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KENYA NATIONAL ASSEMBLY
TENTH PARLIAMENT - FOURTH SESSION**

REPORT
OF THE
DEPARTMENTAL COMMITTEE ON FINANCE,
PLANNING & TRADE

**ON THE VETTING OF THE NOMINEES FOR
APPOINTMENT AS BOARD MEMBERS TO THE
COMPETITION AUTHORITY**

SEPTEMBER, 2012

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PREFACE

Mr. Speaker Sir,

On behalf of the Members of the Departmental Committee No. F on Finance, Planning & Trade, and pursuant to the provisions of Standing Order No. 181, it is my pleasure and duty to present to the House, the Committee's Report on the nominees for appointment as Board Members to the Competition Authority.

The Committee membership comprise of the following:-

The Hon. Chrysanthus Okemo, EGH, MP **(Chairman)**

The Hon. (Prof.) Philip Kaloki, MP **(Vice Chairman)**

The Hon. Jakoyo Midiwo, MGH, MP

The Hon. Musikari Kombo, EGH, MP

The Hon. Lucas Chepkitony, MP

The Hon. Sammy Mwaita, MP

The Hon. Lenny Kivuti, MP

The Hon Nelson Gaichuhie, MP

The Hon. Ntoitha M'Mithiaru, MP

The Hon. Shakeel Ahmed Shabbir, MP

The Hon. Nkoidila Ole Lankas, MP

The Finance, Planning & Trade Committee is one of the Departmental Committees established under Standing Order No. 198 whose functions *are inter alia*:-

- (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 the ministries and departments and the effectiveness for the implementation.
- (iii) 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.
- (iv) to make reports and recommendations to the House as often as possible including recommendations of proposed legislation.

Committee mandate

In accordance with Second Schedule of the Standing Orders, the Committee is mandated to consider:-

- ◆ Public finance;
- ◆ Banking and insurance;
- ◆ National planning and population development;
- ◆ Trade, commerce and industry;
- ◆ Tourism promotion and management.

The line Ministries falling within the purview of the Committee are:-

- (i) Ministry of Finance
- (ii) Ministry of Planning, National Development & Vision 2030
- (iii) Ministry of Industrialization
- (iv) Ministry of Tourism
- (v) Ministry of Trade

Nomination to the Competition Authority

Following a complete recruitment process and pursuant to Section 10(2) of the Competition Authority Act of 2010, the Minister for Finance forwarded to the Clerk of the National Assembly, the names of the following five (5) nominees vide a letter dated 27th June, 2012 for vetting by the relevant Committee and consideration by the National Assembly for appointment as Board Members to the Competition Authority:-

1. Ms. Judith Abrahams Guserwa
2. Ms. Susan Atieno Ayako
3. Mr. Canon Charles Komu Gikunju
4. Mr. Stephen Kipchumba Kiptinness
5. Ms. Eunice Moraa Maranya

In nominating the said Members to the Commission, the Minister for Finance indicated in the said forwarding letter that the following considerations were taken into account in addition to merit:-

- (i) Gender sensitivity (1/3 Rule);
- (ii) Regional and Ethnic Balance;

- (iii) Affirmative Action, including the disabled, and vulnerable groups;
- (iv) Youth Agenda

Committee meetings

The Committee held two Sittings during which the said five (5) nominees appeared before the Committee and were vetted in accordance with the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 for nomination as Board Members to the Competition Authority.

Mr. Speaker Sir,

On behalf of the Departmental Committee on Finance, Planning & Trade, I have the honour and pleasure to present the Committee's Report on the nominees for appointment as Board Members to the Competition Authority.

Mr. Speaker Sir,

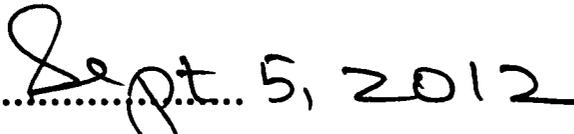
May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations on the matter.

Thank you.

Signed 

Hon. (Prof.) Philip Kaloki, MP

**Vice Chairman,
Departmental Committee on Finance, Planning & Trade**

Date 

2. BACKGROUND

2.1 ESTABLISHMENT OF THE COMPETITION AUTHORITY

The Competition Authority Act of 2010 establishes the Authority and the objective of the Act is to promote and safeguard competition in the national economy with a view to protecting consumers from unfair and misleading market conduct among others.

Section 10 (1) of the Act provides for the composition of the Board membership of the Competition Authority as consisting of the following;-

- (a) a non-executive Chairman appointed by the President;
- (b) the Permanent Secretary in the Ministry for the time being responsible for finance or his representative;
- (c) the Permanent Secretary in the Ministry for the time being responsible for Trade or his representative;
- (d) Attorney General or his representative;
- (e) the Director-General appointed under section 12; and
- (f) five other Members appointed by the Minister from among persons experienced in competition and consumer welfare matters, one of whom shall be experienced in consumer welfare matters.

10(2) The persons proposed to be Members of the Authority under subsection (1)(f) shall, before their appointment to the Authority, be vetted and approved by Parliament through the relevant Committee of Parliament.

2.2 RECRUITMENT/APPOINTMENT PROCESS FOR THE NOMINEES TO THE COMPETITION AUTHORITY

Following the enactment of the Competition Authority Act of 2010, and in accordance with the mandate conferred to the Minister for Finance, the Minister initiated the recruitment process as follows:-

- (i) On Tuesday 14th February, 2012 the Permanent Secretary/Treasury, placed the advertisement in the Daily Nation Newspaper inviting applications for five (5) positions of Non-Executive Members of the Authority and specified the qualifications as follows:-

- (a) be a Kenyan Citizen;
- (b) posses a degree from a recognized in Kenya;
- (c) meet the requirements of Chapter Six of the Constitution;
- (d) must be tax compliant;
- (e) have experience of not less than ten (10) years in any of the following fields:-
 - Industrial Organization
 - Mergers and Acquisition Analysis
 - Competition regulation
 - Economic regulation
 - Intellectual property rights
 - Law
 - Protection and enhancement of consumer welfare, Banking, and finance.
- (f) have had a distinguished career in his/her respective fields; and
- (g) is judicious in decision making and also has ability to work in a collegial atmosphere.

(ii) On Tuesday 15th May, 2012, the Investment Secretary/Treasury placed an advertisement in the Standard News paper indicating the following:-

(a) List of 52 candidates who had submitted their applications for the position of Member of the Board of Competition Authority

	Name of Applicant		Name of Applicant		Name of Applicant
1	Dennis maosa Kibegwa	19	Machana M. Ontiri	37	Emmanuel Onyinkwa Mokoro
2	Charles O. Ochola	20	Zippy Nzisa Musyimi	38	Julia Simbi Kavindu
3	Faisal Abdille Haji	21	Robert Mangana	39	Eunic Moraa Maranya
4	Agnes Ogada	22	Mugambi Nandi	40	Jackline Kimeto
5	Peter Macharia Kamau	23	Hesborne ochieng	41	Stephen Mutoro
6	Peter G. Otieno Mica	24	Philip N. Gachuki	42	Robert Kagwe Gichui

7	Mercy Syombua Musyoka	25	Musau Anthony Kiilu	43	Joseph M. Muturi
8	Ngetich Rueben Kibet	26	Martin Muhoro Gichuki	44	Judith A. Guserwa
9	Patrick Kikuvu Munyao	27	Pamela Ochieng Otajah	45	Peter Murage Ndwiga
10	James Kamonde Wanjohi	28	Josphat M. Akoyo	46	Susan Atieno Ayako
11	Joshua Odongo Onono	29	Ngure Mwaniki	47	Paul Mwaniki Gachoka
12	Harriet Wambui Wangai	30	Anthony Simiyu Muchanga	48	James Oloo Ogundo
13	Canon Chares Komu Gikunju	31	Amos William Omolo	49	Ernest Moturi Ogwara
14	Isaiah Ochanga Onyango	32	Peter G. Nduru	50	Pius P. Kiplangat Mutay
15	Samuel Oluoch Helu	33	James oluoch Ogolla	51	Wycliffe A. Swanya
16	Cynthia Mukoya Kokonya	34	David Kitawi Mwakitele	52	Stephen Kiptinness
17	Mugi Mwangi	35	Dominic M. Ogeto		
18	Catherine Adongo Kola	36	Grace N. Nzomo		

(b) **Shortlisted 20 applicants for the position of Member of the Board of Competition Authority**

	Name of Applicant	Gender	Date of interview	Time
1	Wycliffee A. Sanya	Male	29/05/2012	2.00 p.m.
2	Catherine Adongo Kola	Female	29/05/2012	2.30 p.m.
3	Stephen Kiptinness	Male	29/05/2012	3.00 p.m.
4	Philip N. Gachuki	Male	29/05/2012	3.30 p.m.
5	Musau Anthony Kiilu	Male	29/05/2012	4.00 p.m.
6	James oloo Ogundo	Male	29/05/2012	4.30 p.m.
7	Peter G. Nduru	Male	30/05/2012	9.00 a.m.
8	David Kitawi Mwakitele	Male	30/05/2012	9.30 a.m.
9	Dominic M. Ogeto	Male	30/05/2012	10.00 a.m.
10	Susan Atieno Ayako	Female	30/05/2012	11.00 a.m.
11	Eunice Moraa Muranya	Female	30/05/2012	11.30 a.m.
12	Judith A. Guserwa	Female	30/05/2012	12.00 noon
13	Paul Mwaniki Gachoka	Male	30/05/2012	12.30 p.m.
14	Grace N. Nzomo	Female	30/05/2012	2.00 p.m.
15	Canon Charles K. Gikunju	Male	30/05/2012	2.30 p.m.
16	Ngure Crispus Mwaniki	Male	30/05/2012	3.00 p.m.
17	Josphat M. Akoyo	Male	30/05/2012	3.30 p.m.
18	Charles O. Ochola	Male	30/05/2012	4.00 p.m.
19	Alfred Mugambi Nandi	Male	30/05/2012	4.30 p.m.
20	Pius P. Kiplangat Mutay	Male	30/05/2012	5.00 p.m.

(c) Following a complete recruitment process and pursuant to Section 10(2) of the Competition Authority Act of 2010, the Minister for Finance forwarded to the Clerk of the National Assembly, the names of the following five (5) nominees vide a letter dated 27th June, 2012 for vetting by the relevant Committee and consideration by the National Assembly for appointment as Board Members to the Competition Authority:-

1. Ms. Judith Abrahams Guserwa
2. Ms. Susan Atieno Ayako
3. Mr. Canon Charles Komu Gikunju
4. Mr. Stephen Kipchumba Kiptinness
5. Ms. Eunice Moraa Maranya

In nominating the said Members to the Competition Authority, the Minister for Finance indicated in the said forwarding letter that the following considerations were taken into account in addition to merit:-

- (i) Gender sensitivity (1/3 Rule)
- (ii) Regional and Ethnic balance
- (iii) Affirmative Action, including the disabled, and vulnerable groups
- (iv) Youth Agenda

3. VETTING OF THE NOMINEES BY THE COMMITTEE

In conducting the vetting process, the Committee examined the candidates against the following criteria, amongst others, in accordance with the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

- (i) Academic qualifications
- (ii) Employment record
- (iii) Professional affiliations
- (iv) Potential conflict of interest
- (v) Knowledge of the relevant subject
- (vi) Overall suitability for the position
- (vii) Tax compliance

During its Sittings held on Tuesday 21st August, 2012, the Committee orally interviewed the said five (5) nominees for appointment as Board Members to the Competition Authority and at the conclusion of the vetting exercise, the Committee made the following observations:-

3.1 **MS. JUDITH ABRAHAMS GUSERWA**

The Committee having considered her curriculum vitae and heard her oral submission during the interview, made the following observations on her nomination as a Board Member to the Competition Authority:-

- (i) She is a Kenyan Citizen born on 20th March, 1959.
- (ii) She is a holder of Masters Degree in Business Administration (MBA Executive) from Moi University (2010), Masters in Law Degree (2009) and Bachelor of Laws Degree (1984) both from University of Nairobi.
- (iii) Currently in Private Legal Practice since 1991 and formerly worked both with M/s Muthoga Gaturu & Company Advocates as a Practicing Advocate and Federation of Kenya Employers as a Legal Officer.
- (iv) Has practical wealth of professional experience in Litigation since 1984 to-date following her practice in the following key areas:-
 - Litigation Counsel attending Court on day-to-day basis to prosecute Labour disputes and Trade Union disagreements.
 - Providing advise on sound industrial relations and labour practices to COTU(K), affiliated Unions, employers and employees.
 - Attending to Court to prosecute Commercial/Civil Matters and Family/Succession matters.
 - Sitting at the State Corporations Appeals Tribunal to preside over Economic disputes.
 - Sitting at the Public Procurement and Disposal Appeal Review Board to hear and determine appeals emanating from Procurement Appeals.

