



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, APRIL 29, 2015 AT 9.30 A.M

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

**8*. MOTION - THE FERTILIZERS AND ANIMAL FOODSTUFFS
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 36
OF 2013)**

(The Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)

THAT, the Senate Amendments to the Fertilizers and Animal Foodstuff (Amendment) Bill (National Assembly Bill No. 36 of 2013) be now considered.

IN THE COMMITTEE

- i) Consideration of the Senate Amendments to the Fertilizers and Animal Foodstuff (Amendment) Bill (National Assembly Bill No. 36 of 2013)
(The Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)
- ii) The Alcoholic Drinks Control (Amendment) Bill (National Assembly Bill No. 14 of 2014)
(The Hon. Kimani Ichung'wa, M.P.)
- iii) The Retirement Benefits (Deputy President and Designated State Officers) (National Assembly Bill No. 38 of 2013)
(The Hon. John Mbadi, M.P.)

**9*. THE KENYA NATIONAL EXAMINATION COUNCIL (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 03 OF 2015)**

(The Hon. Emmanuel Wangwe, M.P.)

Second Reading

*(Resumption of debate interrupted on Wednesday, April 22, 2015 (Morning Sitting)
(Balance of time – 1hr. 35mins)*

10*. **THE PARLIAMENTARY POWERS AND PRIVILEGES BILL, (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)**

The Hon. Adan Keynan, M.P.

Second Reading

11*. **THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 09 OF 2015)**

The Hon. Irungu Kangata, MP

Second Reading

12*. **MOTION - REVIEW OF THE PROCEDURE & THE COST OF MARRIAGE REGISTRATION, & DECENTRALIZATION OF THE OFFICES OF THE REGISTRAR OF MARRIAGES**

(The Hon. Malulu Injendi, M.P.)

THAT, aware that the Marriage Act, 2014 was assented to by H.E the President on 29th April, 2014 and commenced on the 20th of May, 2014; noting that the act was by and large an amalgamation of the previous Acts, thus amendments relating to the regulations were minimal in effect; deeply concerned that there are only twelve offices for the registrar of marriages in the whole country, making it difficult for the hopefuls to issue notice of marriages; mindful of the fact that the upward revision of the marriage certificate acquisition fee is not affordable to many Kenyans, thus inhibiting them from registering marriages as envisaged by the new Act; this House **urges** the Government to review the procedure and the cost of marriage registration, and to decentralize the offices of the registrar of marriages to a minimum of all sub-counties so as to reduce bureaucracy and enhance accessibility.

13*. **MOTION - PERIOD OF SERVICE FOR POLICE OFFICERS UPON COMPLETION OF SPECIALIZED TRAINING**

(The Hon. John Waluke, M.P.)

THAT, aware that the Kenya Police Service spends considerable resources on training officers among the cadre of trainees; further aware that many of the police detectives are hired by other government and private institutions as soon as they are acquire the necessary expertise and experience; deeply concerned that this results in delayed and botched investigations and failed conclusion of critical prosecutions plus a high number of acquittals due to perennial shortage of specialized officers in critical departments such as ballistics, forensics, document examinations, fraud detection, money laundering, transnational crime and cyber crime; cognizant of the fact that private employers are able to offer superior terms, this House **urges** the Government to ensure that any Regular Police, Administration Police officer and Prisons Officer who benefits from specialized training at the taxpayers' expense should serve in the public sector for at least 10 years before leaving for the private sector or refund the public funds used in their training.

14*.MOTION - ESTABLISHMENT OF INTENSIVE CARE & BLOOD
TRANSFUSION UNITS IN EVERY CONSTITUENCY

(The Hon. Abdul Rahim Dawood, M.P.)

THAT, aware that the Country has been experiencing a series of fatal emergency situations that necessitate the need for urgent medical care and blood transfusions; deeply concerned that currently the country lacks sufficient blood reserves; noting that health services and blood donations in critical emergency situations are crucial to saving lives; this House **urges** the Government to consider setting up an Intensive Care Unit (ICU) and a blood transfusion unit in every constituency to provide medical care and blood in emergency situations.

* Denotes Orders of the Day

...../Notices

N O T I C E S

I. SENATE AMENDMENTS TO THE FERTILIZERS AND ANIMAL FOODSTUFFS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2013)

CLAUSE 2

Senate Amendment

That Clause 2 of the Bill be amended in sub clause (b) in the definition of the word "Board" by deleting the words "Fertilizer Board of Kenya" and substituting therefor the words "Fertilizer and Animal Foodstuffs Board of Kenya".

