Clause 4** amends section 80(6) of the Act to provide that tender evaluation shall be done within thirty business days.
13. **Clause 5** amends section 82 of the Act to provide that opening of the financial proposal shall not be subject to correction.
14. **Clause 6** inserts a new paragraph to section 86(1) of the Act.
15. **Clause 7** inserts new paragraph (6) to section 96 of the Act.
16. **Clause 8** inserts new section 98A which provides for submission of financial proposals.
17. **Clause 9** of the Bill proposes amendment of the Act by deleting paragraph 5 of section 175 of the Act.
18. The Bill does not delegate legislative power or limit any fundamental rights or freedoms.

19. The Bill does not affect the functions of county governments within the meaning of Article 110 of the Constitution and is therefore a Bill concerning counties for purposes of the Standing Orders.
20. Enactment of this Bill shall not occasion additional expenditure of public funds.

3 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

21. Following the call for memoranda from the public through the placement of adverts in the print media on 7th September 2021, the Committee received memoranda from the following stakeholders:
- i. Kenya Institute of Supplies Management (KISM); and
 - ii. Gerivia Advocates LLP

The stakeholders submitted as follows:

3.1 KENYA INSTITUTE OF SUPPLIES MANAGEMENT (KISM)

In their memorandum, Ref: KISM.2021/2394 dated 20th September 2021, KISM proposed the following amendments to the Bill:

22. Introduction of the two-envelope system in open tendering has profound demerits that may reverse the gains made so far in implementing an open, transparent and efficient procurement system. They noted that it may lead to unnecessary prolonging of the procurement process. A two-envelope system is a lengthy process that calls for elaborate procedures including the need to convene multiple procurement committee meetings at various times in the procurement process. This will in effect reverse the gains envisaged in the Public Procurement and Asset Disposal Act, 2015 (PPADA, 2015) and Regulations of shortening the lead times in the procurement process.
23. Further, the two-envelope system poses a challenge in the determination of the threshold for a two-envelope procedure. In open tendering, there is no minimum amount, while the maximum level of expenditure shall be determined by the funds allocated. The transparency and openness in tender processing envisaged in the PPADA, 2015 and Regulations may be jeopardized. The ceremony for opening of the financial proposals is not open to the general public, but is a preserve of the bidders who qualify at technical evaluation stage. This may lead to fraud, corruption and integrity concerns. The conclusion of the technical evaluation where those who have passed are known in advance, may lead to frantic efforts to influence and corrupt public officials in opening the financial proposals before the due date and divulging the contents thereof.
24. They noted that the PPADA, 2015 and Regulations have sufficient safeguards to ensure transparency, openness and integrity in a one envelope system for open tendering and thereby deter the evaluation committee from disqualifying bidders on technicalities and at will.
25. The Government intends to introduce an e-procurement system which will among others reduce human contact during evaluations, increase transparency and ensure audit trails.
26. They stated that there is need to engage in greater capacity building for all persons involved in public procurement on the PPADA, 2015 and Regulations, standard bidding documents and the evaluation criteria.
27. They also stated that there is also need for greater capacity building for bidders on how to read and interpret the standard bidding documents, evaluation criteria and the manner to filling and completing the documents.
28. Further, they stated that there is need to encourage procuring entities to hold pre-bid conferences for every specific tender, where bidders shall be taken through the contents of the specific bid documents and evaluation criteria.

3.2 GERIVIA ADVOCATES LLP

In a memorandum, Ref: GA/GEN/63/JK/2021 dated 21st September 2021, Gerivia Advocates proposed the following amendments to the Bill:

Clause 2

29. They did not support the amendment proposed in clause 2 because while they agreed with the objective of the proposed amendment which is to avoid disqualifying bidders due to technicalities brought about by preliminary/mandatory requirements, they were of the view that the proposed amendment is not the right way of addressing this concern. In a country where corruption is rampant, replacing the requirement to provide documents which can be verified with a statement on oath is doing too little. Incidents of false Affidavits are not uncommon in Kenya.
30. It is also unclear whether the purpose of the declaration on oath is to do away with mandatory requirements. Most of the eligibility requirements under Section 55 of the Act are what procuring entities classify as mandatory requirements. Further, it is unclear how verification of declarations under the amendment will be done.