- Sitting with other Tribunal Members to deal with personnel and staff recruitment matters.
 - Providing advice to the Regional Law Society of Kenya on Labour legislation and Labour Practice.
- (v) A Member of the following Professional Associations:-
- Council Member of the Law Society of Kenya.
 - Council Member of International Federation of Women Lawyers (FIDA).
 - Council Member of the East African Law Society.
 - A Member of the International Bar Association.
 - A Member of the Commonwealth Lawyers Association.
 - A Member of the Chartered Institute of Arbitrators.
 - Sitting Member and Vice Chairperson of the State Corporation Appeals Tribunal (2001 to date).
- (vi) Has attended the following Conferences/Seminars/Workshops and Courses:-
- Advanced International Arbitration Course at the International Law Institute: Washington D.C. (2010)
 - ILO-Conference on Child Labour: Italy (2009)
 - Commonwealth Lawyers Conference: Hongkong, China (2009)
 - IBA Conference- Chicago-Illinois: USA (2006)
 - ILS for Judges, Lawyers and Legal Educators: Italy (2003)
 - Industrial Relations effects on Women at Workplace (2002).
 - East African Law Society Seminar on Tripartite Legal issues: Zanzibar (2000).
 - An International Forum on Equality for Women in the World of Work; Switzerland (1994).
 - Meeting of the UNDP Resident Representative to discuss the Socio-economic impact of Aids in East Africa: Uganda (1993).
 - A Sub-regional Seminar on the role of employers in Organizations in the Training and Employment of Disabled Persons-organized by the ILO: Malawi (1991).

- ILO-Africa Regional Tripartite Workshop on Labour Standards: *Cote-de-Vour* (1989).
 - A Course on Collective Bargaining Agreement: Egypt (1988).
- (vii) Has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with her tax obligation.
- (viii) Has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- (ix) The Committee found the nominee qualified to serve in the Board of the Competition Authority.

3.2 **MS. SUSAN ATIENO AYAKO**

The Committee having considered her curriculum vitae and heard her oral submission during the interview, made the following observations on her nomination as a Board Member to the Competition Authority:-

- (i) She is a Kenyan Citizen born in 1963 in Siaya County.
- (ii) She is a holder of Master of Arts Degree(Economics) in 1988 and Bachelor of Arts Degree (Economics) in 1986, both from the University of Nairobi.
- (iii) Has extensive empirical knowledge of both macro and micro economics in the academic field, having worked at the University of Nairobi both as a Tutorial Fellow and Lecturer in Economics from 1988 to-date
- (iv) An Associate Member of the Kenya Institute of Bankers.
- (v) Has attended the following courses that are relevant to the mandate of the Competition Authority:-
- Industrial Organization Courses:-
 - Firms and Markets
 - Competition Policy
 - Regulation of Natural Monopolies

- Kenya Institute of Bankers Courses:-
 - Investment and Financial Management
 - International Trade Finance
 - Law Relating to Banking & Finance
 - Strategic Marketing
 - Management and organization
 - Financial Reporting and Planning
 - Monetary and Financial policies

- (vi) Has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with her tax obligation.
- (vii) Has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- (viii) The Committee found the nominee qualified to serve in the Board of the Competition Authority.

3.3 **MR. CANON CHARLES KOMU GIKUNJU**

The Committee having considered his curriculum vitae and heard his oral submission during the interview, made the following observations on his nomination as a Board Member of the Competition Authority:-

- (i) He is a Kenyan Citizen born on 8th May, 1957 in Kirinyaga County.
- (ii) He is a holder of MBA (Strategic Management) in 2011 and Bachelor of Arts Degree (Human Resource Option) in 2010, both from Kenya Methodist University. In addition, he holds professional Diploma in Purchasing and Supplies (2001), Diploma in Business Management from Kenya Institute of Management (2003) and Certificate in Purchasing and Supplies Management from Jomo Kenya University of Agriculture & Technology (2000).
- (iii) Has an extensive working experience in the private sector, having worked at Kenya Tea Development Authority for 31 years and is

currently the Regional Manger- Region 111 comprising of 8 tea factories in Kirinyaga and Embu Counties with a turnover of more than Kshs. 5 million.

- (iv) Has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with his tax obligation.
- (v) Has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- (vi) The Committee found the nominee qualified to serve in the Board of the Competition Authority.

3.4 **MR. STEPHEN KIPCHUMBA KIPTINNESS**

The Committee having considered his curriculum vitae and heard his oral submission during the interview, made the following observations on his nomination as a Board Member to the Competition Authority:-

- (i) He is a Kenyan Citizen born on 12th November, 1974 in Elgeyo Marakwet County.
- (ii) He is a holder of Masters in Law (Telecommunication & IT Law) from London School of Economics (2001) and Bachelor of Law (Company & Intellectual Property Law) Degree from LL.S Law College, University of Pune (1999). In addition, he holds a Diploma in Computer Science (1997) and Certificate in Human Resource Management (2000).
- (iii) He is an Advocate of the High Court of Kenya and a member of the Law Society of Kenya in addition to being a registered Certified Public Secretary –CPS(K) with ICPSK.
- (iv) An Assistant Lecturer from 2004 to-date at the School of Law and School of Journalism/Media, University of Nairobi. Also a Senior Partner, Kiptinness & Odhiambo Associates from 2011 to-date.

- (v) Has professional work experience in telecommunication and regulatory matters, having worked in the following organizations:-
- Telkom Kenya- Head of Regulatory Affairs (2009-2012).
 - Commonwealth Telecommunication Organization–Centre Manager (2008).
 - Kenya Network Information Centre – Ag. Company Secretary and Board Member (2004-2005).
 - Communication Commissions of Kenya.
 - Legal Officer (2002-2005)
 - Ag. Senior Legal Officer (2005-2006)
 - Senior Legal Officer (2006-2009)
- (vi) Has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with his tax obligation.
- (vii) Has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- (viii) The Committee found the nominee qualified to serve in the Board of the Competition Authority.

3.5 **MS. EUNICE MORAA MARANYA**

The Committee having considered her curriculum vitae and heard her oral submission during the interview, made the following observations on her nomination as a Board Member to the Competition Authority:-

- (i) She is a Kenyan Citizen born on 3rd June, 1959 in Kisii County.
- (ii) She is a holder of Masters Degree in Business Administration from United States International University – San Diego and Bachelor of Science Degree (Agriculture) from the University of Nairobi. Currently undertaking Doctorate in Business Administration, SMC University (Switzerland).
- (iii) Has extensive professional experience in banking sector, having worked for 14 years at Kenya Commercial Bank both as a Branch

and Operations Manager, during which she gained practical experience in the following:-

- Client Management
- Loan Reporting
- Monitoring and Evaluation
- Establishment of a new branch
- Implementation of policies and procedures
- Preparation of Annual Plans and Budgets
- Staff development and administration
- Re-engineering service delivery system and operations.

(iv) Former Chief Executive Officer of Kenya Alliance of Resident Association from 2002-2004 during which she made the following major achievements among others:-

- Designed a governance programme on the Local Authority Transfer Fund (LATF) and Service Delivery Actions Plans (LASDA).
- Organized Workshops between residents associations and the Ministry of Water Resources in reforms in the water sector.
- Organized a UN-Habitat Workshop on security for the safer Nairobi Strategy.

(v) Has professional wealth of experience as an independent consultant since 2004 in several sectors ranging from development, financial services, corporate, public sector and has undertaken consultancy services for the following organizations:-

1. Business development services

- MESPT/Danida - 2012
- International Fund for Agricultural Development (2011)
- Digital Opportunity Trust (2011)
- Africa Adaptation Process (2010)
- IFC/World Bank (2010)
- UNDP South-South Special (2010)
- East African Dairy Project (2009)

- BSPMDP/Danida (2007)
- DFID (2007)
- Kenya Pediatric Association (2006)

2. Corporate

- UAP Insurance Company, Uganda (2009)
 - Dagger Consultants (2007 & 2008)
 - The Management Consultancy Group (2006)
 - PTA Bank (2004)
 - Royal Insurance Company of East Africa (2004)
 - USAID (Rates-Chemonics project) -2004
- (vii) Has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with her tax obligation.
- (viii) Has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- (ix) The Committee found the nominee qualified to serve in the Board of the Competition Authority.

4.0 COMMITTEE'S RECOMMENDATIONS

The Committee recommends that pursuant to Section 10(2) of the Competition Act of 2010, this House approves the following nominees for appointment by the Minister for Finance as Board Members to the Competition Authority:-

1. Ms. Judith Abrahams Guserwa
2. Ms Susan Atieno Ayako
3. Mr. Canon Charles Komu Gikunju
4. Mr. Stephen Kipchumba Kiptinness
5. Ms. Eunice Moraa Maranya

APPENDIX (1)

(Minutes)

MINUTES OF THE TWENTY-SIXTH SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING AND TRADE HELD ON TUESDAY 21ST AUGUST, 2012 IN COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL BUILDING AT 10.00 A.M.

PRESENT

Hon Chrysanthus Okemo, EGH, M.P. (**Chairman**)

Hon. Musikari Kombo, EGH, M.P.

Hon. Lucas Chepkitony, M.P.

Hon. Nelson Gaichuhie, M.P.

ABSENT WITH APOLOGIES

Hon. (Prof.) Philip Kaloki, M.P. (**Vice Chairman**)

Hon. Jakoyo Midiwo MGH, MP.

Hon. Ntoitha M'Mithiaru, M.P.

Hon. Sammy Mwaita, M.P.

Hon. Nkoidila Ole Lankas, M.P

Hon. Lenny Kivuti, M.P.

Hon. Ahmed Shakeel Shabbir, M.P.

KENYA NATIONAL ASSEMBLY

Mrs. Florence Abonyo - First Clerk Assistant

Mr. Evans Oanda - Third Clerk assistant

Mr. Martin Mugambi - Parliamentary Intern

Mr. Dennis Dindi - Office Assistant

MIN. NO. 106/2012: VETTING OF NOMINEES FOR APPOINTMENT TO THE COMPETITION AUTHORITY

The Committee orally interviewed the following five (5) nominees for appointment as Board Members to the Competition Authority:-

1. Ms. Judith Abrahams Guserwa
2. Ms Susan Atieno Ayako
3. Mr. Canon Charles Komu Gikunju
4. Mr. Stephen Kipchumba Kiptinness
5. Ms. Eunice Moraa Maranya

In conducting the vetting process, the Committee examined the candidates against the following criteria, amongst others, in accordance with the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

- (i) Academic qualifications
- (ii) Employment record
- (iii) Professional affiliations
- (iv) Potential conflict of interest
- (v) Knowledge of the relevant subject
- (vi) Overall suitability for the position
- (vii) Tax compliance

MIN. NO. 107/2012: MS. JUDITH ABRAHAMS GUSERWA

The Committee having considered her curriculum vitae and heard her oral submission during the interview, made the following observations on her nomination as a Board Member to the Competition Authority:-

- (i) She is a Kenyan Citizen born on 20th March, 1959.
- (ii) She is a holder of Masters Degree in Business Administration (MBA Executive) from Moi University (2010), Masters in Law Degree (2009) and Bachelor of Laws Degree (1984) both from University of Nairobi.
- (i) Currently in Private Legal Practice since 1991 and formerly worked both with M/s Muthoga Gaturu & Company Advocates as a Practicing Advocate and Federation of Kenya Employers as a Legal Officer.
- (ii) Has practical wealth of professional experience in Litigation since 1984 to-date following her practice in the following key areas:-
 - Litigation Counsel attending Court on day-to-day basis to prosecute Labour disputes and Trade Union disagreements.
 - Providing advise on sound industrial relations and labour practices to COTU(K), affiliated Unions, employers and employees.
 - Attending to Court to prosecute Commercial/Civil Matters and Family/Succession matters.
 - Sitting at the State Corporations Appeals Tribunal to preside over Economic disputes.

- Sitting at the Public Procurement and Disposal Appeal Review Board to hear and determine appeals emanating from Procurement Appeals.
 - Sitting with other Tribunal Members to deal with personnel and staff recruitment matters.
 - Providing advice to the Regional Law Society of Kenya on Labour legislation and Labour Practice.
- (v) A Member of the following Professional Associations:-
- Council Member of the Law Society of Kenya.
 - Council Member of International Federation of Women Lawyers (FIDA).
 - Council Member of the East African Law Society.
 - A Member of the International Bar Association.
 - A Member of the Commonwealth Lawyers Association.
 - A Member of the Chartered Institute of Arbitrators.
 - Sitting Member and Vice Chairperson of the State Corporation Appeals Tribunal (2001 to date).
- (vi) Has attended the following Conferences/Seminars/Workshops and Courses:-
- Advanced International Arbitration Course at the International Law Institute: Washington D.C. (2010)
 - ILO-Conference on Child Labour: Italy (2009)
 - Commonwealth Lawyers Conference: Hongkong, China (2009)
 - IBA Conference- Chicago-Illinois: USA (2006)
 - ILS for Judges, Lawyers and Legal Educators: Italy (2003)
 - Industrial Relations effects on Women at Workplace (2002).
 - East African Law Society Seminar on Tripartite Legal issues: Zanzibar (2000).
 - An International Forum on Equality for Women in the World of Work; Switzerland (1994).
 - Meeting of the UNDP Resident Representative to discuss the Socio-economic impact of Aids in East Africa: Uganda (1993).

- A Sub-regional Seminar on the role of employers in Organizations in the Training and Employment of Disabled Persons-organized by the ILO: Malawi (1991).
 - ILO-Africa Regional Tripartite Workshop on Labour Standards: *Cote-de-Vour* (1989).
 - A Course on Collective Bargaining Agreement: Egypt (1988).
- (vii) Has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with her tax obligation.
- (viii) Has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- (ix) The Committee found the nominee qualified to serve in the Board of the Competition Authority.