CLAUSE 3

Senate Amendment

That Clause 3 of the Bill be amended-

(a) In sub clause (1) of the proposed new section 2A by deleting the words "Fertilizer Board of Kenya" and substituting therefor the words "Fertilizer and Animal Foodstuffs Board of Kenya".

(b) by deleting the proposed new section 2B and substituting therefor the following proposed new section-

Functions of the
Board

2B. The functions of the Board shall be to-

(a) regulate the fertilizers and animal foodstuffs industry in Kenya including the production, manufacture, packaging, importation and marketing of fertilizers and animal foodstuffs;

(b) regulate the importation of raw materials for the manufacture of animal foodstuffs;

(c) promote the manufacture of fertilizers and animal foodstuffs in Kenya;

(d) advise the national and county governments on-

(i) the procurement, importation and efficient and timely distribution of subsidized fertilizers and animal foodstuffs;

(ii) establishment of retail outlets of fertilizers and animal foodstuffs in the counties; and

(iii) development of policies related to the manufacture and distribution of fertilizers and animal foodstuffs;

(e) inspect and test fertilizers and animal foodstuffs to ensure their quality and safety;

- (f) license manufacturers, distributors and retailers of fertilizers and animal foodstuffs on the recommendation of the Director of Agriculture and the Director of Veterinary Services;
 - (g) promote, in collaboration with stakeholders in the agriculture industry, research on fertilizers and animal foodstuffs; and
 - (h) ensure that fertilizers and animal foodstuffs imported, manufactured or distributed in Kenya meet the standards of quality and safety as prescribed by law.
- (c) in the proposed new paragraph 2C-
- (i) in sub clause (1) by-
- (a) inserting the following new paragraph immediately after paragraph (b) -
 - (ba) the Principal Secretary in the Ministry for the time being responsible for livestock or a designated alternate not being below the level of Deputy Secretary;
 - (b) deleting paragraph (e)
 - (c) deleting paragraph (f) and substituting therefor the following new paragraph-
 - (f) one person nominated by the Council of Governors;
 - (d) inserting the following new paragraphs after paragraph (f) -
 - (fa) the Director of Veterinary Services;
 - (fb) one person representing research institutions in the agriculture sector competitively sourced and appointed by the Cabinet Secretary;
- (ii) by inserting the following new sub clauses immediately after sub clause (2)-
- (2A) The Cabinet Secretary shall ensure that not more than one-third of the persons appointed under subsection (1) are of the same gender.
 - (2B) A person appointed under subsection (1) shall hold office for a period of three years and may be re-appointed for a further non-renewable term of three years.
- (d) by inserting the following new clause immediately after clause 2M-
- Annual report 2MA. (1) The Chief Executive Officer shall cause to be prepared an annual report setting out the activities of the Board.
- (2) The Chief Executive Officer shall submit the report referred to in subsection (1) to the Cabinet Secretary not later than two months after the end of each financial year.
- (3) The Cabinet Secretary shall transmit copies of the report to the Senate and the National Assembly within three months after receipt of the Report.

CLAUSE 10**Senate Amendment**

THAT, Clause 10 of the Bill be deleted and substituted therefor by the following new clause-

10. section 16 of the principal Act is amended by deleting the words "one thousand shillings or to imprisonment for a term not exceeding one month and for a second or subsequent offence to a fine not exceeding three thousand shillings" and substituting therefor the words "five hundred thousand shillings or to imprisonment for a term not exceeding one month, and for a second or subsequent offence to a fine not exceeding one million shillings"

II. THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL **(NATIONAL ASSEMBLY BILL NO. 14 OF 2014)**

- 1. Notice is given that the Member for Kikuyu (Hon. Kimani Ichung'wah), intends to move the following amendment to the Alcoholic Drinks Control (Amendment) Bill, 2014 at the Committee Stage-**

THAT, Clause 4 of the Bill be amended by renumbering the proposed provision as subsection (1) and inserting a new subsection (2) as follows-

(2) Notwithstanding the provision of any other law, the Cabinet Secretary responsible for the National Treasury shall grant remission of excise duty at ninety per centum with respect to beer made from sorghum, millet or cassava grown in Kenya, if that licensed manufacturer-

- (a) manufactures beer that has at least seventy five per centum content of sorghum, millet, or cassava, excluding sugar; and,
- (b) packs the beer in a pasteurized container of at least thirty litres or such other container and quantity as the Cabinet Secretary may approve.

III. THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (NATIONAL ASSEMBLY BILL NO. 38 OF 2013)

1. Notice is given that the Chairperson of the Departmental Committee on Finance, Planning and Trade, intends to move the following amendments to the Retirement Benefits (Deputy President and Designated State Officers), 2013 at the Committee Stage—

CLAUSE 2

THAT, clause 2 be amended—

- (a) in the definition of “Designated State Officer”, by inserting the following new paragraph immediately after paragraph (b)—

“(c) Chief Justice”;

- (b) by inserting the following new definitions in their proper alphabetical sequence—

“Chief Justice” means a person appointed as such under Article 166 of the Constitution;

“monthly salary” means the basic salary excluding all allowances, or sixty percent of the gross salary where basic salary is not expressly stated;”

- (c) in the definition of “retired Speaker”, by deleting the phrase “and does not include a person who served as Speaker before the commencement of this Act” appearing immediately after the word “Constitution”;

- (d) in the definition of “retired Vice-President”, by deleting the words “and does not include a person who served as Vice-President before the commencement of this Act” appearing immediately after the word “Constitution”.

CLAUSE 3

THAT, clause 3 is amended by deleting the expression “after the 15th January, 2008” appearing immediately before the word “retire”.

CLAUSE 5

THAT, clause 5 be amended in subclause (1) by—

- (a) deleting the phrase “A retired Speaker of the National Assembly or the Senate” and substituting therefor “ A retired Designated State Officer”;
- (b) deleting the word “eighty” in paragraph (a) and substituting therefor the expression “ sixty-five”;
- (c) deleting the phrase “ one and half years” in paragraph (b) and substituting therefor “one year’s”;
- (d) deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) a fuel allowance equal to ten per cent of the monthly pension payable under paragraph (a)”;
- (e) deleting the words “ First Schedule” in paragraph (g) and substituting therefor the word “Schedule.”

CLAUSE 6

THAT, clause 6 be amended by—

- (a) deleting the word “eighty” in paragraph (a) and substituting therefor the word “sixty-five”;
- (b) deleting the words “one and half years” in paragraph (b) and substituting therefor the words “one year”;
- (c) deleting the word “four” in paragraph (c) and substituting therefor the word “eight”;
- (d) deleting the word “four” in paragraph (d) and substituting therefor the word “eight”;
- (e) deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) a fuel allowance equal to ten per cent of the monthly pension payable under paragraph (a)”;
- (f) deleting the words “ First Schedule” in paragraph (g) and substituting therefor the word “Schedule.”

CLAUSE 7

THAT, clause 7 be amended—

- (a) by deleting the word “eighty” in paragraph (a) and substituting therefor the word “ sixty-five”;
- (b) by deleting the words “ one and half years” in paragraph (b) and substituting therefor the words “one year”;
- (c) in paragraph (c), by deleting the word “four” and substituting therefor the word “six”;

- (d) in paragraph (d), by deleting the word “four” and substituting therefor the word “six”;
- (e) by deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) a fuel allowance equal to ten per cent of the monthly pension payable under paragraph (a)”;
- (f) by deleting the words “Third Schedule” in paragraph (g) and substituting therefor the word “Schedule.”

FIRST SCHEDULE

THAT, the First Schedule be deleted and replaced with the following new Schedule—

SCHEDULE (ss. 5(1)(g), 6(g) and 7(g))

**ADDITIONAL RETIREMENT BENEFITS FOR A RETIRED
DEPUTY PRESIDENT, A RETIRED PRIME MINISTER, A
RETIRED VICE-PRESIDENT OR A RETIRED DESIGNATED
STATE OFFICER**

- (a) two drivers;
- (b) one personal assistant;
- (c) one secretary;
- (d) one senior support staff;
- (e) two armed security guards who shall be provided on request by the entitled person;
- (f) diplomatic passports for the entitled person and his spouse;
- (g) maintenance expenses for the vehicles provided pursuant to this Act;
- (h) access to the V.I.P. lounge at all airports within Kenya.

SECOND SCHEDULE

THAT, the Second Schedule be deleted.

THIRD SCHEDULE

THAT, the Third Schedule be deleted.

LONG TITLE

THAT, the long title be amended by deleting the phrase “and Deputy Prime Minister” and substituting therefor the phrase “or Designated State Officer”.

2. Notice is given that the Leader of the Majority Party (Hon. Aden Duale), intends to move the following amendments to the Retirement Benefits (Deputy President and Designated State Officers) Bill, 2013 at the Committee Stage—

CLAUSE 2

THAT, clause 2 be amended by inserting the following new definition in its proper alphabetical sequence—

“elective politics” means—

- (a) the holding of a position or office in a political party; or
- (b) the participation in any activity that agitates for—

- (i) the holding or election of a person to any elective position or seat or the appointment of a person to public office by any person; or
- (ii) the voting in a particular manner in an election under the Elections Act, or a referendum on any question contemplated in the Constitution.