COMMITTEE'S COMMENT

The Committee adopted their proposal.

Clause 4

31. They were opposed to the revision of timelines noting that the timelines in the Act are reasonable. They proposed that the amendment be deleted.

COMMITTEE'S COMMENT

The Committee adopted their proposal.

Clause 5

32. They supported the amendment proposed in the clause noting that reading out of prices promotes transparency and competition.

Clause 7

33. The content that the proposed section 96(5) is seeking to add is already covered under section 74 of the Act under the marginal note; "invitation to tender". They therefore proposed that instead of duplicating the provisions of section 74, the Bill should be amended to list the additional items under section 74 or amend section 74 to cover any new situations such as those that a two-stage proposal open tender system would introduce (in the event that this proposal for a two-stage open tender process is adopted).

COMMITTEE'S COMMENT

The two sections have different provisions.

Clause 8

34. They were opposed to the amendment of evaluation timelines provided under section 80(6) of the Act. Adding the word "business" to the days complicates interpretation. Additionally, the 24 hours to submit a financial proposal is extremely short and unrealistic and therefore creates room for mischief.

35. They proposed that the evaluation timelines should be left as is in section 80(6) of the Act. The timeline for submission of financial proposals should be revised to 48 hours.

COMMITTEE'S COMMENT

The Committee adopted their proposals.

Clause 9

36. They were opposed to the proposed amendment because deleting section 175(5) renders the timelines in this section useless as there are no tangible consequences for not complying with the timelines. Once the consequence of non-compliance in section 175(5) is removed, justice will be delayed and therefore denied. They proposed deletion of the proposed amendment.

COMMITTEE'S COMMENT

The Committee adopted their proposal.

4 COMMITTEE OBSERVATIONS

37. In considering the Bill, the Committee observed that the Bill would increase efficiency in the procurement process.

5 COMMITTEE RECOMMENDATION

38. The Committee considered the Public Procurement and Asset Disposal (Amendment) (No. 2) Bill (National Assembly Bill No. 36 of 2021), recommends that the House **approves the Bill with amendments** as proposed in the schedule in Part 6.

6 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposed the following amendments to be considered by the House in the Committee Stage:

CLAUSE 2

39. **THAT**, the Bill be amended by deleting clause 2.

CLAUSE 4

40. **THAT**, the Bill be amended by deleting clause 4.

Justification

This reduces the timeline for evaluation and complicates interpretation of the timeline.

CLAUSE 8

41. **THAT**, the Bill be amended in the proposed clause 98A –
a) in subsection (1) by deleting the word “*business*”;

Justification

This reduces the timeline for evaluation and complicates interpretation of the timeline.

b) in subsection (2) by deleting the words “*twenty-four hours*” and substituting therefor the words “*forty-eight hours*”.

Justification

Twenty-four hours is a very short time for a bidder to submit a financial proposal.

CLAUSE 9

42. **THAT**, the Bill be amended by deleting clause 9.

Justification

Deleting sub-section 5 will lead to delayed justice as there will be no consequences for non-compliance with the timelines.

SIGNED.......... DATE..... 23/11/2021

HON. GLADYS WANGA, CBS, MP

CHAIRPERSON

DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

ADOPTION OF THE REPORT ON THE CONSIDERATION OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2021)

The report on the consideration of the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 36 of 2021) was adopted by the Committee on Monday, 22nd November 2021 having been proposed and seconded by Hon. Joseph Oyula, M.P. and Hon. (Dr.) Christine Ombaka M.P. respectively. The following Members acceded to the recommendations proposed in the report to be considered during the Committee Stage having been present in the meeting:

1. Hon. Gladys Wanga, CBS, M.P. - **Chairperson**
2. Hon. Isaac Waihenya Ndirangu, M.P. - **Vice-Chairperson**
3. Hon. Jimmy Angwenyi, MGH, M.P.
4. Hon. Christopher Omulele, CBS, M.P.
5. Hon. Shakeel Shabbir Ahmed, CBS, M.P.
6. Hon. Daniel Nanok, M.P.
7. Hon. (Dr.) Christine Ombaka, M.P.
8. Hon. Andrew Okuome, M.P.
9. Hon. Francis Kimani, M.P.
10. Hon. Joseph Oyula, M.P.
11. Hon. Joshua Kandie, M.P.
12. Hon. Catherine Waruguru, M.P.
13. Hon. James Gichuhi Mwangi, M.P.
14. Hon. (Prof.) Mohamud Sheikh Mohamed, M.P.