MIN. NO. 108/2012: MS. SUSAN ATIENO AYAKO

The Committee having considered her curriculum vitae and heard her oral submission during the interview, made the following observations on her nomination as a Board Member to the Competition Authority:-

- (i) She is a Kenyan Citizen born in 1963 in Nakuru County.
- (ii) She is a holder of Master of Arts Degree(Economics) in 1988 and Bachelor of Arts Degree (Economics) in 1986, both from the University of Nairobi.
- (iii) Has extensive empirical knowledge of both macro and micro economics in the academic field, having worked at the University of Nairobi both as a Tutorial Fellow and Lecturer in Economics from 1988 to-date.
- (iv) An Associate Member of the Kenya Institute of Bankers.
- (iii) Has attended the following courses that are relevant to the mandate of the Competition Authority:-
 - Industrial Organization Courses:-
 - Firms and Markets

- Competition Policy
 - Regulation of Natural Monopolies
 - Kenya Institute of Bankers Courses:-
 - Investment and Financial Management
 - International Trade Finance
 - Law Relating to Banking & Finance
 - Strategic Marketing
 - Management and organization
 - Financial Reporting and Planning
 - Monetary and Financial policies
- (iv) Has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with her tax obligation.
- (v) Has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- (vi) The Committee found the nominee qualified to serve in the Board of the Competition Authority.

MIN. NO. 109/2012 MR. CANON CHARLES KOMU GIKUNJU

The Committee having considered his curriculum vitae and heard his oral submission during the interview, made the following observations on his nomination as a Board Member of the Competition Authority:-

- (i) He is a Kenyan Citizen born on 8th May, 1957 in Kirinyaga County.
- (ii) He is a holder of MBA (Strategic Management) in 2011 and Bachelor of Arts Degree (Human Resource Option) in 2010, both from Kenya Methodist University. In addition, he holds professional Diploma in Purchasing and Supplies (2001), Diploma in Business Management from Kenya Institute of Management (2003) and Certificate in Purchasing and Supplies Management from Jomo Kenya University of Agriculture & Technology (2000).

- (iii) Has an extensive working experience in the private sector, having worked at Kenya Tea Development Authority for 31 years and is currently the Regional Manger- Region 111 comprising of 8 tea factories in Kirinyaga and Embu Counties with a turnover of more than Kshs. 5 million.
- (iv) Has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with his tax obligation.
- (i) Has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- (ii) The Committee found the nominee qualified to serve in the Board of the Competition Authority.

MIN. NO. 110/2012: MR. STEPHEN KIPCHUMBA KIPTINNESS

The Committee having considered his curriculum vitae and heard his oral submission during the interview, made the following observations on his nomination as a Board Member to the Competition Authority:-

- (i) He is a Kenyan Citizen born on 12th November, 1974 in Elgeyo Marakwet County.
- (ii) He is a holder of Masters in Law (Telecommunication & IT Law) from London School of Economics (2001) and Bachelor of Law (Company & Intellectual Property Law) Degree from LL.S Law College, University of Pune (1999). In addition, he holds a Diploma in Computer Science (1997) and Certificate in Human Resource Management (2000).
- (iii) He is an Advocate of the High Court of Kenya and a member of the Law Society of Kenya in addition to being a registered Certified Public Secretary –CPS(K) with ICPSK.
- (iv) An Assistant Lecturer from 2004 to-date at the School of Law and School of Journalism/Media, University of Nairobi. Also a Senior Partner, Kiptinness & Odhiambo Associates from 2011 to-date.

- (ii) Has professional work experience in telecommunication and regulatory matters, having worked in the following organizations:-
- Telkom Kenya- Head of Regulatory Affairs (2009-2012).
 - Commonwealth Telecommunication Organization–Centre Manager (2008).
 - Kenya Network Information Centre – Ag. Company Secretary and Board Member (2004-2005).
 - Communication Commissions of Kenya.
 - Legal Officer (2002-2005)
 - Ag. Senior Legal Officer (2005-2006)
 - Senior Legal Officer (2006-2009)
- (iii) Has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with his tax obligation.
- (iv) Has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- (v) The Committee found the nominee qualified to serve in the Board of the Competition Authority.

MIN. NO. 111/2012: MS. EUNICE MORAA MARANYA

The Committee having considered her curriculum vitae and heard her oral submission during the interview, made the following observations on her nomination as a Board Member to the Competition Authority:-

- (i) She is a Kenyan Citizen born on 3rd June, 1959 in Kisii County.
- (ii) She is a holder of Masters Degree in Business Administration from United States International University – San Diego and Bachelor of Science Degree (Agriculture) from the University of Nairobi. Currently undertaking Doctorate in Business Administration, SMC University (Switzerland).
- (iii) Has extensive professional experience in banking sector, having worked for 14 years at Kenya Commercial Bank both as a Branch and

Operations Manager, during which she gained practical experience in the following:-

- Client Management
- Loan Reporting
- Monitoring and Evaluation
- Establishment of a new branch
- Implementation of policies and procedures
- Preparation of Annual Plans and Budgets
- Staff development and administration
- Re-engineering service delivery system and operations.

(iv) Former Chief Executive Officer of Kenya Alliance of Resident Association from 2002-2004 during which she made the following major achievements among others:-

- Designed a governance programme on the Local Authority Transfer Fund (LATF) and Service Delivery Actions Plans (LASDA).
- Organized Workshops between residents associations and the Ministry of Water Resources in reforms in the water sector.
- Organized a UN-Habitat Workshop on security for the safer Nairobi Strategy.

(v) Has professional wealth of experience as an independent consultant since 2004 in several sectors ranging from development, financial services, corporate, public sector and has undertaken consultancy services for the following organizations:-

1. Business development services

- MESPT/Danida – 2012
- International Fund for Agricultural Development (2011)
- Digital Opportunity Trust (2011)
- Africa Adaptation Process (2010)
- IFC/World Bank (2010)
- UNDP South-South Special (2010)
- East African Dairy Project (2009)
- BSPMDP/Danida (2007)

- DFID (2007)
- Kenya Pediatric Association (2006)

2. Corporate

- UAP Insurance Company, Uganda (2009)
 - Dagger Consultants (2007 & 2008)
 - The Management Consultancy Group (2006)
 - PTA Bank (2004)
 - Royal Insurance Company of East Africa (2004)
 - USAID (Rates-Chemonics project) -2004
- (iii) Has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with tax obligation.
- (iv) Has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely in mentioned any investigatory report of Parliament or any Commission of Inquiry.
- (v) The Committee found the nominee qualified to serve in the Board of the Competition Authority.

MIN. NO. 112/2012: COMMITTEE'S RECOMMENDATIONS

The Committee recommends that pursuant to Section 10(2) of the Competition Act of 2010, this House approves the following nominees for appointment by the Minister for Finance as Board Members to the Competition Authority:-

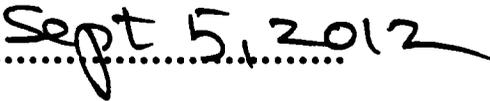
1. Ms. Judith Abrahams Guserwa
2. Ms Susan Atieno Ayako
3. Mr. Canon Charles Komu Gikunju
4. Mr. Stephen Kipchumba Kiptinness
5. Ms. Eunice Moraa Maranya

MIN. NO. 113/2012:

ADJOURNMENT

There being no other business, the Chairman adjourned the meeting at Fifteen Minutes past One O' Clock until Thursday 23rd August, 2012 at 10.00 a.m.

Signed.....
Vice(Chairman)

Date.....

MINUTES OF THE TWENTY-EIGHTH SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING AND TRADE HELD ON WEDNESDAY 5TH SEPTEMBER, 2012 IN COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL BUILDING AT 11.00 A.M.

PRESENT

Hon Chrysanthus Okemo, EGH, M.P. (**Chairman**)

Hon. (Prof.) Philip Kaloki, M.P. (**Vice Chairman**)

Hon. Ntoitha M'Mithiaru, M.P.

Hon. Lucas Chepkitony, M.P.

Hon. Ahmed Shakeel Shabbir, M.P.

Hon. Nelson Gaichuhie, M.P.

ABSENT WITH APOLOGIES

Hon. Lenny Kivuti, M.P.

Hon. Nkoidila Ole Lankas, M.P

Hon. Sammy Mwaita, M.P.

Hon. Jakoyo Midiwo MGH, MP.

Hon. Musikari Kombo, EGH, M.P.

KENYA NATIONAL ASSEMBLY

Mrs. F. Atenyo-Abonyo - First Clerk Assistant

Mr. Evans Oanda - Third Clerk Assistant

Mr. Martin Mugambi - Parliamentary Intern

Mr. Denis Dindi - Office Attendant

MIN. NO. 126/2012: CONFIRMATION OF THE MINUTES

- (i) Minutes of the 25th Sitting of the Committee held on Thursday 16th August, 2012 were confirmed by the Members present as a true recording after being proposed by the Hon. Ahmed Shakeel Shabbir, M.P. and seconded by the Hon. Nelson Gaichuhie, M.P.

(ii) Minutes of the 26th Sitting of the Committee held on Tuesday 21st August, 2012 were confirmed by the Members present as a true recording after being proposed by the Hon. Chrysanthus Okemo, EGH, M.P. and seconded by the Hon. Nelson Gaichuhie, M.P.

MIN.NO. 127/2012: ADOPTION OF THE REPORT ON THE VETTING OF NOMINEES TO THE PRIVATIZATION COMMISSION

The Committee unanimously adopted the report on the vetting of the nominees for appointment as Board Members/Commissioners to the Privatization Commission.

MIN.NO. 128/2012: ADOPTION OF THE REPORT ON THE VETTING OF THE NOMINEES TO THE COMPETITION AUTHORITY

The Committee unanimously adopted the report on the vetting of the nominees for appointment as Board Members to the Competition Authority.

The secretariat was therefore directed to prepare the two reports for tabling on Thursday 6th September, 2012 by the Vice Chairman.

MIN.NO. 129/2012: ADJOURNMENT

There being no other business, the Chairman adjourned the meeting at thirty Minutes past One O' Clock.

Signed.....

(Chairman)

Date.....

APPENDIX (2)

(Advertisement)

(Daily Nation – Tuesday 14th February, 2012)
Standard – Tuesday 15th May, 2012)

REPUBLIC OF KENYA



MINISTRY OF FINANCE

MEMBERS OF THE COMPETITION AUTHORITY

The Competition Authority (the Authority) is established under section 7 of the Competition Act, 2009, Chapter 504 of the Laws of Kenya (the Act). The Act is aimed at promoting and safeguarding competition in the national economy and protecting consumers from unfair and misleading market conduct, among others.

The Minister for Finance invites applications from suitably qualified persons for the positions of five (5) Members of the Authority.

Apply to be a Non-Executive Member of the Authority for Position (5)

For the appointment to this position, a person should:-

- (i) be a Kenyan citizen;
- (ii) possess a degree from a university recognized in Kenya;
- (iii) meet the requirements of Chapter six of the Constitution;
- (iv) must be tax compliant;
- (v) have experience of not less than ten (10) years in any of the following fields:-
 - Industrial Organization
 - Mergers and Acquisitions Analysis
 - Competition regulation
 - Economic regulation
 - Intellectual property rights
 - Law
 - Protection and enhancement of consumer welfare Banking, insurance and finance
- (vi) have had a distinguished career in his/her respective field, and;
- (vii) is judicious in decision making and also has ability to work in a collegial atmosphere.

NB: Good knowledge of Government systems will be an added advantage

KEY NOTE

- Persons disqualified under Articles 77(1) and 77(3) of the Constitution NEED NOT APPLY.
- Before formal appointment, persons proposed shall be vetted and approved by Parliament through the relevant committee of Parliament.
- The positions are NON-EXECUTIVE
- The persons will be appointed on a three year term

C. HOW TO APPLY

All applications should be submitted, together with detailed curriculum vitae, a copy of ID/Passport, copies of certificates, testimonials and any other relevant supporting documents. Candidates should also give the names, telephone and mail contacts of three referees who must be familiar with the candidate's professional and social standing.

Applications should be submitted by 29th February, 2012 (latest by 5.00 p.m.) in a sealed envelope clearly marked "Application for Member of Board of the Competition Authority" and addressed to:

The Permanent Secretary/Treasury
Ministry of Finance
P. O. Box 30007 – 00100
NAIROBI.

Submissions may be (i) sent or, delivered during office hours, to: -The Office of the Investment Secretary, Treasury Building, 2nd Floor Room 230 or (ii) through email: boardselection@treasury.go.ke or (iii) by Post; P. O. Box 30007 – 00100, NAIROBI to reach us by 29th February, 2012.

Joseph K. Kinyua, CBS
PERMANENT SECRETARY/TREASURY

MEMBERS OF THE PRIVATIZATION COMMISSION

The Privatization Commission is a body Corporate established under the Privatization Act, which was enacted by Parliament in 2005 to provide for the privatization of public assets and operations including State Corporations.

The Minister for Finance invites applications for seven (7) vacant positions of the Members of the Privatization Commission.

Apply to be a Member of the Privatization Commission for Position (7)

- (a) be a Kenyan citizen;
- (b) possess at least a Bachelors degree in Economics, Finance, Law or the equivalent from a recognized university, A Masters degree will be an added advantage
- (c) have knowledge and experience of not less than ten (10) years in any of the following fields:- Economics, Finance, Law or equivalent
- (d) meet the requirements of Chapter Six of the Constitution;
- (e) have highest ethical standards, integrity and professionalism;
- (f) must be tax compliant
- (g) have had a distinguished career in his/her respective field; and
- (h) be fit and proper to serve as a member of the Board charged with upholding and protection of ethics, professionalism, accountability and lawful conduct.

NB: Good knowledge of Government systems will be an added advantage.

KEY NOTE

- Persons who serve as Members of the Commission between 2008-2010 are eligible for a second term under the Privatization Act and are therefore Eligible to apply
- Persons disqualified under Articles 77(1) and 77(3) of the Constitution NEED NOT APPLY
- Before formal appointment, persons proposed shall need to be approved by the relevant Committee of Parliament
- The Positions are non-Executive

C. HOW TO APPLY

All applications should be submitted, together with detailed curriculum vitae, a copy of ID/Passport, copies of certificates, testimonials and any other relevant supporting documents. Candidates should also give the names, telephone and mail contacts of three referees who must be familiar with the candidate's professional and social standing.

