

The Clerk of the Senate,
Parliament Buildings,
P.O Box 41842-00100,
Nairobi.
Email: csenate@parliament.go.ke

Ms. Nthui'

Please review this
matter. This is a
resubmission as per the
attached letter.
D. Chanja.
27/3/19.

**RE: PETITION TO THE SENATE BY [REUBEN KIBEGWA MAGEUZI]
CONCERNING [THE STATE OF CORRUPTION, PROCUREMENT, RECRUITMENT,
ABUSE OF OFFICE, PUBLIC PARTICIPATION AND THE MARGINALISED IN
NYAMIRA COUNTY]**

I, the undersigned, Reuben Kibegwa Mageuzi

Citizen of the Republic of Kenya and a resident of (Manga Ward, Nyamira County)

DRAW the attention of the Senate to the following:

1. PROCUREMENT AND TENDERING

1.1 THAT The County Government of Nyamira has trashed precepts and relevant provisions of the public procurement and disposal act which enshrine that all projects/tenders should be procured through a competitive bidding process as stipulated under section 29 of the Public Procurement and Disposal Act.

1.2 THAT Members of Nyamira County Assembly and officials of the county have incorporated companies under names of their relatives in order to criminally use their respective niche to grant themselves tenders unprocedurally and unconstitutionally. The county leadership has facilitated the aforementioned scandalous plot in devious and deceitful attempt to gain clemency and immunity against the oversight role of Nyamira County Assembly. Such procurements does not comply with mandatory provisions of the Public Procurement and Disposal Act and its rules, further more it also contravenes the Public Procurement and Disposal Act, Cap. 412A to the core, this is evident in the long title to the Act as "to establish procedures for efficient public procurement".

2. ABUSE OF OFFICE

2.1 THAT by chronicling this petition I hope to objectively call attention to institutionalized corruption, incompetence, impunity, clanism, nepotism, cronyism, plunder of public resources as an instrument of self advancement and oppression of the residents of Nyamira by the Governor. This petition enshrines the legitimate concerns of the residents of Nyamira County against the leadership of Nyamira County for abuse of his office and constitutional prerogatives entrusted to him as state officer. The county leadership has committed multiple acts of:

(a) Malfeasance (The doing of an act that is unlawful, wrong or unconstitutional)

(b) Misfeasance (The improper doing of an act that the County leadership might lawfully do)



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(c) Nonfeasance (The failure of the County Leadership to act where duty requires him to act, without sufficient cause, whether wilfully or through malice; or wilful neglect of duty)

2.2 THAT The county leadership has prima facie violated the law at county, national and international level. they are serious unresolved questions about judgment and county commitment to the national values set out in Article 10 of the Constitution. Inter-alia the county leadership has-

- (i) Blatantly violated various provisions of the Constitution.
- (ii) Contemptuously disregarded Public Procurement and Disposals Act.
- (iii) Acted Ultra vires to the provisions of County Government Act.
- (iv) Pitilessly watered-down the precepts of the Public Finance Management Act.
- (v) Unwarrantedly sidelined the international conventions and treaties ratified by Republic of Kenya.

3. MINORITIES AND MARGINALISED GROUPS

3.1 THAT In contravention of article 56 of the constitution, the county leadership has clandestinely formulated diversionary tactics to circumvent and arm-twist the affirmative action programmes designed to ensure that minorities and marginalised groups Participate and are represented in governance and other spheres of life; Are provided special opportunities in educational and economic fields; Are provided special opportunities for access to employment; Develop their cultural values, languages and practices; and have reasonable access to water, health services and infrastructure. It is equally paramount to note that the aforementioned minorities and marginalized groups also encompasses small clans from within the county which has been unfairly, unconstitutionally and unjustly sidelined by Nyamira County leadership.

4. PUBLIC PARTICIPATION

4.1 THAT The county leadership has micro-managed Article 201 of the Constitution on the principles of public finance which state that there shall be openness and accountability, including public participation in project selection and financial matters. The office of the Governor cannot adduce sole evidence to the effect that indeed public participation was undertaken on any of the platforms established under Section 91 of the County Government Act. The said section provides platforms as- information communication technology based platforms, town hall meetings among others.



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5.RECRUITMENT

5.1 THAT Pursuant to article 2 (6) of the Kenyan constitution which stipulate that any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution, hence violation of the international instrument that Kenya has ratified is tantamount to violations of the constitution which is the supreme law of the land. The county leadership has violated several provisions of the universal declaration of human rights, international convention on civil and political rights, international convention on socio-economic and cultural rights by cuddling discrimination, favouritism, corruption and clanism as far as recruitment into county jobs are concerned

5.2 THAT Contrary to Article 27, Article 73 of the constitution and various provisions of county Government Act, the county leadership has shown undue favouritism towards relatives, funders of gubernatorial campaigns. These have been covertly hired in various positions . In contravention of the constitution personal staff have been recruited without proof of academic and professional qualifications as is required by the jurisprudence guiding Nyamira County Public Service Board

6. THAT, I have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.

7.THAT,I confirm that the issues in respect of which this Petition is made are not pending before any court of law, or constitutional or legal body.

WHEREFORE your humble petitioner **PRAYS** that the Senate:

Duly and diligently respond to the matters raised in this Petition, setting forth its explicit answers, proposals as to further action and timelines therein

Dated this 22nd day of March 2019



Reuben Kibegwa Mageuzi

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