MINUTES OF THE 85TH SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING HELD IN VIRTUALLY ON MONDAY, 22ND NOVEMBER 2021 AT 10:00 A.M.

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. Gladys Wanga, CBS, MP | - | Chairperson |
| 2. Hon. Isaac W. Ndirangu, MP | - | Vice Chairperson |
| 3. Hon. Jimmy O. Angwenyi, MGH, MP | | |
| 4. Hon. Christopher Omulele, CBS, MP | | |
| 5. Hon. Shakeel Shabbir Ahmed, CBS, MP | | |
| 6. Hon. Daniel E. Nanok, MP | | |
| 7. Hon. (Dr.) Christine Ombaka, MP | | |
| 8. Hon. Andrew A. Okuome, MP | | |
| 9. Hon. Francis K. Kimani, MP | | |
| 10. Hon. Joseph M. Oyula, MP | | |
| 11. Hon. Catherine Waruguru, MP | | |
| 12. Hon. James Gichuhi Mwangi, MP | | |
| 13. Hon. (Prof.) Mohamud Sheikh Mohamed, MP | | |
| 14. Hon. Joshua C. Kandie, MP | | |

ABSENT WITH APOLOGY

1. Hon. David M. Mboni, MP
2. Hon. Stanley M. Muthama, MP
3. Hon. Edith Nyenze, MP
4. Hon. Peter Lochakapong, MP
5. Hon. Qalicha Gufu Wario, MP

IN ATTENDANCE

SECRETARIAT

- | | | |
|------------------------|---|--|
| 1. Ms. Leah Mwaura | - | Senior Clerk Assistant/Head of Secretariat |
| 2. Ms. Jennifer Ndeto | - | Principal Legal Counsel I |
| 3. Ms. Laureen Wesonga | - | Clerk Assistant II |
| 4. Mr. Josephat Motonu | - | Senior Fiscal Analyst |
| 5. Mr. Mark Mbuthia | - | Audio Officer |
| 6. Ms. Hannah Mwangi | - | Intern |

AGENDA

1. Prayers
2. Communication from the Chairperson
3. Confirmation of Minutes from the previous sitting(s) and Matters Arising
4. **Clause by clause consideration and adoption of reports of the following Bills:**
 - i. **Senate Amendments to the Public Private Partnerships Bill, 2021;**
 - ii. **The Asian Widows' and Orphans' Pensions (Repeal) Bill, 2021;**
 - iii. **The Provident Fund (Repeal) Bill, 2021;**
 - iv. **The Public Procurement and Asset Disposal (Amendment) Bill, 2021; and**
 - v. **The Public Procurement and Asset Disposal (Amendment) (No. 2) Bill, 2021**
5. Any Other Business
6. Adjournment/Date of Next Meeting

MIN.NO.NA/F&NP/2021/398: COMMUNICATION FROM THE CHAIRPERSON

The meeting was called to order at 10:27 a.m. and a prayer was said. The Chairperson welcomed the meeting to deliberate on the day's agenda.

MIN.NO.NA/F&NP/2021/399: CONFIRMATION OF MINUTES
Agenda deferred

MIN.NO.NA/F&NP/2021/400: CLAUSE BY CLAUSE CONSIDERATION AND ADOPTION OF THE REPORT OF THE SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS BILL, 2021

Members observed that Senate amendments to the Public Private Partnerships Bill, 2021 added value to the amendments passed by the National Assembly. The Committee therefore resolved as follows on the Senate amendments:

1. **Clause 6:** Agreed to
2. **Clause 33:** Agreed to
3. **Clause 75:** Agreed to
4. **New Clauses:** Agreed to

The Committee adopted the report on the consideration of the Public Private Partnerships Bill, 2021 having been proposed by Hon. Joseph Oyula, MP and seconded by Hon. (Dr.) Christine Ombaka, MP.