Applications should be submitted by 29th February, 2012 (latest by 5.00 p.m.) in a sealed envelope clearly marked "Application for Member of Board of the Privatization Commission" and address to:

The Permanent Secretary/Treasury
Ministry of Finance
P. O. Box 30007 – 00100
NAIROBI

Submissions may be (i) sent or, delivered during office hours, to: -The Office of the Investment Secretary, Treasury Building, 2nd Floor Room 230 or (ii) through email: boardselection@treasury.go.ke or (iii) by Post; P. O. Box 30007 – 00100, NAIROBI to reach us by 29th February, 2012.

Joseph K. Kinyua, CBS
PERMANENT SECRETARY/TREASURY

REPUBLIC OF KENYA



MINISTRY OF FINANCE

RECRUITMENT AND SHORTLISTING OF APPLICATIONS FOR THE POSITIONS OF MEMBER OF THE PRIVATIZATION COMMISSION AND THE COMPETITION AUTHORITY

Following the advertisement in the print media on Tuesday, February 14, 2012 inviting applications from suitably qualified persons for consideration for appointment as members of the Privatization Commission and the Competition Authority, the selection panel received applications as follows:

PRIVATIZATION COMMISSION

(I) APPLICATIONS FOR THE POSITIONS OF MEMBER OF THE PRIVATIZATION COMMISSION

By the closing date for submission of applications on 29th February, 2012, the following seventy-three (73) applicants submitted their applications for the position of member of the Privatization Commission.

Name of Applicant	Name of Applicant	Name of Applicant
1 Gemelle Hassan Alukwe	26 Titus Muthua Karina	51 Josephat L. Lishenga
2 Emmanuel J. Odera	27 John Kiplangat Kenduwo	52 Deydorce Siryah
3 Charles O. Ochola	28 Machana N. Ontiri	53 Emmanuel Onyinkwa Mokoro
4 Faisal Abdille Haji	29 John Kech Njoror	54 Ms Manamu El-Maawy
5 Agnes Ogada	30 Nelson Ruto Korir	55 Michael C. Yegon
6 Peter Machana Kamau	31 Raymond Machiri Oriri	56 John B. M. Maine
7 Mercy Syombua Musyoka	32 Anthony Wainaina Kamau	57 Kenneth S. Ambanya
8 Lucy Linyaili Mushira	33 Nancy N. Kaminchia (Mrs.)	58 Juliana Simbil Kavindu
9 Joseph Nthale Musyoki	34 Mugambi Nandi	59 Johana Koinange Onweng
10 Joyce Wambui Mwangi	35 Phillip N. Gachuki	60 Prof N. M. Kang'ethe
11 Abudo Gonchoro Mamo	36 Hesborne Ochieng	61 George G. Kinyanjui
12 Peter M. Getui	37 Dennis Maosa Kibegwa	62 Dr Klarie Mwaura
13 Ndakalu Nabule David	38 Dr Erastus S. Kisaka	63 Chris K. Chepkoi
14 Nimrod Mate	39 Mrs Patricia A. C. Adala	64 Agnes Kaleche Murgor
15 Bernard Nandiki	40 Charles Kaphar Mugambi	65 John Kennedy Monyancha Maina
16 Johnston Wasonga Onyango	41 Stanley Towett	66 Fayo Sora Golompo
17 Wesley Chirchir Chebli	42 Francis Mamo Gatumo	67 Kenneth Kisanga Kiprono
18 Isaiah Ochanga Onyango	43 Christopher K. Maranga	68 Stephen Kamau
19 Samuel Oluoch Heiu	44 Josephat M. Akoyo	69 Florence Wanjiku Nleu
20 Francis Muiruri Kamau	45 Ngure Crispus Mwaniki	70 John Wanjohi Nguri
21 Justin Mutie Wambua	46 James M. Mutua	71 Hosea Sitalani Kipkemboi
22 Swaiya M. Salim El-Mandry (Ms)	47 Anthony Simiyu Muchanga	72 Pius P. Kiplangat Mutay
23 Sarah M. Simba	48 Grace N. Nzomo	73 Dr Getheiga Kibuka
24 Mugl Mwangi	49 John Gitau Ndungu	
25 Livingstone Maganja Karuma	50 Dominic M. Ogato	

(II) SHORTLISTED APPLICANTS FOR THE POSITION OF MEMBER THE PRIVATIZATION COMMISSION

The selection panel shortlisted eighteen (18) applicants, listed below, for the position of member of the Privatization Commission.

It is notified for the general information that the selection panel will conduct interviews between the 28th and 29th May, 2012 at the Treasury. Candidates should report to 2nd Floor, Room 230, Treasury Building, Harambee Avenue, Nairobi as follows:

Name of Applicant	Gender	Date of Interview	Time
1 Charles O. Ochola	Male	28/05/2012	9.00 a.m.
2 John Kiplangat Kenduwo	Male	28/05/2012	9.30 a.m.
3 Anthony Wainaina Kamau	Male	28/05/2012	10.00 a.m.
4 Nancy N. Kaminchia (Mrs.)	Female	28/05/2012	11.00 a.m.
5 Alfred Mugambi Nandi	Male	28/05/2012	11.30 a.m.
6 Dr Erastus S. Kisaka	Male	28/05/2012	12.00 noon
7 Patricia A. C. Adala (Mrs.)	Female	28/05/2012	12.30 p.m.
8 Christopher K. Maranga	Male	28/05/2012	2.00 p.m.
9 Josephat M. Akoyo	Male	28/05/2012	2.30 p.m.
10 Ngure Crispus Mwaniki	Male	28/05/2012	3.00 p.m.
11 James M. Mutua	Male	28/05/2012	3.30 p.m.
12 Grace N. Nzomo	Female	28/05/2012	4.00 p.m.
13 Ms Manamu El-Maawy	Female	28/05/2012	4.30 p.m.
14 Kenneth S. Ambanya	Male	29/05/2012	9.00 a.m.
15 Dr Klarie Mwaura	Female	29/05/2012	9.30 a.m.
16 Agnes Kaleche Murgor	Female	29/05/2012	10.00 a.m.
17 Fayo Sora Golompo	Male	29/05/2012	11.00 a.m.
18 Pius P. Kiplangat Mutay	Male	29/05/2012	11.30 a.m.
19 Bernard Nandiki	Male	29/05/2012	12.00 noon

COMPETITION AUTHORITY

(I) APPLICATIONS FOR THE POSITIONS OF MEMBER OF THE BOARD OF COMPETITION AUTHORITY

By the closing date for submission of applications on 29th February, 2012, the following fifty-two (52) applicants submitted their applications for the position of member of the Competition Authority.

Name of Applicant	Name of Applicant	Name of Applicant
1 Dennis Maosa Kibegwa	19 Machana M. Ontiri	37 Emmanuel Onyinkwa Mokoro
2 Charles O. Ochola	20 Zippy Nzisa Musyimi	38 Julia Simbil Kavindu
3 Faisal Abdille Haji	21 Robert Mangana	39 Eunice Moraa Maranya
4 Agnes Ogada	22 Mugambi Nandi	40 Jacqueline Kimato
5 Peter Machana Kamau	23 Hesborne Ochieng	41 Stephen Mutoro
6 Peter G. Olleno Mica	24 Phillip N. Gachuki	42 Robert Kagwe Githui
7 Mercy Syombua Musyoka	25 Musau Anthony Kilili	43 Joseph M. Muturi
8 Ngelich Reuben Kibet	26 Martin Muhoro Gichuki	44 Judith A. Guserwa
9 Patrick Kikuyu Munyoo	27 Pamelliah Achieng Otaiah	45 Peter Murgor Ndwiye
10 James Kamonde Wanjohi	28 Josephat M. Akoyo	46 Susan Athero Ayako
11 Joshua Odongo Onono	29 Ngure Mwaniki	47 Paul Mwaniki Gachoka
12 Harriet Wambui Wangai	30 Anthony Simiyu Muchanga	48 James Oloo Ogundo
13 Canon Charles Komu Gikunju	31 Amos William Ombao	49 Ernest Muturi Ogwora
14 Isaiah Ochanga Onyango	32 Peter G. Nduru	50 Pius P. Kiplangat Mutay
15 Samuel Oluoch Heiu	33 James Oluoch Oqolla	51 Wycliffe A. Swanys
16 Cynthia Mukoya Kokonya	34 David Kitaw Mwakiteie	52 Stephen Kiptinness
17 Mugl Mwangi	35 Dominic M. Ogato	
18 Catherine Adongo Kola	36 Grace N. Nzomo	

(II) SHORTLISTED CANDIDATES FOR THE POSITION OF MEMBER OF THE BOARD OF COMPETITION AUTHORITY

The selection panel shortlisted a total of nineteen (19) candidates, listed below, for the position of member of the Board of the Competition Authority.

It is notified for the general information that the selection panel will conduct interviews between the 29th and 30th May, 2012 at the Treasury. Candidates should report to 2nd Floor, Room 230, Treasury Building, Harambee Avenue, Nairobi as follows:

Name of Applicant	Gender	Date of Interview	Time
1 Wycliffe A. Swanys	Male	29/05/2012	2.00 p.m.
2 Catherine Adongo Kola	Female	29/05/2012	2.30 p.m.
3 Stephen Kiptinness	Male	29/05/2012	3.00 p.m.
4 Phillip N. Gachuki	Male	29/05/2012	3.30 p.m.
5 Musau Anthony Kilili	Male	29/05/2012	4.00 p.m.
6 James Oloo Ogundo	Male	29/05/2012	4.30 p.m.
7 Peter G. Nduru	Male	29/05/2012	9.00 a.m.
8 David Kitaw Mwakiteie	Male	30/05/2012	9.30 a.m.
9 Dominic M. Ogato	Male	30/05/2012	9.30 a.m.
10 Susan Athero Ayako	Female	30/05/2012	10.00 a.m.
11 Eunice Moraa Maranya	Female	30/05/2012	11.00 a.m.
12 Judith A. Guserwa	Female	30/05/2012	11.30 a.m.
13 Paul Mwaniki Gachoka	Male	30/05/2012	12.00 noon
14 Grace N. Nzomo	Female	30/05/2012	12.30 p.m.
15 Canon Charles K. Gikunju	Male	30/05/2012	2.00 p.m.
16 Ngure Crispus Mwaniki	Male	30/05/2012	2.30 p.m.
17 Josephat M. Akoyo	Male	30/05/2012	3.00 p.m.
18 Charles O. Ochola	Male	30/05/2012	3.30 p.m.
19 Alfred Mugambi Nandi	Male	30/05/2012	4.00 p.m.
20 Pius P. Kiplangat Mutay	Male	30/05/2012	4.30 p.m.

The selection panel wishes to confirm that the shortlisted applicants for both the Privatization Commission and the Competition Authority will be interviewed on the date and time indicated above. The candidates should be at the venue at least 30 minutes before the starting time.

- The candidates should bring with them originals of the following documents:
- National Identity Card or Passport
 - Academic and Professional Certificates
 - Any other supporting documents and testimonials
 - Tax clearance certificate from Kenya Revenue Authority (KRA)
 - Clearances from the following bodies:
 - Ethics and Anti-Corruption Commission (EACC)
 - Higher Education Loans Board (HELB)
 - Criminal Investigations Department (CID)
 - Credit Reference Bureau Africa Ltd

Esther Kolmetz, CBS
Investment Secretary
For: Permanent Secretary/Treasury

APPENDIX (3)

(Curriculum Vitae)

Annex (1) -Ms. Judith Abrahams Guserwa

Annex (2) – Ms. Susan Atieno Ayako

Annex (3) - Mr. Canon Charles Komu Gikunju

Annex (4) – Mr. Stephen Kipchumba Kiptinness

Annex (5) – Ms. Eunice Moraa Maranya

COMPETITION AUTHORITY

1. Ms. Judith Abrahams Guserwa
2. Ms. Susan Atieno Ayako
3. Canon Charles Komu Gikunju
4. Mr. Stephen Kipchumba Kiptiness
5. Ms. Eunice Mora Maranya

8

CURRICULUM VITAE**PERSONAL DETAILS**

NAME : Judith Abrahams Guserwa
ADDRESS : P.O. Box 8384-00200, Nairobi, Kenya
TELEPHONE : +254-2712071,+254-2712070; 0722-709-427 / 0733-709-427(Mobile)
E-mail; judithguserwa @yahoo-com
E-mail;guserwaJudith @gmail.com.
DATE OF BIRTH: 20th March,1959
NATIONALITY : Kenyan

EDUCATIONAL BACKGROUND

2009-2010 : Masters in Business Administration (MBA Executive) Moi University
2008-2009 : Masters in Law Degree (LLM) University of Nairobi
1983-1984 : Diploma in the Practise of Law Kenya School of Law.
1979-1983 : Bachelor of Laws Degree (LLB Hons) University of Nairobi
Admitted as an Advocate of the High Court of Kenya in September,1984..
1977-1978 : East African Advanced Certificate of Education Butere Girls High School (Kiswahili, History, C.R.E. and General Paper)
1973-1976 : East African Certificate of Education Goibei Girls High School, Vihiga.

PROFESSIONAL EXPERIENCE

October 1984-September,1986: Practising Advocate with the firm of M/S. Muthoga Gaturu & Company Advocates.

1985 – 1991 : In the employment of the M/S. Federation of Kenya Employers as a Legal Officer.