CLAUSE 3

THAT, Clause 3 be deleted and substituted therefore with the following new Clause 3—

Persons
entitled to
benefits

3. (1) The following persons shall be entitled to a benefit conferred by this Act if such persons do not participate in elective politics -

- (a) a retired Prime Minister;
- (b) a retired Vice-President;
- (c) a retired Deputy President;
- (d) a retired Designated State Officer; and
- (e) a retired Deputy Prime Minister.

(2) Despite subsection (1) the provisions of section 5(3) and 15 shall apply to the persons specified under subsection (1)

NEW CLAUSE

THAT, the following new clause be inserted immediately after clause 16—

Amendment of
section 22 of No.
24 of 2011

17. The Elections Act, 2011 is amended in section 22(1) by inserting the following new paragraph immediately after paragraph (b)—

“(c) is neither entitled to nor receiving retirement benefits pursuant to the Retirement Benefits (Deputy President and Designated State Officers) Act.”

3. Notice is given that the Member for Suba Constituency (Hon. John Mbadi), intends to move the following amendments to the Retirement Benefits (Deputy President and Designated State Officers), 2013 at the Committee Stage—

CLAUSE 3

THAT, clause 3 deleted —

N O T I C E S

The House resolved on Wednesday, February 11, 2015 as follows:-

- IV. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
- V. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills NOT sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

NOTICE PAPER

Tentative business for

Wednesday, April 29 (Afternoon), 2015

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Wednesday (Afternoon) April 29, 2015:-

A. PROCEDURAL MOTION - APPROVAL OF A MORNING SITTING

(The Leader of the Majority Party)

B. COMMITTEE OF THE WHOLE HOUSE

The Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014)
(The Leader of the Majority Party)

(To commence from clause 104)

C. MOTION - THE REPORT ON THE FIRST SUPPLEMENTARY BUDGET FOR THE 2014/2015 FINANCIAL YEAR

(The Chairperson, Budget & Appropriations Committee)

D. THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2014)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, April 23, 2015)

E. MOTION - THE SPECIAL REPORT OF PIC ON THE PROCUREMENT PROCESS OF THE KENYA PIPELINE COMPANY LTD LINE 1 CAPACITY ENHANCEMENT PROJECT

(The Chairperson, Public Investments Committee)

F. THE PRIVATE SECURITY REGULATION BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2014)

(The Leader of the Majority Party)

Second Reading

G. MOTION - THE REPORT ON THE UNPAID PENSION DUES TO RETIRED TEACHERS

(The Chairperson, Departmental Committee on Education, Research and Technology)



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, APRIL 29, 2015 AT 2.30 P.M

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
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5. Papers
6. Notices of Motion
7. Statements

8*. PROCEDURAL MOTION – APPROVAL OF A MORNING SITTING
(The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold a Sitting on Thursday, April 30, 2015 between 9.30 a.m. and 1.00 p.m.

9*. MOTION - REPORT OF THE BUDGET & APPROPRIATIONS COMMITTEE
(Chairperson, Budget & Appropriations Committee)

THAT, this House adopts the Report of the Budget and Appropriations Committee on the First Supplementary Budget for the 2014/2015 Financial Year, laid on the Table of the House on Thursday, 23rd April, 2015.

10*. COMMITTEE OF THE WHOLE HOUSE

The Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014)
(The Leader of the Majority Party)

(To commence from clause 104)

11*. **THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL**
(NATIONAL ASSEMBLY BILL NO. 20 OF 2014)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, April 23, 2015)

12*. **MOTION - THE SPECIAL REPORT OF THE PUBLIC INVESTMENTS**
COMMITTEE

(The Chairperson, Public Investments Committee)

THAT, this House adopts the Special Report of the Public Investments Committee on the Procurement Process of the Kenya Pipeline Company Ltd Line 1 Capacity Enhancement Project (Mombasa – Nairobi Pipeline), laid on the Table of the House on Tuesday, 10th February, 2015.

13*. **THE PRIVATE SECURITY REGULATION BILL (NATIONAL ASSEMBLY**
BILL NO. 4 OF 2014)

(The Leader of the Majority Party)

Second Reading

14*. **MOTION - THE REPORT ON THE UNPAID PENSION DUES TO RETIRED**
TEACHERS

(The Chairperson, Departmental Committee on Education, Research and Technology)

THAT, this House adopts the Report of the Departmental Committee on Education, Research and Technology on the Unpaid Pension Dues to Retired Teachers (1997 group), laid on the Table of the House on Wednesday, 15th April, 2015.