MIN.NO.NA/F&NP/2021/401: CLAUSE BY CLAUSE CONSIDERATION AND ADOPTION OF THE REPORT OF THE ASIAN WIDOWS' AND ORPHANS PENSIONS (REPEAL) BILL, 2021

The Committee deliberated on the amendments proposed in the Bill and resolved as follows:

1. **Clause 1:** Agreed to
2. **Clause 2:** Agreed to
3. **Clause 3:** Agreed to
4. **Clause 4**

Amend by inserting a new paragraph (f) providing for the final auditing of the accounts.

The Committee adopted the report on the consideration of the Asian Widows' and Orphans' Pensions (Repeal) Bill, 2021 having been proposed by Hon. Shakeel Shabbir, CBS, MP and seconded by Hon. Joseph Oyula, MP.

MIN.NO.NA/F&NP/2021/402: CLAUSE BY CLAUSE CONSIDERATION AND ADOPTION OF THE REPORT OF THE PROVIDENT FUND (REPEAL) BILL, 2021

The Committee deliberated on the amendments proposed in the Bill and resolved as follows:

1. **Clause 1:** Agreed to
2. **Clause 2:** Agreed to
3. **Clause 3:** Agreed to
4. **Clause 4**

Amend by inserting a new paragraph (f) providing for the final auditing of the accounts.

The Committee adopted the report on the consideration of the Provident Fund (Repeal) Bill, 2021 having been proposed by Hon. (Dr.) Christine Ombaka, MP and seconded by Hon. Joshua Kandie, MP.

CLAUSE BY CLAUSE CONSIDERATION
AND ADOPTION OF THE REPORT OF THE
PUBLIC PROCUREMENT AND ASSET
DISPOSAL (AMENDMENT) BILL (N.A. BILL
NO. 32 OF 2021)

The Committee deliberated on the amendments proposed in the Bill and resolved as follows:

1. **Clause 1:** Agreed to
2. **Clause 2:** Delete paragraph (a)
3. **Clause 3:** Delete
4. **Clause 4:** Delete
5. **Clause 5:** Agreed to
6. **Clause 6:** Agreed to
7. **Clause 7:** Agreed to
8. **Clause 8:** Agreed to
9. **Clause 9:** Agreed to
10. **Clause 10:** Agreed to
11. **Clause 11:** Agreed to
12. **Clause 12:** Agreed to
13. **Clause 13:** Agreed to
14. **Clause 14:** Agreed to
15. **Clause 15:** Agreed to
16. **Clause 16:** Agreed to
17. **Clause 17:** Agreed to
18. **Clause 18:** Agreed to
19. **Clause 19:** Delete paragraphs (b) and (c)
20. **Clause 20:** Agreed to
21. **Clause 21:** Agreed to
22. **Clause 22:** Agreed to
23. **Clause 23:** Agreed to
24. **Clause 24:** Delete
25. **Clause 25:** Agreed to
26. **Clause 26:** Agreed to
27. **Clause 27:** Agreed to
28. **Clause 28:** Agreed to
29. **Clause 29:** Agreed to
30. **Clause 30:** Agreed to
31. **Clause 31:** Agreed to
32. **Clause 32:** Delete
33. **Clause 33:** Delete
34. **Clause 34:** Agreed to
35. **Clause 35:** Delete and substitute with the following paragraph; *"Section 139 of the principal Act is amended in subsection (4) by deleting the words "any variation of a contract shall only be considered after twelve month from the date of signing the contract" and substituting therefor the words "a variation of a contract shall be considered at any time, in the case of a quantity variation or shall only be considered after twelve months from the date of signing of the contract, in the case of a price variation".*
36. **Clause 36:** Agreed to
37. **Clause 37:** Delete paragraph (a)
38. **Clause 38:** Agreed to

- 39. **Clause 39:** Agreed to
- 40. **Clause 40:** Delete
- 41. **Clause 41:** Agreed to
- 42. **Clause 42:** Agreed to
- 43. **Clause 43:** Agreed to
- 44. **Clause 44:** Agreed to

The Committee adopted the report on the consideration of the Public Procurement and Asset Disposal (Amendment) Bill (N.A. Bill No. 32 of 2021) having been proposed by Hon. Catherine Waruguru, MP and seconded by Hon. Daniel Nanok, MP.