March,1991 to date : Private legal practitioner in the name and style of M/S.J. A. Guserwa & Company Advocates.

Key Areas of Practise

1. Litigation counsel attending Court on day to day basis to prosecute Labour disputes and Trade Union disagreements.
2. Attending court on daily basis to prosecute Commercial and Civil matters generally.
3. Attending court daily to prosecute Family and Succession matters. —
4. Sitting at the State Corporations Appeals Tribunal to preside over Economic disputes.
5. Sitting with other Tribunal members to deal with matters of Personell and staff recruitment.
6. Sitting at the Public Procurement and Disposal Appeal Review Board to hear and determine appeals emanating from Procurement Appeals.
7. Job Evaluation and Surveys: Conducting job evaluation, analysis, market remuneration and developing suitable pay structure to enhance employee morale and retention whilst maintaining competitiveness in the Labour market.

8. Providing advise on sound industrial relations and labour practices to COTU(K) affiliated Unions, employers and employees.
9. Negotiating Collective Bargaining Agreements for and on behalf of various Employers and/or their Associations.
10. Employee relations: Designing ways to enhance employee relations and Employee benefit systems pertaining to medical schemes, Insurance, Pension and General employee welfare arrangements.
11. Providing advice to the Regional Law Society of Kenya on labour legislation and Labour Practise.
12. Attending court daily to defend persons or suspects facing criminal prosecutions.
13. Employee Relations-developing employment policies, establishing structures and processes for employee representation, managing individual and collective conflict, operating employee communication systems and processes and general employee welfare and assistance.
14. Participated in the drafting of newly enacted five Labour laws in 2007 in Kenya.
15. Terms and Conditions of Service: conducting remuneration surveys to establish market rates and developing suitable pay structure in line with the requirements of the business.
16. Providing legal advice to the COTU (K) Executive Board on Labour laws and employment policies.
17. Managing my own legal firm with 6 employees.
18. Writting up legal opinions for clients touching on Labour issues and practise in general.
19. Communication-designing communication strategies to maintain effective communication across all levels of employees within the business in the Labour market.

20. Providing Resource work and services to the DPM, ILO, FIDA and LSK and COTU(K).

Key Responsibilities

1. Prosecuting Civil and Commercial suits in the Chief Magistrates Courts, Tribunals, High Court, and Court of Appeal of Kenya.
2. Defending Accused persons in criminal matters in all courts with the Extra Mural Penal Employment Programme as an alternative to jail system.
3. Managing a Law Firm with 6 employees.
4. ILO Consultant engaged in the drafting of the Labour Relations Act No. 14/2007 of the Laws of Kenya.

CONFERENCES & SEMINARS ATTENDED

- November 2000 :** Industrial Relations as it affects women at the workplace.
- April,2000 :** East African Law Society Seminar on Tripartite Legal issues in Zanzibar.
- June,1994 :** An international forum on Equality for Women in the World of Work: challenges for the future, organised by the International Institute for Labour Studies in Geneva, Switzerland.
- February,1993 :** Meeting of the UNDP Resident Representative to discuss the Socio-economic impact of Aids in East Africa and the Indian Ocean in Kampala, Uganda.
- May,1991 :** A sub regional seminar on the role of employers in Organisations in the Training and Employment of Disabled Persons-organised by the ILO in Lilongwe, Malawi.

- September,1989** : ILO-African Regional Tripartite Workshop on Labour standards Abidjan-Cote-de-vour.
- April-May,1988** : A course on Collective Bargaining Agreement in Egypt- Cairo.
- August-Sept.2003** : ILS-for Judges, Lawyers & Legal Educators -Turin - Italy.
- September,2006** : Attended IBA Conference—Chicago-Illinois-USA
- October, 2008** : Attended Commonwealth Lawyers Conference in Jamaica – Montego Bay
- April, 2009** : Attended Commonwealth Lawyers Conference in Hongkong-China
- August,2009** : Attended an ILO – Conference in Tunin, Italy on Child Labour
- October,2010** : Completed Advanced International Arbitration course at the International Law Institute, Washington D.C.

PROFESSIONAL MEMBERSHIPS

1. Council member of the Law Society of Kenya.
2. Council member of International Federation of Women Lawyers (FIDA).
3. Council member of the East African Law Society.
4. Sitting member and Vice Chairman of the State Corporation Appeals Tribunal, Nairobi, Kenya-2001 to date.
5. Sitting member and Vice Chairman of Public Procurement and disposal appeal Review Board – September,2007 to date.
6. A member of the International Bar Association.

7. A member of the Commonwealth Lawyers Association.
8. A member of the Chartered Institute of Arbitrators.

REFEREES

1. Mr. Nzamba Kitonga
Senior Partner
Nzamba Kitonga Advocates
P.O. Box 60102
Nairobi
Kenya
2. Miss. Muthoni Kimani
Deputy Solicitor General
P.O. Box 40112
Nairobi
Kenya

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CURRICULUM VITAE

P.O BOX 69 – 00518 Nairobi, Kenya

Mobile Phone # 0721 80 16 66

0733 90 33 59

Email: s_atieno@ymail.com

Ms. Susan Atieno Ayako (AKIB)

Lecturer in Economics

University of Nairobi

School of Economics

College of Humanities and Social Sciences

Application: Member of Board of the Competition Authority, Ministry of Finance (Non-Executive)

PERSONAL DETAILS:

Date of Birth : Christmas Eve, 1963

: 48 years

Town & County of Birth : Gilgil, Nakuru County

Marital Status : Single

Languages : English, Kiswahili, Dholuo, Gikuyu, German

Home County : Slaya County

Home Constituency : Rarieda

County of Residence : Nairobi

Constituency of Residence : Embakasi

Marital Status : Single

WORK EXPERIENCE:

1982 – 1983 Chief Officer of Prisons II
Deputy Officer in Charge
Nyeri Women Prison

1988 – 1990 Tutorial Fellow in Economics
University of Nairobi

1991 – 1992 Assistant Lecturer in Economics
University of Nairobi

EDUCATION AND TRAINING:

1979 East African Certificate of Education
(EACE) – Division I
Mary Mount Secondary School, Molo

1980 Alliance Girls High School, Kikuyu

1981 Kenya Advanced Certificate of Education (KACE)
Nyabisawa Girls High School, Suna, Migori

1982 - 1983 Trained to become Chief Officer of Prisons in Lang'ata, Nairobi
Best Cadet Prize was awarded to me by the then Vice President and
Minister for Home Affairs, the Honourable Mwal Kibaki

1986 BA (Economics)
Upper Second Class Honours
University of Nairobi

1988	MA (Economics) University of Nairobi
1992/1993	Ph.D Prequalification Course Dalhousie University Halifax, Nova Scotia Canada
1993 – 1997	Doctor of Philosophy Coursework in Economics
Ongoing Ph.D Research:	Debt Financing Agroentrepreneurship in Ancestral Lands: The Case of Rarieda, Siaya County, Kenya
2009	Associate Member of the Kenya Institute of Bankers {FIS 1973}

RELEVANT SKILLS TO CONTRIBUTE TOWARDS THE MANDATES OF THE COMPETITION AUTHORITY:

- ❖ **Areas of Specialization Under the Doctor of Philosophy Coursework**
 - Monetary Economics
 - Industrial Organization
- ❖ **Monetary Economics Courses learnt:**
 - Macroaspects of Monetary Theory
 - Microaspects of Monetary Theory

❖ **Industrial Organization Courses Learnt:**

- Firms and Markets
- Competition Policy (North America)
- Regulation of Natural Monopolies

❖ **Kenya Institute of Bankers Courses Learnt:**

- Investments
- Financial Management (FM)
- International Trade Finance (ITF)
- Law Relating to Banking & Finance (LRBF)
- Strategic Marketing (SM)
- Management & Organization (MO)
- Financial Reporting and Planning (FRAP)
- Lending
- Monetary and Financial Systems (MONFS)

❖ **Nature of Expertise to be contributed to the Competition Authority:**

Industrial Organization – Good

Competition Regulation – Good

Mergers and Acquisition Analysis – Good

Economic Regulation – Good

Intellectual Property Rights – Further Development Necessary

Law – Further Development Necessary

Protection and Enhancement of Consumer Welfare- Acknowledges The role of Safety,

Contractual Safeguards and Protection of Collateral Rights and Interests Consumer Welfare

Affairs

Banking, Insurance and Finance – Good

ICT Skills - Good

Research Formulation and Supervision – Good

❖ **Overarching Principle to Guide My Contribution to the Competition Authority:**

-Administer and Enforce the Act by Being Part of a Judicious Decision Mechanism that is Guided by Maximization of the Nation's Economic Surplus.

❖ **Social Standing:**

❖ **Good Intellectual Exposure:** International and Domestic

❖ **Founding Member & Assistant Secretary St. Edwards Multipurpose Gilgil**

-A Non-Governmental Organization to Enhance the Quality of Life of all Residents of Gilgil
Without Discrimination

❖ **Mother to Two Adult Children and one Minor**

❖ **Good Interpersonal and Inter-organizational Skills to Spearhead Efficacious Attainment of the Goals of the Organization**

REFEREES:

Professor Jane Mariara-Kabubo
The Director, School of Economics
P.O BOX 30197 – 00100
Nairobi
Mobile Phone # 0721 574 101
Email: jmariara@uonbi.ac.ke

Dr. John Gathiaka
Lecturer In Economics
School of Economics
P.O BOX 30197 – 00100
Nairobi
Mobile Phone # 0721 319 746
Email: Gathiaka@uonbi.ac.ke

Dr. Willfred Nyangena
Senior Lecturer In Economics
School of Economics
P.O BOX 30197 – 00100
Nairobi
Mobile Phone# 0735 677 917
Email: nyangenawilfred@uonbi.ac.ke



CURRICULUM VITAE

PERSONAL DETAILS

NAME : CANON CHARLES KOMU GIKUNJU
DATE OF BIRTH : 8TH MAY 1957
GENDER : MALE
NATIONALITY : KENYAN
STATUS : MARRIED
LANGUAGE : KISWAHILI, ENGLISH, KIKUYU
RELIGION : CHRISTIAN
ADDRESS : 739, KERUGOYA
ID NO : 6418090
PHONE NO : 0722-892 526
EMAIL : cgikunju@kangaita.ktdateas.com

EDUACTION BACKGROUND

Year 2011 : Kenya Methodist University
(MBA - Strategic Management)
Year 2008-2010 : Kenya Methodist University
(BBA – Human resource option)
Year 2007 : Institute of Logistics and Supply Chain Management
(Professional Diploma in Purchasing and Supplies)
Year 2003 : Kenya Institute of Management
(Diploma in Business Management)
Year 2003 : Haggai Institute of Christian Leadership (USA)
(Advanced Christian Leadership)
Year 2000 : Jomo Kenyatta University of Agriculture and Technology
(Certificate in Purchasing and Supplies Management)

PROFESSIONAL EXPERIENCE

- ❖ Government service 3 years
- ❖ KTDA ltd 31 years
- ❖ Current position – Regional Manager - Region III – 8 Tea Factories in Kirinyaga and Embu Counties with a turnover of more than 5billion.

PERSONAL QUALITIES

I perceive myself to be

- ❖ Dependable and honest
- ❖ Team player and harmonious
- ❖ Self motivated
- ❖ Sociable
- ❖ Work without supervision

HOBBIES

- ❖ Philanthropy - Live member Red Cross
- ❖ Analytical reading
- ❖ Preaching (for the last 21 years)

REFEREES

1. Bishop Daniel Munene Ngoru,
Diocese of Kirinyaga
Tel : 0711 343 -342,
Kutus
2. Alfred Njagi,
General Manager KTDA (MS),
P.O BOX 30213,
NAIROBI.
Email: anjagi@kdateas.com.
3. Winifred Wanjiku Munene ,
Provost ACK St. Thomas Cathedral,
P.O BOX 338,
Keruguya.
TEL: 0722- 887 742

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CURRICULUM VITAE

Stephen K. K. Kiptinness
P.O. Box 47125 – 00100 Nairobi, Kenya
(GSM) +254 722 757 453
(Telkom) +254 20 210 3585
Email: stephen@koassociates.co.ke

EDUCATION BACKGROUND

2010	Registered Certified Public Secretary CPS (K) with ICPSK
2000-2001	LL.M London School of Economics Specialization: Telecommunications Law & IT Law
1999-2000	Postgraduate Diploma Kenya School of Law Advocate of the High Court of Kenya and Member Law Society of Kenya
1999-2000	Certificate In Human Resources Management Kenya School of Law
1996-1997	Diploma in Computer Science Upron Academy of Computer Learning.
1994 – 1999	B.S.L, LL.B I.L.S. Law College, University of Pune, Options included: Company and Intellectual Property Law
1989 – 1993	Kenya Certificate of Secondary Education Tambach High School Kenya Certificate of Secondary Education

WORK EXPERIENCE

	<u>Strategic</u>
2012	Director on National Executive Board Scripture Union Kenya
2007-2010	Director Kenya ICT Board Providing strategic leadership & direction to the Kenya on Business Process Outsourcing (BPO), digital inclusion Initiatives (Pasha), development and launch of a Government E-portal to connect Government Departments & Ministries, and dispensing advice generally to the Government on ICT investment in Kenya
	<u>Legal & Regulatory</u>
2011/2012 to Present	Senior Partner Kiptinness & Odhiambo Associates Head of Telecommunications Media and Technology Practice