*** Denotes Orders of the Day**

N O T I C E S

I. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2014)

1. **Notice is given that the Chairperson of the Departmental Committee on Finance, Planning and Trade intends to move the following amendments to the Public Procurement and Asset Disposal Bill, 2014 at the Committee Stage—**

CLAUSE 2

THAT, clause 2 be amended—

- (a) in the definition of the expression “consultancy services” by inserting the words “and includes services offered by all professionals” immediately after the word “nature”;
- (b) in the definition of “design competition” by deleting the words “ and fine arts, and graphic designs” and substituting therefor the words, “fine arts, interior design, marketing, advertising and graphic designs”;
- (c) in the definition of the term “disadvantaged group” by inserting the words, “enterprises in which a majority of the members or shareholders are youth, women, persons with disability or” immediately after the words “and includes”;
- (d) in the definition of the term “procurement professional” by deleting the words “, or a recognized institute of purchasing and supply” appearing immediately after the words “Practitioners Management Act”;
- (e) in the definition of the term “standard” by deleting the word “generally” appearing immediately after the words “ other products is”;
- (f) in the definition of the term “supply chain management” by inserting the words “contract management” immediately after the words “stock control”;
- (g) in the definition of the term “works” by deleting the words “ and commissioning” appearing in paragraph (a) and substituting therefor the words “, commissioning and setting up” ;
- (h) in the definition of “writing” by inserting the word “facsimile,” immediately after the word “photography”;
- (i) by inserting the following new definitions in the proper alphabetical sequence—

“corruption” has the meaning assigned to it under section 2 of the Anti-corruption and Economic Crimes Act, 2009;

“professional” means a person who has professional qualifications in a specialized field and who is engaged in the practice of a skill or trade, having undertaken the relevant formal academic and professional training including undertaking practical learning in the form of apprenticeship or tutelage under the guidance of a suitably qualified and experienced person in the field of training or tutelage;

“professional body” means a body representing members of a profession, which is regulated by statute, code of conduct or rules as may be amended from time to time.

“persons with disability” means a person with disability who has attained the age of eighteen years and includes a company, association or body of persons, corporate or unincorporated in which at least seventy percent of the shareholders, members or persons and a majority of the directors are persons with disability;

“women” means a person of the female gender who has attained the age of eighteen years and includes a company, association or body of persons, corporate or unincorporated in which at least seventy percent of the shareholder, members or persons and a majority of its directors are of the female gender;

“youth” means a person who has attained the age of eighteen years and has not attained the age of thirty-five years and includes a company, association or body of persons, corporate or unincorporated in which at least seventy percent of shareholders are persons who have attained the age of eighteen years and have not attained the age of thirty-five years.

CLAUSE 107

THAT, clause 107 of the Bill be amended by inserting the words “in the Regulations” immediately after the word “prescribed”;

CLAUSE 108

THAT, clause 108 of the Bill be amended in sub clause (4) by inserting the words “in the Regulations” immediately after the word “prescribed”;

CLAUSE 113

THAT, clause 113 of the Bill be amended in sub clause (1), paragraph (b), by inserting the word, “of” immediately after the word “quantity”;

CLAUSE 114

THAT, clause 114 of the Bill be deleted.

CLAUSE 118

THAT, clause 118 of the Bill be amended in sub clause (1), paragraph (b), by deleting the expression “section 77” and substituting therefor the expression “section 56”.

CLAUSE 119

THAT, clause 119 of the Bill be amended in sub clause (3), by deleting the word “or” appearing immediately after the words “tender’s portal” and substituting therefor the word “and”.

CLAUSE 121

THAT, clause 121 be amended by deleting sub clause (2) and substituting therefor the following new sub clause—

“(2) The evaluation and comparison shall be done using the procedures and criteria set out in the expression of interest documents and shall, in the case of expression of interest for professional services, have regard to the provisions of this Act and statutory instruments issued by the relevant professional associations regarding regulation of fees chargeable for services rendered”.

CLAUSE 123

THAT, clause 123 of the Bill be deleted.

CLAUSE 125

THAT, clause 125 of the Bill be amended in—

(a) sub clause (6), by inserting the following new paragraph immediately after paragraph (c) —

“(ca) assignments and professional services which are regulated by Acts of Parliament which stipulates fees and charges applicable for such assignments;

(b) sub clause (11), by deleting the word “appropriate” appearing immediately after the words “may be” ;

(c) sub clause (13), by deleting the word “advert” and substituting therefor the word “advertisement”;

CLAUSE 129

THAT, clause 129 of the Bill be amended in sub clause (3) by deleting the words “be a better offer than” and substituting therefor the words “have any price advantages over”.

CLAUSE 135

THAT, clause 135 of the Bill be amended by—

(a) deleting sub clause (2) and substituting therefor the following new sub clause—

“(2) An accounting officer of a procuring entity shall ensure that all complex and specialized contracts of a value exceeding Kenya shillings five billion are cleared by the Attorney-General before they are signed”.