MIN.NO.NA/F&NP/2021/404:

**CLAUSE BY CLAUSE CONSIDERATION
AND ADOPTION OF THE REPORT OF THE
PUBLIC PROCUREMENT AND ASSET
DISPOSAL (AMENDMENT) (NO. 2) BILL
(N.A. BILL NO. 36 OF 2021)**

The Committee deliberated on the amendments proposed in the Bill and resolved as follows:

- 1. **Clause 1:** Agreed to
- 2. **Clause 2:** Delete
- 3. **Clause 3:** Agreed to
- 4. **Clause 4:** Delete
- 5. **Clause 5:** Agreed to
- 6. **Clause 6:** Agreed to
- 7. **Clause 7:** Agreed to
- 8. **Clause 8**
 - a. Amend paragraph (1) by deleting the word "*business*".
 - b. Amend paragraph 2(a) by deleting the words "*twenty-four*" and substituting with the words "*forty-eight*".
- 9. **Clause 9:** Delete

The Committee adopted the report on the consideration of the Public Procurement and Asset Disposal (Amendment) (No. 2) Bill (N.A. Bill No. 36 of 2021) having been proposed by Hon. Joseph Oyula MP and seconded Hon. (Dr.) Christine Ombaka, MP.

MIN.NO.NA/F&NP/2021/405:

**ADJOURNMENT/DATE OF NEXT
MEETING**

There being no other business to deliberate on, the meeting adjourned at 1.06 p.m. The next meeting will be on Tuesday, 23rd November 2021 at 10.00a.m.

**HON. GLADYS WANGA, CBS, MP
(CHAIRPERSON)**

SIGNED.....DATE.....

23/11/2021



STANDARD SACCO
SOCIETY LIMITED
Umoja ni Nguvu

EXPRESSION OF INTEREST

SUPPLY, DELIVERY, TRAINING, IMPLEMENTATION AND COMMISSIONING OF SACCO MANAGEMENT SYSTEM

The Standard Sacco Society Limited, a duly registered Sacco, with its head office at The Standard Group Centre along Mombasa Road with over 700 members intends to invite expression of interest for the Supply, Delivery, Training, Implementation and Commissioning of a SACCO Financial Management System from suitably qualified interested bidders.

1. Objective

To have a reliable SACCO Management System that will maintain the members register, monitor and keep records of members' savings, loans, withdrawals, deposits and reporting.

2. Scope of Work

The successful bidder will be expected to provide technical and system support of the system, but not limited to:

- Effective access and security controls over records with an unalterable history/audit trail.
- Working closely with the sacco secretariat in the development, testing and deployment of the application software and subsequent maintenance of the system.
- Deployment of qualified and experienced personnel for the above tasks.
- Deployment of qualified staff to train office SACCO personnel.
- Compliance with SASRA regulations on NDT Saccos

3. Mandatory Requirement

- Company profile, registration, regulatory and compliance certificates.
- Evidence of capability to successful implementation of sacco financial management system by providing CVs of key personnel.
- Provide a technical approach and work plan to support the implementation of the system.
- EOLs will be assessed against the Vendor's capability of meeting the above outlined objectives and the information documents set out under Clauses 1 and 2 above.
- Evidence of implementation of a sacco financial system of similar scope in the past three years(certified references will be an added advantage)
- Copies of certified audited accounts for the last three years

Application process

Physical applications can be hand delivered to the Sacco offices at The Standard Group Centre, along Mombasa Road or emailed to ssacco@standardmedia.co.ke.

The applications to be addressed as 'The Standard Sacco Financial Management System 2021' to
The Sacco Accountant
The Standard Sacco Society Limited
P.O. Box 30080-00100
NAIROBI

The Sacco reserves the right to accept or reject the expression of interest without reasons.