2009-2012

Telkom Kenya

Head of Regulatory Affairs

- Provide high level legal and regulatory advice and strategic direction
- Advising on regulatory compliance for Telkom Kenya networks including our backbone network
- Negotiate & advise on operation & maintenance contract for National Optical Fibre Infrastructure
- Prosecution and defense of disputes file with the CCK
- Managing the liaison and relationships with industry stakeholders through the Kenya Telecommunications Networks Operators Association
- Ensure compliance with license conditions, regulations and legislation
- Timely applications for frequencies, licenses and short codes
- Facilitation of inspections and audits by the CCK
- Ensure timely submission of quarterly and annual returns to CCK
- Lobby the Government, the CCK and other national authorities on regulatory issues
- Work and cooperate with various national and international authorities and bodies; including COMESA, ITU, ATU, EACO etc
- Establish strategic alliances within the France Telecom Group
- Manage regulatory staff including the establishment of the relevant procedures and systems

2006

**Commonwealth Telecommunications Organization
Info-Communications Technology (ICT) Alternative Dispute
Resolution (ADR) Centre Manager**
Short-Term Attachment based in London from 4th September to 4th
January 2007

- Draft ADR rules
- Standardize business processes of ADR centre
- Design & implement evaluation and accreditation criteria
- Establish relationships with other ADR centres

2004-2006

Kenya Network Information Centre (KENIC)
Acting Company Secretary and Member of the Board
Offer Company Secretarial services to KENIC including
Legal Advice as appropriate

2004-Present

University of Nairobi, School of Law/School of Journalism and Media
Asst. Lecturer

- Cyberspace Law, E-Commerce Law and Telecommunications Law (LL.M Course)
- Media & Entertainment Law and Ethics (M.A Course)
- External Examiner for LL.M theses

2002 - 2005

2005 - 2006

2006 - 2009

Communications Commission of Kenya

Legal Officer

Acting Senior Legal Officer

Senior Legal Officer

- Advise the Commission accordingly in its role as a regulator of the ICT industry;
- Prepare statements of legal opinions for and on behalf of the Commission;
- Ensure compliance by licensees of license conditions and the Kenya Communications Act and Regulations;
- Draft Contracts, Leases, Licenses and other Legal Documents

- Preparation of Tender documents for the Third GSM (Mobile) license and the Second National Operator (Fixed Line) license tender;
- Represent the Government at international and regional meetings, seminars and other fora;
- Assisted in preparation of the Government ICT policy 2006;
- Member of the Annual Report Committee responsible for the compilation of the Commission's Annual report;
- Negotiate settlements of licensing disputes and court cases;
- Negotiation of IT contracts and commercial contracts generally
- Preparation of search warrants to facilitate enforcement activities;
- In-charge of systems audit in the legal department;
- Liaise with operators/licensees/stakeholders as necessary to discuss regulatory approach to novel technological/regulatory issues for example cyber/ICT crimes, unified licensing etc.

1999 – 2000

Oraro & Co. Advocates, Nairobi
Pupil;

- Worked under the Senior Partner;
- Research and finalization of Commercial law briefs
- Research of legal precedent and gathering of evidence;
- Drafting and Presentations of Legal Opinions;
- Preparation of Conveyance documents;
- Client Handling Skills;
- Drafting of Contracts, Agreements and other Legal Instruments.

1995

Kandie Kimutai & Co. Advocates, Nairobi
▪ Worked as a Summer Intern

Organization and Commercial

1994-1995

Kenya African Students Association, Pune
Organising Secretary

- Organised meetings and various fora including Independence day celebrations among Kenyan Students numbering approximately 300.

1993 - 1994

Esco Kenya Ltd, Nairobi, Kenya
[A Coffee Export Company]
Shipping Clerk Assistant

Skills gained: - Learned to co-ordinate the harvesting, grinding, sampling, and export procedures of Coffee to Clients in the UK and mainland Europe.

1991 – 1992

Esco Kenya Ltd, Nairobi, Kenya
Subordinate member of Staff during the school vacations for these 2 years.

ADDITIONAL SKILLS

- Diploma in Computer Science from Upton College, including further courses at the London School of Economics, e.g., Computers in Management, Systems and Decision Support amongst others.
- Attended a Summer Leadership and Outdoor Skills Training Camp in Ooty, India.
- Attended the Outward Bound Mountain Climbing School, where gained skills included *interalia*: Problem Solving, Endurance, Team Building, Support Group Leadership, and Mountaineering.
- Languages: - Fluent in English and Swahili

PROFESSIONAL MEMBERSHIPS

- Advocate of the High Court of Kenya, Commissioner for Oaths and Notary Public;
- Member of the Law Society of Kenya;
- Member of the Institute of the Certified Public Secretaries (K)
- Member of the National Executive Board Scripture Union Kenya (2012)
- Member of the Law Society of Kenya Information & Communications Technology Committee 2007;
- Director on the Board of the Kenya Information & Communications Technology Board (2007-2010)
- Member of the Commonwealth Lawyers Association
- Chairman of ARICEA (Association of Regulators in Information and Communications Technology for Eastern and Southern Africa) working committee on IT, Telecommunications and Competition Law 2005-2008;
- Member of the Government's Doing Business Indicators Committee (Ministry of Finance/Treasury) 2006, 2007, 2008
- Member of Ministerial Appointed Committee to advise the Government of Kenya on Broadcasting Policy in 2003;
- Member of Ministerial Appointed Committee to advise the Government of Kenya on Rural Community Media and Broadcasting 2003/2004;
- Member of the Commonwealth Telecommunications Organization Working Group on the ICT Alternative Dispute Resolution Centre 2005-2007).
- Member of the Inter-Governmental Working Group on the EaSSY Project (Submarine Cable for Eastern Africa) (2005-2006)

CONTINUING EDUCATION & ADDITIONAL QUALIFICATION

2011	October	<u>Cyber Space and E-Transactions</u> Training conducted by CTO & BSNL
2011	October	Appointment as Notary Public & Grant of Commission
2011	January	Attended ICPSK Seminar on Company Secretarial Practice
2010	June	Attended ICPSK Seminar on Company Secretarial Practice
2010	September	Attended a Conference on " <u>Strengthening E-Commerce for Regional Growth</u> " and presented a paper on E-commerce & ICT Governance. Nairobi.
2010	September	Attended a seminar on the <u>Capital Markets Authority Requirements for Public Listings at the Stock Exchange</u> , by the ICPSK
2008	August	Attended a course facilitated by the Commonwealth Telecommunications Organization on <u>Regulation & Applications under Convergence</u> ;
2008	July	Attended and passed the requisite exam on <u>Corporate Governance Training</u> facilitated by the Centre for Corporate Governance;

2007	December	Attended World Bank & ICJ workshop on <u>Access to Information, Media and Accountability in Kenya</u> Naivasha, Kenya
2007	September	Commonwealth Lawyers Conference: <u>Governance Globalization & the Commonwealth Law in a Globalised Economy, Cross-Border Mergers & Acquisitions, Corporate Governance</u> ; Nairobi, Kenya.
2005	October	Council of Legal Education Course on <u>Politics and the Common Good</u> at the Strathmore University, Nairobi-Kenya;
2005	January	International Training Program on <u>Public Utility Regulation and Strategy</u> (Gainesville, FL, USA);
2004	November	Council of Legal Education Course on <u>Legal Ethics & Jurisprudence in Nation Building</u> at Strathmore University, Nairobi-Kenya;
2003	November	Diploma on <u>Regulatory and Privatization Issues, E-government for developing nations, WTO (World Trade Organization) Reference paper</u> (United States Telecommunications Training Institute, Washington, DC, USA.);
2003	October	International Telecommunication Union-BDT, <u>Economics Aspects of Interconnection</u> AFRALTI, Nairobi-Kenya;
2003	May	Commonwealth Telecommunications Organization (CTO) course on <u>Telecommunications, Competition and Privatization</u> (Nairobi-Kenya);
2003	March	International training program on <u>Regulation of Telecommunications</u> (Australian Communications Authority) Melbourne-Australia;
2002	December	CTO and ITU training on <u>Introduction to Regulation for East African Regulatory Authorities</u>
2002	July	KPMG training on <u>Effective Communications & Business Writing Skills</u>
2001		Certificate in French (London School of Economics) London, England;

EXTRA CURRICULAR ACTIVITIES AND SKILLS

- Was a member of the University of Pune Men's basketball team;
- Fluent in English and Swahili with passable French;
- Guitarist in a band composed of a group of friends;
- Founding member and rider of the Outriders Association of Kenya, a club that carry's out welfare and other not for profit activities including programs aimed at the enhancement of road safety for motorbikes and other road users.

LIST OF REFEREES

1. Mr. George Oraro
Senior Partner,
Oraro & Co Advocates,
ACK Garden House,
3rd Floor, Wing C,
First Ngong Avenue,
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+254 727 624 698
+254 20 2710426, 2715820, 2713636
oraro@africaonline.co.ke
(Professional Referee)
2. Mr. Samuel Chepkonga,
Advocate
(Fmr. Director General Communications Commission of Kenya)
P.O. Box 44576, 00100
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+254 722 996 469
+254 733 330 113
schepkonga@teledata.co.ke
(Professional Referee & Social)
3. Dr. Josephat Yego,
Prof. of Education Management & Leadership,
Eastern University,
1300 Eagle Road,
St Davids, PA 19087-3696, USA
jyego@eastern.edu
+1 610 341 5870 (Direct Line)
(Social Referee)

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Curriculum Vitae
Eunice Moraa Maranya

Email address: emaranya@yahoo.com, or emaranya@capstan.co.ke
Cell: 0733608835 or 0723268000

Profession: Business Development Services Consultant
Nationality Kenyan

Academic Qualifications:

- Doctorate in Business Administration SMC University, Switzerland (ongoing)
- Masters in Business Administration (MBA), United States International University, San Diego
- BSc. Agriculture (Hons), University of Nairobi, Kenya
- Kenya High School- "A" and "O" Levels:

Other Qualifications

Qualified Director:	Commonwealth Corporate Governance Association
Auditor SA 8000 Standard:	Amana Ltd, Switzerland
Lead Auditor ISO 9001:2000:	SQML Center, South Africa

Summary Profile

Management and institutional development specialist with 20 years experience – 14 years of which were in the banking sector where I became proficient with sound administration and financial management practices, people management, the audit process and banking operations. My responsibilities were subsequently expanded to include business development, an area in which I excelled, recording results well in excess of set targets.

Since leaving the banking sector in 2000, I have worked first as a CEO then as an independent consultant in several sectors ranging from development, financial services, corporate to the public sector. As the first Chief Executive Officer of the Kenya Alliance of Residents Associations (KARA) –a National lobby association, I was responsible for setting up and developing the Association's programs, funding, capacity and effectiveness in presenting its mandate.

I have developed business process manuals for financial services organizations such as K-Rep Bank and Pride Management, in addition to facilitating Business process reengineering for British American Company.

For a DFID/Danida project, I worked intensively with a Government institution in the process of adopting business approaches to production and marketing of animal genetics and with agro-vet businesses involved in the distribution of the products with encouraging results. I have also trained SMEs and developed business plans and strategic plans for Business enterprises in several sectors.

For Danida/MESPT, I conceptualized and managed the development of a Technical and Business Curriculum for service providers in the Dairy sector. These courses are to be run from the Dairy Training Institute, Naivasha, and all authorized livestock training institutions. For the Business Advocacy Fund (supported by Danida) I developed the Monitoring and Evaluation framework, the Logframe and the reporting formats for grant beneficiaries.

For the Digital Villages Project (DVP) of Ministry of Information and Communication and IFC, I was the team leader for three sites and was involved in fine-tuning the training materials and managing the trainers in the field.

I have also consulted for UNDP Special Unit, New York in conducting a scoping study for setting up a south-south cooperation Centre in Kenya in collaboration with the Government of Kenya. For the IFC/World Bank I was one of a team of four that conducted a site benchmarking and demand assessment study for the proposed Kenya Multimedia ICT Park and Technopolis to be set up in Konza.

The skills acquired during my career to date include: organization / institutional development; business development; evaluation, problem analysis; setting results and targets; monitoring performance and delivery of targets; change management; training needs assessment; and team building. I have good interpersonal skills and work well with others. My skill set can therefore be summarized as follows:

- Banking operations and Business development, Management and training
- Project Management
- Monitoring ,Evaluating and Managing Performance Delivery
- Institutional & Organization Development

At the personal level I enjoy challenges demonstrating excellence. For example, in my banking career I was regularly rewarded for exceeding targets and given opportunities to broaden my experience and work in business development in the sector. Furthermore, I am results-oriented; work well with others and adheres to deadlines. I am self-motivated, manage my work well without supervision and have excellent interpersonal skills.

I have been an independent Board Director at the Communications Commission of Kenya (CCK), and chaired the Audit Committee; and the immediate past Chair of the Kenya Civil Society Alliance. I currently sit on the Finance committee of a large investment company (Home-Afrika Ltd).

I have worked with communities through my membership in Rotary International, where the core working areas are with the less privileged in society. I have served as Treasurer and Secretary in Rotary and on several Committees (Audit, Golf and House) at the Karen Country Club and sit in the Procurement committee. I was one of a team of 7 tasked with defining the direction Karen Country Club should take in the next 10 years. I am the elected Vice Chairperson of New Kitisuru Residents Association.

My formal work and consultancy experiences are detailed below.

CAREER HISTORY

1. WORK EXPERIENCE

**Chief Executive Officer
Kenya Alliance of Resident Associations (KARA)**

Sept. 2002 – July 2004

Overall responsibilities.

I was responsible for establishing a local umbrella Association whose role was to advocate for the rights of residents in Kenya. This included setting up all the management and financial system for the umbrella association and Secretariat. An important aspect of the work was funding raising and therefore the development of a strategic plan and a monitoring and reporting system.