(b) deleting sub clause (3) and substituting therefor the following new sub clause—

“(3) Each Cabinet Secretary shall regularly inform the Cabinet and national treasury of all government contracts exceeding Kenya shillings five billion”.

(c) inserting a new sub clause immediately after sub clause (3)—

“(4) Notwithstanding the provision of subsection (3) above, any Cabinet Secretary may brief Cabinet on any other project of national importance irrespective of its value”.

CLAUSE 136

THAT, clause 136 of the Bill be amended by deleting paragraph (c) of sub clause (6) and substituting therefor the following new paragraph—

“(c) price schedule or bills of quantities submitted by the tenderer”.

CLAUSE 137

THAT, clause 137 of the Bill be amended by—

(a) deleting the words “the accounting officer of a procuring entity may notify, under section 86 (1), the person who submitted the second lowest evaluated tender” appearing in sub-clause (1) and substituting therefor the words “he or she shall forfeit his or her tender security and the procurement process shall proceed with the next lowest evaluated tenderer”;

(b) deleting sub clause (2);

(c) deleting sub clause (3)

(d) deleting sub-clause (4).

CLAUSE 140

THAT, clause 140 of the Bill be amended—

(a) in sub clause (2) by deleting the words “ a tender committee” appearing immediately after the words “ recommendation of” and substituting therefor the words “evaluation committee”;

(b) by deleting sub clause (3) and substituting therefor the following new sub clause (3)—

“(3) No contract price shall be varied within 12 months from the date of the signing of the contract.”

(c) in sub clause (4) —

(i) by deleting the word “ten” appearing in paragraph (b), and substituting therefor the word “fifteen”

(ii) by deleting the word “fifteen” appearing in paragraph (c) and substituting therefor the word “twenty”;

(d) by inserting the following new sub clause immediately after sub clause (5) —

“(6) Where variations result in an increment of the contract price by more than twenty-five percent, such variations shall be tendered for separately”.

CLAUSE 141

THAT, clause 141 of the Bill be amended by inserting a new paragraph immediately after paragraph

(c) —

“(ca) the methods of computing interest and liquidated damages shall be as prescribed in the Regulations.”

CLAUSE 143

THAT, clause 143 of the Bill be amended—

(a) by deleting sub clause (1) and substituting therefor the following new sub clause—

“(1) Subject to the regulations, a successful tenderer shall submit a performance security equivalent to no more than ten per cent of the contract amount before signing of the contract”

(b) in sub clause (3) by inserting the words “or works and supplies reserved for women, youth, persons with disabilities and other disadvantages groups and for these categories, the performance securities that may be waived or fixed at no more than one per cent of the contract price immediately after the word “Regulations”;

CLAUSE 144

THAT, clause 144 of the Bill be amended by deleting the word “shall” appearing immediately after the words “and it shall” and substituting therefor the word “may”.

CLAUSE 145

THAT, clause 145 of the Bill be amended—

(a) in sub clause (1) by deleting the word “of” appearing immediately after the word “performance”;

(b) by inserting a new sub clause immediately after sub clause (4) —

“(5) The Cabinet Secretary shall make regulations for the better carrying out of this section.”

CLAUSE 146

THAT, clause 146 be amended in sub clause (2) by inserting the words “except in cases of procurement for works where the period shall commence from the date of practical completion or handover, whichever is earlier “immediately after the words “retention period”.

CLAUSE 148

THAT, clause 148 of the Bill be amended by—

(a) renumbering the existing provision as sub clause (1);

(b) by inserting a new sub clause immediately after the renumbered sub clause (1) —

“(2) The Cabinet Secretary shall make regulations for the better carrying out of this section.”

CLAUSE 151

THAT, clause 151 of the Bill be amended in—

(a) sub clause (1), by inserting the words “or his or her appointed representative” immediately after the word “officer”;

(b) sub clause (2), by inserting the words “or professionals engaged to work on behalf of the accounting officer” immediately after the word “department”;

- (c) sub clause (3), by inserting the words “or professionals engaged to work on behalf of the accounting officer” immediately after the word “department” wherever it occurs.

CLAUSE 152

THAT, clause 152 of the Bill be amended in sub clause (2) by deleting the word “act” appearing in paragraph (j) and substituting therefor the word “acts”.

CLAUSE 156

THAT, clause 156 (4) of the Bill be amended by deleting the word “as prescribed” appearing immediately before the words “shall be” and substituting therefor the words “above fifty-one percent of Kenyan shareholders”.