Deadline for submission is **5.00 pm on Tuesday, 21st September 2021.**



REPUBLIC OF KENYA

**THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - FIFTH SESSION**

**In the Matter of Article 118(1) (b) of the Constitution
and
In the Matter of Consideration by National Assembly of:-**

- 1. The Sustainable Waste Management Bill, 2021 (National Assembly Bill No. 22 of 2021)**
- 2. The National Disaster Risk Management Bill, 2021 (National Assembly Bill No.28 of 2021)**
- 3. The Public Procurement and Asset Disposal (Amendment) Bill 2021 (National Assembly Bill No. 32 of 2021)**
- 4. The Universities (Amendment) Bill, 2021 (National Assembly Bill No. 35 of 2021)**
- 5. The Public Procurement and Asset Disposal (Amendment) Bill, 2021 (National Assembly Bill No.36 of 2021)**

PUBLIC PARTICIPATION (SUBMISSION OF MEMORANDA)

Pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Clerk of the National Assembly hereby invites members of the public and relevant stakeholders to submit memoranda on the Bills.

The Sustainable Waste Management Bill, (National Assembly Bill No. 22 of 2021) Sponsored by the Hon. (Dr)Amos Kimunya, E.G.H, M.P. Leader of the Majority Party seeks to establish the legal and institutional framework for the sustainable management of waste; ensure the realization of the constitutional provision on the right to a clean and health environment and for connected purposes.

The National Disaster Risk Management Bill (National Assembly Bill No. 28 of 2021) Sponsored by the Hon. (Dr) Amos Kimunya, E.G.H, M.P. Leader of the Majority Party seeks to establish the National Disaster Risk Management Authority and County Disaster Management Committees, to provide a legal framework for the coordination of disaster risk management activities and for connected purposes.

The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 32 of 2021) Sponsored by the Hon. (Dr) Amos Kimunya, E.G.H, M.P. Leader of the Majority Party seeks to amend the Public Procurement and Asset Disposal Act to address the challenges faced by procuring entities in implementing the Act including the multiple awards of contracts in the wake of sections 82 and 86 of the Act.

The Universities (Amendment) Bill (National Assembly Bill No. 35 of 2021) Sponsored by the Hon. (Dr) Amos Kimunya, E.G.H, M.P. Leader of the Majority Party seeks to amend the Universities Act in the provisions relating to the appointment of the members of University Councils, and the governance of universities and also to make new provisions with respect to the Universities Fund.

The Public Procurement and Asset Disposal (Amendment), Bill (No.2)(National Assembly Bill No. 36 of 2021) sponsored by Hon. Gladys Wanga, CBS , M.P, Chairperson, Departmental Committee on Finance & National Planning seeks to amend the Public Procurement and Asset Disposal Act, 2015 to subject the open tender method of procurement to a two-envelope bid process.

The Bill further seeks to amend the maximum prescribed period for evaluation of open tender from the current thirty (30) days to thirty business days, and to waive requirements on bidders to provide evidence of compliance with tender criteria to reduce the current reliance on technicalities to disqualify bidders during tender evaluation.

The Bills were Read a First Time on **1st September 2021** and Pursuant to Standing Order 127(1) of the National Assembly Standing Orders, committed to Departmental Committees of the National Assembly as set out in the schedule hereunder:

SCHEDULE

No.	Bill	Committee
1.	The Sustainable Waste Management Bill, 2021 (National Assembly Bill No.22 of 2021)	Environment and Natural Resources
2.	The National Disaster Risk Management Bill, 2021 (National Assembly Bill No. 28 of 2021)	Administration and National Security
3.	The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 32 Of 2021)	Finance and National Planning
4.	The Universities (Amendment) Bill, 2021 (National Assembly Bill No. 35 of 2021)	Education and Research
5.	The Public Procurement and Disposal (Amendment) Bill No.2 (National Assembly Bill No.36 of 2021)	Finance and National Planning

Copies of the Bills are available at the National Assembly Table Office, or on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be addressed 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 **Tuesday 21st September, 2021 at 5.00 p.m.**

**MICHAEL R. SIALAI, CBS
CLERK OF THE NATIONAL ASSEMBLY
6th September 2021**

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If you are a farmer looking to supply your produce at competitive prices, you can get in touch with the closest bulking center near you by emailing us on farmkenya@standardmedia.co.ke

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