Governing council administration and support - I provided support to the operations and administration of the Governing Council by advising and informing Council members, interfacing between the Governing Council and staff.

Financial and facilities management - I supervised the establishment of transparent financial systems, prepared and recommended the annual budget to the Governing Council for approval. Managed resources within the approved budget guidelines.

Human resources management - I set up the systems for effective Human Resource Management according to authorized human resources policies and procedures that fully conform to current laws and regulations.

Fund raising – My first responsibility was to identify the resource and funding requirements. I then established networking strategies to use when approaching potential donors. I then developed and submitted funding proposals to various donor agencies.

Major Achievements

- Designed and run a governance program on the Local Authority Transfer Fund (LATF) and Service Delivery Action Plans (LASDAP) with leaders of residents associations of Nairobi.
- Initiated a handbook on the LASDAP/LATF.
- Organized workshops between residents associations and the Ministry of Water Resources on the Water sector reforms:
- Organized a UN-Habitat (safer Cities) workshop on Security for the Safer Nairobi strategy.
- Initiated the Dialogue program between residents associations and elected leaders (councilors) through Association of Local Government Authorities of Kenya (ALGAK).
- With designers, supervised the logo development and website design.
- Coordinated the production of a quarterly newsletter

KENYA COMMERCIAL BANK

1986 – 2000

Overall responsibilities. Over the 14 years I worked with the Bank I gained extensive experience in business development, operations management, staff development, administration, cash management, and loan reporting. I also prepared annual plans and budgets, and ensured the implementation of policies and procedures, and monitoring and evaluation. I gained considerable experience in client and team management and I thoroughly enjoyed the management aspects of this work leading me to focus on the broader aspects of management.

Challenging assignments during this period included:

- **2000-** Managing the first merger of two branches of the Kenya Commercial Bank. The assignment was successfully completed
- **1994-2000** - Setting up operational systems and standards of a new branch: instrumental in mobilizing deposits from zero at opening in June 1994 to Ksh1.2 billion in 2000. Recorded profits of Ksh44 million in 2000. Received excellent EDP and Audit ratings. Always exceeded set targets well in advance
Achievements - Won cash incentives for 5 consecutive years for exceeding profit targets by at least 20%.
- **1991-1992** Restructuring processes and service delivery systems in a loss -making branch. Branch returned to profitability with improved audit ratings. Won cash incentive for exceeding profit target

Branch Manager

1998 – 2000

Key assignment: Business development

Client management: Negotiated and managed the relationship with clients with a view to understanding their business and their banking needs. Assessed the client's related companies and business interests that would expand the customer base and contribute to bank income.

Client negotiation: I conducted constant reviews of securities and ensured that all facilities were established in the system. I mobilized deposits from the public, private and public institutions, and the general business community. Ensured that customer care was at the expected level.

Loan reporting: I was responsible for tracking all the credit facilities, by monitoring loan status and loan repayments. I appraised and approved, within my limit, corporate and retail facilities as well as special schemes (OPEC, students, women, SME)

Staff development and administration: I collaborated with supervisors to determine staff development and management in areas of training, motivation and dispute handling. Targets were developed jointly with staff and were constantly reviewed with final reports submitted to head office at the end of the calendar year. I maintained stable and vibrant operating units using my negotiation skills and knowledge of industrial relations.

Preparation of annual plans and budgets: I was responsible for developing the written annual plans, which outlined resource utilization, strategies for growing and retaining business, and the positioning of the branch to deal with competition. I initiated recurrent and capital budgets for discussion and agreement with the head of office for adoption by the branch.

Implementation of policies and procedures: I ensured that agreed policies and procedures were adhered to and communicated to head office to that effect.

Monitoring and evaluation: I was responsible monitoring agreed targets and for explaining any deviations and recommending reviews where necessary.

Operations Manager

1991 - 1998

As the head of operations, I was in charge of all the banking operations, staff administration and development, management of bank assets, and customer care. Key assignments included:

Establishing a new branch: I was mandated to set up all the operations systems in a new branch, trained the lean staff and coordinated their activities so that the entire range of banking services were available to customers. In all assignments in Operations, I took responsibility for business development because I wished to enhance my skills in marketing and business growth.

This was demonstrated in the performance at the Milimani branch (1994–2000): From a level of zero deposits at opening Milimani branch in June 1994, achieved a level of Ksh1.2 billion at the end of 2000, while profits grew from Ksh360, 000 in December 1994 to Ksh44 million at the end of 2000. I won incentive awards for five consecutive years.

Reengineering service delivery systems and operations: Posted to a branch that was destined for an overhaul due to poor performance. Reorganized the staff and through active communication, the performance improved dramatically, with the audit ratings going up from 60% to 71% within one year. The branch won an incentive award.

Cash Officer

1986 – 1990

I was responsible for cash management, ensuring that local and foreign currency notes and instruments were available for customers and that excesses were repatriated to earn interest for the branch. I was in charge of current accounts and savings bank departments where duties were to organize staff to offer good customer care, minimizing complaints and dealing with queries expeditiously. Acted as personal banker to the corporate clients by making their access to bank services easy and fast. Supervised as many as 12 tellers and a total of 15 clerks and 2 subordinate staff.

Agricultural Finance Corporation, 1985

Ministry of Agriculture and Livestock Development

1981 – 1985

Research and Extension Officer, Ministry of Agriculture; Loans Officer, Agricultural Finance Corporation

2. CONSULTANCY:

July 2004 to Date

A. BUSINESS DEVELOPMENT SERVICES

MESPT/DANIDA- Consultant/project Manager- Technical and Business curriculum for service providers in the dairy sector : Preparatory phase(Nov2011-Feb 2012)

International Fund for Agricultural Development (IFAD)- Consultant/Facilitator- Country program Review and Team Building (May, 2011)

Digital Opportunity Trust- Consultant- undertaking institutional Assessment of the DOT Kenya country Program (Jan-April 2011)

Africa Adaptation Program- National coordinator-organizing the Climate Change and Media Workshop in Nairobi, including vendor identification, venue and management of staff and deliverables during the workshop. A total of 200 delegates from 20 African countries attended the workshop (November-December 2010)

IFC/World Bank- Summit Strategies Ltd- Consultant- Conducting Demand Assessment , Site and Benchmarking study for the Kenya Multimedia ICT Park (Konza) , a 5000 acre Technopolis project to be situated in Malili, on the Nairobi-Mombasa road (August-November, 2010).

UNDP South -South Special, Unit New York- Lead Consultant- Conducting a scoping study for establishing a South- South Co-operation Centre in Kenya (May-August, 2010)

East Africa Dairy Project (Bill and Melinda Gates)- Consultant- Conducting a diagnostic and developing a 3-year strategic plan for the Kenya National Dairy Organization (Kendapo)- a milk producers association operating in all the milk producing areas in Kenya (March-April 2009).

MESPT/Danida- Consultant- Managing Curriculum development for technical service providers in the dairy sector. The assignment involved managing highly technical teams, quality control and delivery of Technical Skills upgrading training guides and development of Business Skills training material for courses to be offered by the Dairy Training Institute, Naivasha and other National training institutions. (March2009-April 2010)

Danida/Business Services Market Development Project (BSMDP)-Consultant- for the following assignments:

- Identifying Key success Factors for service providers in the Dairy sector
- Conducting a Training Needs Assessment of the service providers
- Initiating and Managing a TVET pilot project for the service providers (Oct 07- May 08)

DFID /Business Services Market Development Project (BSMDP) – Consultant- coordinating the innovation and licensing of milk dispensers as a part solution to the milk hawking issues. In addition to this, led the marketing efforts for bull semen through selected distributors and compile best practices for semen distribution (June-Dec 2007)

The Aids Care Treatment Services (ACTS) Project- Consultant assisted in developing policies procedures and structures for the program. Also facilitated a Team building training session for the entire staff of ACTS. (March 2007)

Kenya Pediatric Association- Consultant -Developed the first National Strategic Plan for Pediatric HIV/AIDS for National AIDs STI Control Program (NASCOP) - (Sept-Nov 2006)

DFID /Business Services Market Development Project (BSMDP) – Consultant- I carried out a study (in phases) on the effectiveness and efficiency of Liquid Nitrogen handling by the Central Artificial Insemination Station (CAIS), the largest producer of bull semen in Kenya. The objective was to identify areas of loss and leakage and to design more efficient delivery, utilization and management systems for Liquid Nitrogen along the cold chain in order to reduce the cost of Artificial Insemination (AI) to the dairy farmer. The systems covered the producer to distributor and finally to the Artificial Inseminator.

I completed the following assignments under this contract;

- Developing a Business Plan for CAIS,
- Developing marketing plans with Distributors
- Organizing induction and training programs for CAIS's new and existing distributors
- Coordinating a Business Plan competition for the 26 Distributors.
- Designing a distribution system for Liquid Nitrogen
- Coordinating Trainer of Trainers sessions for CAIS staff to enable them train distributors on all aspects of Artificial Insemination
- Compiling the *Handbook* on liquid Nitrogen handling (offering solutions to the cold chain problems identified in the earlier phases)

(July 2006 –March 2007)

Tack International - For the World Initiative on Soya (WISSH) - An American NGO. I carried out training needs assessment for eight food manufacturing firms looking at mid level and senior management. I then conducted management training for approximately 50 members of staff on:

- Customer care management,
- Sales management, and
- Writing of Business Plans.
- Effective Supervision and Management

(December 2005-August 2006)

DFID /Business Services Market Development Project (BSMDP) – Consultant- This assignment involved the examination of the “Technical support on Strategies for reducing Liquid nitrogen losses and costs at the Central Artificial Insemination Station “ Kabete, as a way of improving efficiency and reducing costs to the farmers” (September -October 2005).

FAO/ActionAid International - Assistant Lead consultant in a team that conducted a study on the import surges of sugar into Kenya and the impact on Kenya's economy. (July-August 2005)

Training -Training women's groups on Bar and liquid Soap Making (July 2004).

BCG Bees Consulting Group Undertook formative research on “ICTs and Rural Poverty Alleviation: Needs and opportunities assessment in Kenya”, a project funded by the International Development Research Council (IDRC) (May 2002).

K-Rep Advisory Services – For Swiss Contact- I was the Team leader for a study on *The Constraints and Opportunities Financial Service Providers See in Serving the Micro and Small Enterprises and the Support Services They Would Require to Seize the Opportunities.* (May-June 2001)

BCG Bees Consulting Group -In collaboration with the team leader, FIT Resources Ltd. undertook research to determine “Innovative Training Programmes Being Undertaken by Small and Medium Enterprises (SMEs)”(September 2001).

B. CORPORATE

UAP Insurance Company, Uganda- Consultant- Training Sales staff ,Senior Management and staff on customer care and Sales Management (August-Sept 2009)

Dagger Consultants-Consultant- Facilitated Change management and Team Building processes for Opportunity International (August, 2008)

Dagger Consultants- Consultant- Facilitated the Business Process Reengineering (BPR) process for the Life division at the **British American Insurance Company- Britak** (May-June 2007)

The Management Consultancy Group - I was asked to review the current management structures of the Harambee Savings and Credit Society match employee skills with required skills and make recommendations on employees to be retrenched, retained, retrained or promoted. (July 2006)

I- Marketing – For PTA Bank - Consultant On this assignment I developed market reports on the growth sectors in 10 countries in which the PTA Bank operates. The objective was to enable the Bank to develop a Bank Marketing Strategy. (May-June 2005)

Royal Insurance Company of East Africa -Consultant I carried out assessment of the skills gap for a software change - over, recommended and prepared a training package for the change over process.(Nov-Dec 2004)

Rates-Chemonics (A USAID funded project) – Consultant I developed the 3 year Sustainability and Business Plan for the East Africa Fine Coffee Association (EAFCA). Members of the Association are drawn from Kenya, Uganda, Tanzania, Malawi, Rwanda, Burundi, Zimbabwe, Zambia, DR Congo and Ethiopia (Nov 2004)

Housing Finance Company Ltd (HFCK) - Conducted training for staff and managers on setting control standards and identifying key control areas. (May 2002)

Industrial Development Bank- As a member of the Financial Information Systems Team, undertook the review of business processes and staff skills component for the development of a strategic plan and human resources strategy for the Bank. (April 2002)

K-Rep Bank- Consultant-Conducted training needs assessments and training sessions for staff and managers. Conducted training in motivation, customer care, leadership, relationship marketing and team building

K-Rep Bank- Consultant- Developed the process manuals and review of business processes for the Bank's Operations Division (June-Aug 2002)

Pride Management, Ltd. Consultant-Developed policy and procedures and training curriculum for teller services for Kenya and Zambia. (April 2001)

C. PUBLIC SERVICE

Public Sector Reform Secretariat (Government of Kenya) - **Consultant** leading the development of Public Sector Stakeholder Partnerships systems and structures. This involves mapping the Non-state actors in Kenya and defining ideal partnership/engagement relationships with the Government of Kenya (February – July 2007)

D. MONITORING AND EVALUATION/PROJECT REVIEWS

Grayson and Associates, UK- Consultant Conducted evaluation of the Uganda and Kenya project grantees for **Maendeleo Agricultural Technology Fund (MATF)** - (June 2008)

African Development Bank – Consultant in a team of 4 undertaking Mid-Term Review of the ALLPRO project (Asal Areas)-(October-November 2007)

Enterplan UK (now part of Coffey International)- Consultant Developing the Monitoring and Evaluation Framework for the Business Advocacy Fund, a Danida funded project (Nov 2007)

Enterplan UK- The Advocacy Fund- funded by the Royal Dutch Embassy- **Consultant**- This fund was set up to develop the advocacy capacities of Business Associations over the next 5 years. I was involved in developing the Logframes and Implementation and monitoring Matrices including the Work Plan. I have been recruited as the M&E specialist on intermittent basis.