CLAUSE 158

THAT, clause 158 of the Bill be amended—

- (a) by deleting sub clause 4 and substituting therefor the following new sub clause —

“(4) For the purpose of protecting and ensuring the advancement of persons, categories of persons or groups previously disadvantaged by unfair competition or discrimination, reservations, preferences and shall apply to —

- (a) candidates such as disadvantaged groups;
- (b) micro, small and medium enterprises;
- (c) works, services and goods, or any combination thereof;
- (d) identified regions; and
- (e) such other categories as may be prescribed”

- (b) in sub clause (5) by inserting the words “which shall not be less than thirty per cent” immediately after the words “procurement budget”;

- (c) in sub clause (8) by inserting a new subparagraph immediately after subparagraph (ii) —
“(iia) the prescribed threshold for exclusive preference shall be above five hundred million shillings.”

- (d) by inserting the following new subsections immediately after subsection (9)—

(10) Despite subsection (2) or any other provisions of this Act, every procuring entity shall ensure that at least thirty percent of its procurement value in every financial year is allocated to the youth, women and persons with disability”.

(11) Every procuring entity shall ensure that all money paid out to an enterprise owned by youth, women or persons with disability is paid into an account where the mandatory signatory is a youth, woman or a person with disability”.

(12) The procuring entities at the national and county level shall make a report after every six months to the Authority”.

(13) A report under subsection (12) shall—

- (a) certify compliance with the provisions of this section; and

(b) provide data disaggregated to indicate the number of youth, women and persons with disability whose goods and services have been procured by the procuring entity.

(14) The Authority shall make a report to Parliament after every six months for consideration by the relevant committee responsible for equalization of opportunities for youth, women and persons with disability, which report shall contain details of the procuring entities and how they have complied with the provisions of this section”.

(15) The Cabinet Secretary shall prescribe the preferences that shall facilitate the attainment of the quota specified in subsection (10) in order for the State to achieve the objectives of Articles 55 and 227(2) of the Constitution”.

(16) The preferences referred to in subsection (15) shall—

(a) be prescribed within ninety days after commencement of this Act;

(b) be subject to such conditions as the Cabinet Secretary may specify therein but such conditions shall not pose any unnecessary impediment to the youth from participating in public procurement.

(17) The national treasury shall operationalize a preference and reservations secretariat to be responsible for the implementation of the preferences and reservations under this Act which shall be responsible for—

(a) registration, prequalification and certification of the persons, categories of persons or groups as provided in for under Part XII;

(b) training and Capacity building of the above target groups;

(c) providing technical and advisory assistance to procuring entities in the implementation of the preferences and reservations under this Act; and

(d) monitoring and evaluating the implementation of the preferences and reservations under this Act.

(18) The national treasury shall provide adequate staff and resources for the operations of the secretariat”.

CLAUSE 159

THAT, clause 159 be amended in sub clause (3) by inserting the words “with disaggregated data “immediately after the words “reported”.

CLAUSE 163

THAT, clause 163 of the Bill be amended in sub clause (2) by deleting the word “twice” and substituting therefor the word “quarterly”.

CLAUSE 164

THAT, clause 164 (1) of the Bill be amended by inserting the words “and when” immediately after the words “disposal committee as”.

CLAUSE 166

THAT, clause 166 be amended by inserting the following sub clause immediately after sub clause(1)—

“(2) Despite subsection (1) or any other provisions of this Act, radioactive or electronic waste shall be disposed of only to persons licensed to handle the respective waster under section 88 of the Environmental Management and Co-ordination Act, 1999.”

CLAUSE 167

THAT, clause 167 of the Bill be amended by—

- (a) renumbering the existing provision as sub clause (1);
- (b) inserting the following new sub clause immediately after the renumbered sub clause (1)—

“(2) An accounting officer who, pursuant to artificial valuation, disposes off assets to an employee of the public entity or a member of a board or committee of the public entity commits an offence.

CLAUSE 168

THAT, clause 168 of the Bill be amended—

- (a) in sub clause (1) by inserting the word “or” appearing immediately after the words “this Act”;
- (b) by inserting the following new sub clause immediately after sub clause (1) —

“(1A) A request for review shall be accompanied by such fees as may be prescribed in the regulations, and such fees shall not be less than ten per cent of the cost of the contract”;

CLAUSE 173

THAT, clause 173 of the Bill be amended by inserting the words “and the applicant shall forfeit the fees paid” immediately after the word “contract”;

CLAUSE 174

THAT, clause 174 of the Bill be amended by inserting the following new paragraph immediately after paragraph (d)—

“(da) order termination of the procurement process and commencement of a new procurement process;”

CLAUSE 176

THAT, clause 176 of the Bill be amended by inserting a new sub clause immediately after sub clause (3) —

“(4) Where a decision of the Review Board has been quashed, the High Court shall not impose costs on either party.”