FIT Resources- Consultant Conducted and wrote the final report for end of term evaluation of EU/MESP project, "Making for the Market through Training"

E. RESEARCH

UNICEF - I was one of two consultants in a research team, investigating *The extent of Child Sex Tourism* in Kwale District. A report with recommendations was presented to UNICEF and The Children's Department The findings were reported on the front page of the Nation 20th December, 2006 (Feb 2006- March 2006)

Kenya Institute of Public Policy, Research and Analysis (KIPPRA) – Team Leader I led a survey team which looked at policy awareness on Technology, Marketing and Workspaces for Micro and Small Enterprises in Nairobi and the outlying towns of Machakos, Thika, Kikuyu, Kajiado and Kiambu. (April-May 2005)

Training and awards

In the examinable subjects at the Kenya Commercial Bank management center, received commendations for academic excellence in the following:

- Advanced credit,
- Marketing and management,
- Standard operations,
- Advanced operations
- Customer care

I have received extensive training in management, credit, customer care, trade finance, motivation, marketing, operations and General banking. I attended the micro-finance course for credit officers Micro Stat (K-Rep/UNDP funded). I have also participated in several Workshops, training and seminars in banking, micro-finance, and business development services

Other Responsibilities

Chairman: Kenya Civil Society Alliance (EU-ACP partnership)
Director: Communications Commission of Kenya (CCK) Chair
Audit Committee
Member: Rotary International Club of Nairobi East.

Languages

English: Fluent speaking and writing
Kiswahili: Good speaking and writing

Professional Memberships

Marketing Society of Kenya
Management Forum, British Council

Hobbies

Golf, walking, reading, soap making, Singing

Club Membership

Karen Country Club:
Nairobi Club
VetLabs, Kabete

REPUBLIC OF KENYA



In the Matter of the Approval, by the National Assembly, of the persons nominated to serve in the Public Procurement Advisory Board

Public Procurement and Disposal Act Section 22 (1) No. 3 of 2005

SUBMISSION OF MEMORANDA

Pursuant to Section 22 of the Public Procurement & Disposal Act, Seven (7) Members of the Public Procurement Oversight Advisory Board are supposed to be nominated by the prescribed organizations and appointed by the Minister for Finance with the approval of Parliament.

The following persons have been nominated to serve in the Public Procurement Advisory Board by their respective organizations as indicated below:-

1. Mrs. Mariam El-Maaway - Architectural Association of Kenya
2. Mr. Patrick Mtange - Institute of Certified Public Accountants
3. Mr. Moses N. Muhia - Kenya Federation of Master Builders
4. Mr. Sam Ogutha - Institute of Certified Public Secretaries
5. Ms. Kaberere Ndungu - Institute of Surveyors of Kenya
6. Ms. Betty Maina - Kenya Association of Manufacturers

Following the receipt of the nominations from the Deputy Prime Minister and the Minister for Finance on 26th October, 2011, the Departmental Committee on Finance, Planning and Trade is mandated to vet and consider their suitability and communicate appropriately to the Minister for Finance.

The Finance, Planning and Trade Committee now invites interested members of the public to submit any representations that they may have on the suitability or otherwise of the nominees for appointment to serve in the Public Procurement Oversight Board. The representations 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 Monday 14th November, 2011 at 5.00 pm.**

**PATRICK G. GICHOHI, C.B.S.,
CLERK OF THE NATIONAL ASSEMBLY**

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KENYA COCONUT DEVELOPMENT AUTHORITY



27 NOV 2011
NAIROBI

When replying please quote

KCDA/Comm.17/Recommendations/Vol.1/008

10th November, 2011

Clerk of National Assembly
P. O. Box 41842-00100
NAIROBI.

**RE: NOMINATION OF MRS MARIAM EL-MAAWAY TO SERVE IN THE
PUBLIC PROCUREMENT ADVISORY BOARD**

We refer to the above subject and wish to confirm that Mrs. Mariam El-Maaway has consulted in the coconut industry and we can confirm that she is suitable for appointment to serve in the Public Procurement Oversight Authority.



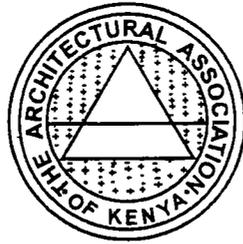
**DR. FRANCIS KALAMA FONDO
MANAGING DIRECTOR
KENYA COCONUT DEVELOPMENT AUTHORITY**



Florence

for TNA
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THE ARCHITECTURAL ASSOCIATION OF KENYA

Incorporating Architects, Quantity Surveyors, Town Planners, Engineers, Landscape Architects, Construction Project Managers and Environmental Design Consultants.

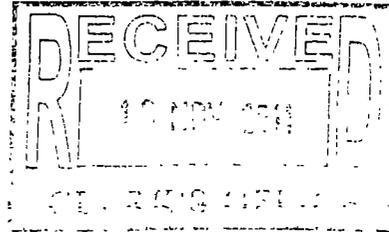
The Professional Centre, Parliament Road
P.O. Box 44258 GPO, Nairobi, Kenya
Telephone: +254-020-2224806, Fax: +254-020-2220582
Mobile: 0721 - 691337
E-mail: aak@aak.or.ke Website: www.aak.or.ke

Your reference:

Our reference:

PPOA/Y2011/Fo2 Date: 14th November 2011

Patrick G. Gichohi, CBS
Clerk of the National Assembly
Republic of Kenya
Parliament Buildings,
NAIROBI



Florence.
pls INA
CNA
17/11

Dear **BWANA CLERK,**

RE: NOMINATIONS TO THE PUBLIC PROCUREMENT OVERSIGHT AUTHORITY (PPOA) ADVISORY BOARD

Please receive warm regards from the Architectural Association of Kenya (AAK).

Reference is made to the announcement appearing on page 33 in the 'Daily Nation' of Wednesday 9th November 2011 inviting members of the public to submit memoranda on the suitability or otherwise of persons listed therein for appointment to the PPOA Advisory Board.

We take this opportunity to thank you for initiating this process to properly reconstitute the PPOA Advisory Board that was first appointed by the Minister of Finance via Gazette Notice No. 7480 dated 6th August 2007.

The Architectural Association of Kenya, as a nominating body wishes to bring to your attention a matter touching on the appointment process.

The Association holds the view that the process of establishing the Advisory Board was to begin with an invitation to the nominating bodies to submit names as per Section 5 (2) of the Public Procurement and Disposal Regulations, 2006 which reads:

Each organization referred to in paragraph (1) shall submit to the Minister the curriculum vitae of two members being nominated of whom one shall be a woman.

CMC BOARD ROOM WARS

- i. Friday, 9th Sep 2011 the Chairman of CMC Mr. Peter Muthoka is ousted from the CMC and immediately replaced by Joel Kibe with shares trading at an average price of Khs. 12.60 per share
- ii. On Monday, 12th Sep 2011, 1.67 million CMC shares are traded at an average price of Khs.13.55 (7.74% higher than Friday's)
- iii. The present management alleged misappropriation of the company funds by the past managements through the off-shore accounts
- iv. On Tuesday 13th Sep 2011, the motor dealer sold 380,500 shares most of it in blocks that are suspected to have caught the regulator's eye.
- v. The trend continued on Wednesday when 207,700 were traded, and on Thursday when 184,000 shares were traded before cooling off on Friday when the share was suspended after only 200 shares changed hands.
- vi. Suspicion of insider trading lead to suspension of trading at the NSE and immediate commencement of investigation by the CMA
- vii. Alleged illegal transfer of CMC funds to Jersey Island and improper procurement practices that led to a possible loss of nearly Sh2 billion in the past five years.
- viii. Mr. Muthoka is CMC's top shareholder with about 132 million shares or 22.6 per cent of the motor dealer through Andy Forwarders - a logistics firm and CFC Stanbic Nominees.
- ix. He is followed by Mr Kibe with about 121 million shares or 20.7 per cent of the motor dealer while Kingsway Nominees and APA Insurance own 72.8 and 16.6 million shares or 12.4 and 2.8 per cent of the company respectively.
- x. It is alleged that CMC,s CEO Mr. Bill Ley is in the country illegally
- xi. High Court has since ordered (restrained) one shareholder – Andy Forwarders Limited – from holding the Extraordinary General Meeting on November 21 or any other date, pending hearing and determination of a case in court filed by Andy Forwarders Limited against CMA

Issues the Committee should seek clarification on:

1. Whether there were elements of insider trading within the CMC's leadership
2. Whether there was misappropriation of company funds by either the past or present managements through offshore accounts or any other form of fraud
3. The reasons why the majority shareholder chairman (Mr. Peter Muthoka) was ousted as the chairman
4. The validity of Mr. Bill Ley's work permit to work as the CEO of CMC
5. Whether the Committee has jurisdiction over the matter (partial or whole) considering the Subjudice rule

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KENYA INSTITUTE OF SUPPLIES MANAGEMENT

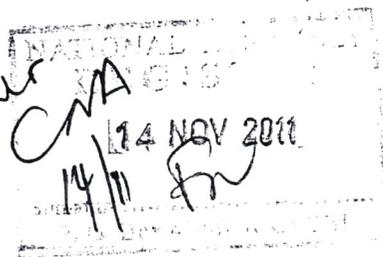
Cambrian Building | Moi Avenue | P. O. Box 30400 - 00100, NBI, Kenya | e-mail: admin@kism.or.ke
Tel: +254 (20) 2213908 /9 /10; (020) 3505992 | Fax: 2213911 | Mobile: 0721-244828, 0733-333 226 | www.kism.or.ke

14th November, 2011

The Clerk of the National Assembly,
Office of the Clerk,
Main Parliament Building,
P.O Box 41842 - 00100,
NAIROBI.
Email: clerk@parliament.go.ke

*Florence.
pls inform
the committee
chair*

KISM.2011/681



Dear Sir,

**RE: SUBMISSION OF MEMORANDA:
IN THE MATTER OF THE APPROVAL BY THE NATIONAL ASSEMBLY OF
THE PERSONS NOMINATED TO SERVE IN THE PUBLIC
PROCUREMENT ADVISORY BOARD**

These representations on the suitability or otherwise of the nominees for appointment to serve in the Public Procurement Oversight Advisory Board (PPOAB) are submitted on behalf of the Kenya Institute of Supplies Management (KISM) and its entire membership pursuant to your request of 9th November, 2011 and **we oppose and reject the nomination of the persons named below:**

1. Mrs. Mariam El-Maaway of Architectural Association of Kenya
2. Mr. Patrick Mtange of the Institute of Certified Public Accountants
3. Mr. Moses N. Muhia of the Kenya Federation of Master Builders
4. Mr. Sam Ogutha of the Institute of Certified Public Secretaries
5. Ms. Kaberere Ndungu of the Institute of Surveyors of Kenya
6. Ms. Betty Maina of the Kenya Association of Manufacturers

Our opposition is premised on the following grounds:

- (a) Nomination is unconstitutional

Whereas the Public Procurement and Disposal Act, 2005 (PPDA) was enacted as an Act of Parliament in 2005 and, whereas the PPDA has been in force since 1st January, 2007 vide Legal Notice No. 174 of 29th December, 2006 and, whereas Section 22(1) of the PPDA read together with Regulation 5 of the Public Procurement and Disposal Regulations, 2006 (PPDR) establishes the Public Procurement Oversight Advisory Board (PPOAB) consisting of nine (9) members,

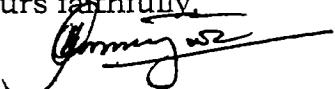
qualification, registration and discipline with a view to ensuring compliance with Section 26(7) - (10) of the PPDA.

- (g) That the Minister did not request the procurement professional body (KISM) despite it being the statutory procurement professionals' association in Kenya to also submit CVs of two (2) of its members for appointment into the PPOAB in line with the Constitutional provisions. The Kenya Institute of Supplies Management, established under the "Supplies Practitioners Management Act, of 2007" is the national body with mandate to develop capacity of procurement professionals in Kenya, and regulate their practice. Despite this mandate and the fact that the institute currently represents 3500 practitioners from both public (60%) and private (40%) sectors, no provision (through regulations published in 2006) has been made for the KISM to participate in the board of the PPOA. The import of this omission is that the agenda of "promoting professionalism amongst public procurement practitioners" will not have a strong advocate at the PPOA board level. Yet professionalism in the practice of procurement is an indispensable component that must be in place for proper and sustainable implementation of paragraph 227 of the current constitution, where it is required that public procurement be conducted in a fair, equitable, transparent, cost-effective and competitive manner;
- (h) That the nominees failed, during their previous tenure, to entrench equity, affirmative action and growth of Small, Medium and Upstart Enterprises (SMUE) in the public procurement system and failed to mitigate poverty and unemployment in Kenya through the public procurement system;
- (i) That the nominees failed during their tenure to deal firmly to railroad the public entities that have blatantly and with abandon violated the PPDA.

THEREFORE, Sir, KISM opposes and rejects the nominations in total and recommends that the Minister for Finance;

- (a) withdraws the entire list and starts afresh;
- (b) equitably considers the professional role that must be played by KISM as the professional body in procurement and supply chain management in the PPOAB;
- (c) be made to review and amend the necessary regulations enabling the implementation and actualisation of the PPDA of 2005 and make provision for an inclusive and constitutionally abiding list by including KISM as one of the bodies that must nominate representation to the PPOAB.

Yours faithfully,


Chris Oanda (Eng.),

Chairman,
KISM COUNCIL.