CLAUSE 177

THAT, clause 177 of the Bill be amended –

- (a) by renumbering the existing provision as sub clause (1)
- (b) in sub clause (1), by inserting the following new paragraphs immediately after paragraph (i) —

“(ia) knowingly withholds the notification of award to a successful tenderer;”

“(ib) knowingly withholds notification to unsuccessful tenderer;”

CLAUSE 181

THAT, clause 181 of the Bill be amended by inserting the words “and such regulations shall not take effect unless approved by Parliament pursuant to the Statutory Instruments Act, 2013”.

FIRST SCHEDULE

That the First Schedule of the Bill be amended in paragraph 3(2), by deleting the word “his” and substituting therefor the word “their”.

SECOND SCHEDULE

That the Second Schedule of the Bill be amended in paragraph 3(2), by deleting the word “his” and substituting therefor the word “their”.

THIRD SCHEDULE

THAT, the Third Schedule of the Bill be amended by inserting a new paragraph immediately after paragraph 10—

Time specification for
the Regulations.

10A. Regulations contemplated under this Act shall be made within a period of one year immediately after the effective date of the Act.

2. **Notice is given that the Leader of the Majority Party, (Hon. Aden Duale), intends to move the following amendments to the Public Procurement and Asset Disposal Bill, 2014—**

CLAUSE 139

THAT, clause 139 be amended by inserting the following new subclause immediately after subclause (4)—

“(5) This section shall not apply to procurement contracts awarded by the national security organs”.

3. **Notice is given that the Member for Rarieda Constituency, Hon. Eng. Nicolas Gumbo, M.P., intends to move the following amendments to the Public Procurement and Asset Disposal Bill, 2014 at the Committee Stage—**

CLAUSE 2

THAT, clause 2 of the Bill be amended—

- (a) in the definition of the term “contractor” by inserting the words “and includes the main contractor” immediately after the words “procuring entity”;
- (b) by inserting the following definitions in the proper alphabetical sequence—

“domestic sub-contractor” means a person selected by the contractor or main contractor to carry out part of the works;

“nominated sub-contractor” means a person selected directly by the procuring entity through a tender process to carry out an element of the works;

INSERTION OF NEW CLAUSE

THAT the following new clause be inserted immediately after clause 150—

Engagement of
sub-contractors

150A. (1) Where the works to be undertaken under a procurement—

(a) require greater skill than that of the contractor;

(b) require specialization; or

(c) are of a general complexity of skills and specialization that may be lost if undertaken by the contractor;

that contractor may engage a domestic sub-contractor or a domestic sub-contractor to undertake those works.

(2) Where a nominated sub-contractor is engaged under subsection (1), the selection process shall be undertaken directly by the procuring entity.

(3) A nominated subcontractor may only be engaged on a necessity basis whereby the works to be undertaken by the nominated subcontractor require greater skills and specialization than the contractor's or main contractor's or where the general complexity of the skills and specialization required are such that the form and function may be lost if the works were undertaken by the contractor or main contractor.

(4) The procuring entity shall prepare separate and distinct tender documents for engagement of a nominated sub-contractor.

N O T I C E S

The House resolved on Wednesday, February 11, 2015 as follows:-

- I. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament, a Sessional Paper or any other Report submitted to the House, shall be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.
- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

...../Notice Paper

NOTICE PAPER

Tentative business for

Thursday, April 30 (Morning), 2015

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Thursday (Morning), April 30, 2015:-

A. MOTION - THE REPORT ON THE FIRST SUPPLEMENTARY BUDGET FOR THE 2014/2015 FINANCIAL YEAR

(The Chairperson, Budget & Appropriations Committee)

(If not concluded on Wednesday, April 29, 2015 – Afternoon Sitting)

B. THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2014)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, April 29, 2015 – Afternoon Sitting)

C. MOTION - THE SPECIAL REPORT OF PIC ON THE PROCUREMENT PROCESS OF THE KENYA PIPELINE COMPANY LTD LINE 1 CAPACITY ENHANCEMENT PROJECT

(The Chairperson, Public Investments Committee)

(If not concluded on Wednesday, April 29, 2015 – Afternoon Sitting)

D. THE PRIVATE SECURITY REGULATION BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2014)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, April 29, 2015 – Afternoon Sitting)

E. MOTION - THE REPORT ON THE UNPAID PENSION DUES TO RETIRED TEACHERS

(The Chairperson, Departmental Committee on Education, Research and Technology)

(If not concluded on Wednesday, April 29, 2015 – Afternoon Sitting)

F. THE TRANSFER OF PRISONERS BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2014)

(The Leader of the Majority Party)

Second Reading
